

## CHAPTER XII

### THE COUNCILS OF THE PROTECTORATE

WHEN on 20 April, 1653, Cromwell turned the Rump Parliament out of doors, and forcibly though not legally dissolved it, the fifth council of state was also dissolved. Immediately a sixth council, a provisional body, composed of Cromwell and his leading military supporters, was established. The provisional council of state invited congregational ministers in each county to suggest nominees for a new parliamentary assembly. From the lists thus submitted selections were made by the council and then additions were made by the council. The Nominated or Barebones Parliament, thus formed, was assembled in July. The sixth council of state at once resigned the government to this body, whereupon the seventh council of state was immediately constituted by parliament, which chose again the members of the council preceding and added to them new members. In November an eighth council of state was chosen by parliament to continue for six months. The Nominated Parliament, intended by those who had made it to be a constituent assembly, acted as a parliament or legislative body, and proceeded to make reforms agreeable neither to Cromwell and his supporters nor to the great majority of people outside. So, between Cromwell and his followers, who dominated the council of state, and a majority of the parliament disagreement rapidly increased.

Many were now tired of a constitutional system in which parliament wielded power presumably supreme and complete. This, it was believed, tended to a tyranny

as bad as the king's had been, and at the same time failed to produce strong and capable rule. Some of the officers, like Lambert, greatly wished a strong government which they thought could be erected if Cromwell were king. Cromwell appears to have refused this. He desired to avoid violent breach with the parliament which had been so largely set up by himself. Meanwhile, however, the military leaders had been drawing up a constitution, the Instrument of Government, in which they designed to reduce parliament's powers and have a strong executive officer with a strong council assistant. The supporters of this scheme resolved, without the coöperation of Cromwell, to bring the Nominated Parliament to an end, and then, the thing being already accomplished, offer the rule of England to Cromwell under the new system which they had constructed.

11 December, Sunday, the minority in parliament who favored this scheme held a secret meeting at which the execution of their plan was resolved on. The next morning these adherents gathered in the house before their opponents appeared. Having thus a majority, Sir Charles Wolseley, member of the council of state, moved "That the Sitting of this Parliament any longer as now constituted will not be for the good of the Commonwealth, and that therefore it is requisite to deliver up unto the Lord General Cromwell the Powers they have received from him."<sup>1</sup> Colonel Sydenham, another member of the council, seconded this motion. Debate began, and there was danger that the motion would be lost when other members of parliament arrived. Accordingly, the speaker, not waiting to put the question, left the house with those favorable to the motion, after which the soldiers put the others out. Most of the others afterwards agreed, so

<sup>1</sup> *C. J.*, vii. 363.

that it was not long before a majority of parliament assented to dissolution, to the setting up of another government, and to putting authority into Cromwell's hands.<sup>2</sup> Cromwell, apprised of what had been done, and realizing now that he was, as after the expulsion of the Rump, dictator with supreme power, agreed in principle to accept the proposed constitution. 14 and 15 December, when certain amendments were made, the Instrument of Government was finally accepted by Cromwell, and a new system thus put into being.

A great change was made now, which consisted essentially in the limitation of parliament's authority and the creation of a strong executive power. During the period of the civil wars and opposition to the king, there had been, as was afterwards the case in the American states when they rebelled, as they said, against the tyranny of the English king, great aversion from royal prerogative and power. This was accompanied by dislike of the power and greatness of the king's privy council. In 1642, in the Nineteen Propositions drawn up by Pym and sent by parliament to Charles I at York, parliament had demanded that the king should act only by the advice of the majority of his council, and that the members of that council and other great officials should be chosen only with parliament's assent.<sup>3</sup> Such conditions were demanded also in the Uxbridge Propositions (1645) and the Newcastle Propositions (1646).<sup>4</sup> Similar proposals were incorporated in the Heads of the Proposals (1647), according to which there was to be a council of state, with some of its powers subject to parliament's assent, its members holding for a limited term and during good behavior:<sup>5</sup>

<sup>2</sup> Gardiner, *History of the Commonwealth and Protectorate*, ii. 277-81.

<sup>3</sup> *L. J.*, v. 98.

<sup>4</sup> *Ibid.*, vii. 57; Rushworth, *Historical Collections*, vi. 316.

<sup>5</sup> Rushworth, vii. 733 [misprinted as 233].

That there be a Council of State with Power to superintend and direct the several and particular Powers of the *Militia* last mention'd for the Peace and Safety of this Kingdom, and of *Ireland*.

That the same Council may have power as the King's Privy-Council, for and in all foreign Negotiations; provided that the making of War or Peace with any other Kingdom or State shall not be without the Advice and Consent of Parliament.

That the said Power of the Council of State be put into the Hands of trusty and able Persons now to be agreed on, and the same Persons to continue in that Power (*si bene se gesserint*) for a certain Term not exceeding Seven Years.

The first members were to be appointed by agreement: for later members the mode of choice was not stated, so that appointment might have reverted to the king.

The revolution had gathered intensity and brought complete downfall of the king and his council, the utter triumph of parliament, and presently execution of the king, abolition of kingship, and establishment of a republic. A new constitution now proposed, The Agreement of the People—based on the Heads of the Proposals—was brought forward, and while never adopted, many of its recommendations were followed by the Rump Parliament which took over the government of the state. The Agreement of the People proposed a parliament elected for two years, which should have supreme power; that this parliament should within twenty days after its first meeting appoint a council of state for the managing of public affairs, to hold until the tenth day after the meeting of the parliament succeeding, unless the next parliament put an end to it sooner; and that parliament was to issue instructions and prescribe limitations for the council.\*

\* *Parliamentary History*, iii. 1274.

Such, in effect, was the scheme during the commonwealth time. The Rump did not, as the Agreement proposed, dissolve itself, so that there were no biennial parliaments to choose councils of state to hold for two years. There were, however, appointed by the Rump, by the officers, and by the Nominated Parliament, eight councils of state, holding successively for periods of a year or less, each bound by regulations made in parliament, and dependent upon parliament's sanction. The council of state was, indeed, less subject to parliament in that it was essentially a committee of the foremost members of parliament, to whom parliament willingly commended a great part of its work; but this is only to say that the government of England then in all of its branches was vested in parliament or committees thereof.

From this system there was now a great reaction in England, as there was in the United States after 1787 from the incompetent government of the weak congress of the articles of confederation. By the Instrument of Government legislative power was to be shared by the principal executive authority—the protector—and parliament, as before 1642 it had been by parliament and king. Executive and administrative powers were vested in a strong executive over whom parliament strove to have more control than the parliament of other days had possessed over Elizabeth or Charles I. The protector's authority was to be mostly controlled, however, by erecting a strong council of state.<sup>1</sup>

By the Instrument of Government there was to be a council of fifteen, which might be increased to twenty-one at the desire of the lord protector and the major part of the council. Vacancies were to be filled by a complicated process of nomination by parliament, elimination by the

<sup>1</sup> Gardiner, *History of the Commonwealth and Protectorate*, ii. 287.

majority of the council, and selection by the protector. The members were to hold for life, unless removed on charge of corruption or miscarriage in trust by a commission appointed by parliament and by the council, and working with the lord chancellor, the lord keeper, or commissioners of the great seal.<sup>8</sup>

This council was intended to be not merely far more powerful than the weak councils of state in the period preceding, but more powerful than the privy council of the king had been. Privy councillors had been appointed and removed altogether at the will of the king. Members of the protectorate council of state were, after the fifteen first named, to be chosen by the protector only from lists furnished by parliament and scrutinized by the council itself; and these members once appointed were nearly irremovable, and not removable by the lord protector. In the older days the king had acted with the advice of his privy council if he desired to accept their advice; but he might refuse to accept it and then act as he thought best, and he was tending more and more to act with the advice of a small part of his council, from which practice the cabinet council was emerging. By the Instrument of Government the more important part of administration was vested in the protector acting with the approval of parliament or with advice and consent of the major part of his council. Writs, processes, commissions, patents, grants, and other things similar were to run in the name of the lord protector; magistracies and honors were to be from him alone; and he was to have the power of pardon, except in cases of murder and of treason. But it was by the advice and consent of the major part of his council that the protector was to manage foreign affairs, and make war and peace—all of which during the older

<sup>8</sup> *Parliamentary History*, iii. 1423; Whitelock, *Memorials*, p. 556.

era had been, in theory, at all events, within the undisputed prerogative of the crown; the principal officers, such as the chancellor, keeper, or commissioners of the great seal, the treasurer, the admiral, the chief governors of Ireland or of Scotland, and the chief justices of both the benches—all of them formerly appointed by the crown—were to be chosen with approval of parliament, and in the intervals of parliament's sessions, with approbation of the council, to be approved afterwards by parliament; the disposal of the militia and of the military and naval forces—formerly altogether in the crown—was now to be in the lord protector with the consent of parliament, but in the intervals of parliament with the advice and consent of the major part of the council. According as events followed, the principal check on the executive official was the power of the council of state.<sup>9</sup>

16 December 1653 thirteen members of the protector's council were chosen: <sup>10</sup>

Henry Lawrence  
 Viscount Lisle  
 Major General Lambert  
 Major General Desborough  
 Major General Skippon  
 Colonel Jones  
 Colonel Sydenham  
 Sir Gilbert Pickering  
 Sir Charles Wolseley  
 Sir Anthony Ashley Cooper  
 Mr. Rouse  
 Mr. Strickland  
 Mr. Major

To them was added almost immediately Col. Montagu,<sup>11</sup>

<sup>9</sup> *Parliamentary History*, iii. 1417; Whitelock, *Memorials*, p. 552.

<sup>10</sup> S. P. D., Interregnum, xlii, 16 December 1653.

<sup>11</sup> *Ibid.*, I 75, 19 December 1653.

while Col. Mackworth was admitted in February 1654,<sup>12</sup> Col. Nathaniel Fiennes in April,<sup>13</sup> and the earl of Mulgrave in June.<sup>14</sup> Other members were added still later, but vacancies presently arose. Colonel Mackworth died in December 1654, and Major and Sir Anthony Ashley Cooper ceased to attend. Accordingly, the council of the protectorate was a small body, as the privy council of Elizabeth had been—fourteen, fifteen, or sixteen.

In the latter part of 1654 the first parliament of the protectorate drafted a constitutional bill that embodied considerable change, and would, had it become effective, have diminished the power of protector and council. There were to be triennial parliaments. The exercise of the chief magistracy was to be in a lord protector of the commonwealth of England, Scotland, and Ireland assisted by a council, but it was to be in the council entirely after the death of a protector and before the election of another. It was distinctly affirmed that the office of the lord protector should be elective, not hereditary. Election of the protector was to be in such manner as parliament should decree, if a vacancy occurred while parliament was sitting. In the intervals of parliamentary sessions election was to be by the council, at least thirteen of the members being present at the meeting, and eleven agreeing in the choice. The council which assisted the lord protector was to be composed of twenty-one members, and no more, the members to be nominated by the lord protector and approved by parliament. The quorum of the council to be eleven. The council was to continue no longer than forty days after the assembling of a new parliament, without the new approbation of parliament. Except for murder and treason, the protector was to have

<sup>12</sup> *Ibid.*, 7 February 1653-4.

<sup>13</sup> *Ibid.*, I 74, 26 April 1654.

<sup>14</sup> *Ibid.*, I 75, 30 June 1654.



the power of pardon with the consent of the council. Each member of the council was to be admitted to office on taking an oath to be faithful and keep the council's secrets.<sup>15</sup>

Discontent and uncertainty continued. Towards the end of 1656 attempt was made to assassinate Cromwell. Many now believed that a stronger government was needed. Accordingly, the constitution of the protectorate was revised. In February 1657 an address and remonstrance was presented to parliament. In May this was adopted as the Humble Petition and Advice, which amended the constitution as established by the Instrument of Government three years before.

By the Humble Petition and Advice the office of lord protector was made hereditary, and it was provided now that parliament should consist of two houses. The protector's council was not greatly changed. The authors of the constitution desired "that Your Highness and Successours will be pleased to exercise Your Government over these Nations by the Advice of Your Council."<sup>16</sup> It was to be known as the privy council. The constitution provided:<sup>17</sup>

That none may be added or admitted to the Privy Council of Your Highness or Successours, but such as are of known Piety, and undoubted affection to the Rights of these Nations, and a just Christian Liberty in matters of Religion, nor without consent of the Council to be afterwards approved by both Houses of Parliament, and shall not afterwards be removed, but by consent of Parliament, but may in the Intervals of Parliament be suspended from the Exercise of his place

<sup>15</sup> MS. in the possession of Lord Braye, printed in Gardiner, *The Constitutional Documents of the Puritan Revolution* (Oxford, 1906), pp. 428, 429, 430, 431, 441, 442.

<sup>16</sup> Henry Scobell, *A Collection of Acts and Ordinances* (London, 1658), ii. 381.

<sup>17</sup> *Ibid.*, pp. 380, 381.

by your Highness, or your Successors and the Council, for just cause.

The number was not to exceed twenty-one. As before the quorum was seven.<sup>18</sup> The protector and his successors were to exercise the government with the advice of this council. So far as the constitution could bring it about, the council was now somewhat less powerful as compared with the protector than before.

Certain modifications and additions were embodied in the Humble Additional and Explanatory Petition and Advice of June 1657, which contained an oath prescribed for all members of the privy council.<sup>19</sup> It embodied an oath of fidelity to the protector himself. To this there was much objection by some who had been members of the council as previously constituted, and they were unwilling now to enter the new council. 13 July eight members were sworn:

The lord president, Lawrence  
 General John Desborough  
 Lord Commissioner Fiennes  
 earl of Mulgrave  
 Viscount Lisle  
 Mr. Rouse  
 The lord deputy of Ireland, Fleetwood  
 Lord Strickland

while on the protector's nomination, Secretary Thurloe was admitted. Lambert remained intractable, and this was the occasion of his fall. "Some of the councell refuse to take the othe particularly the Lord Lambert and Sr

<sup>18</sup> Sir Charles Firth is not quite correct when he says, "the number of councillors was raised to twenty-one, but the size of the quorum remained unaltered": *The Last Years of the Protectorate* (London, 1909), ii. 2. By the Instrument of Government also it had been provided that the number of the council was "not . . . to exceed twenty-one."

<sup>19</sup> Scobell, ii. 452.

Gilbert pickering; the first of whome has deliuered up his com̄ion and quitted all publiq<sup>ue</sup> employem<sup>ts</sup>.”<sup>20</sup> Three more yielded during July, two in August, and the last in October: <sup>21</sup>

Colonel Sydenham  
Major General Skippon  
Sir Gilbert Pickering  
Colonel Philip Jones  
Sir Charles Wolseley  
Colonel Edward Montagu

By the end of October the council again actually consisted of fifteen members, about as it had under the Instrument of Government. Twelve of them had been in the protector's council established in 1653-4.

Oliver Cromwell died 3/13 September 1658. At once the privy council proclaimed that the Lord Richard had during the life time of his father been appointed to be successor. On the morning of 4 September he was solemnly proclaimed through the city. That afternoon he was sworn in his own lodgings “before the Councill”, the lord mayor of London, and others.<sup>22</sup> Richard having been proclaimed lord protector, the council at once dispatched letters to the officers of the army, to the fleet, to the lord deputy and council in Ireland, and to the council in Scotland.<sup>23</sup> The scanty record—the index—that now remains of the council's activities for this period, shows also that as soon as Richard had been proclaimed lord protector, the council was busied with renewing the pat-

<sup>20</sup> Letter from ? to John Franklin, an English merchant in Paris: S. P. Foreign, France, cxiii, 23 July/2 August 1657.

<sup>21</sup> S. P. D., Interregnum, I 78, 13, 21, 28 July, 6, 25 August, 24 October 1657.

<sup>22</sup> John Thurloe to the commander of the Mediterranean fleet: S. P. Foreign, France, cxiv, 9/19 September 1658.

<sup>23</sup> S. P. D., Interregnum, I 84, cols. 2, 7, 15, 22, 31, 32, 35, 36.

ents and commissions of the judges and other officials.<sup>24</sup> In effect a new council was constituted as at the beginning of a new reign. Accordingly, not only did the members and the clerks take a new oath, but committees were reconstituted or revived.<sup>25</sup> It was composed however, substantially of those who had made up the council preceding. During the brief period that the confused times allowed to it now the protector's privy council went on unchanged.

The councils of state of the commonwealth being the creatures of parliament and regulated by rules formally drawn up by parliament when they were established, the methods and rules of these councils are easily learned from study of the regulations prescribed in the order books or in the journal of the house of commons. The council of the protectorate, like the king's privy council, was not subject to such regulations, and its rules and methods must be deduced from what it did and from regulations which it made from time to time.

Its style was the council, the council to his highness, or council of state. "Ordered by his Highnesse the Lord Protector & his Councell that the said Report bee approved", runs the comment upon a report from the commissioners of the admiralty in 1654.<sup>26</sup> Somewhat later a petition was addressed to "the right Honourable the Councell of state to his Highnes the Lord Protectour."<sup>27</sup> Another petition was addressed to "the right hono<sup>b</sup>le the Councell of State."<sup>28</sup> Another petition was to "the Lord President & the rest of his Highnes Councell of State."<sup>29</sup> On the first leaf of one of the volumes of the records of this council some one, probably Sir Joseph Williamson, afterwards wrote: "Usurpers Councell Booke from 3 Apr. 1655 till 21. Mar. 1656."<sup>30</sup> Meanwhile, as the gov-

<sup>24</sup> *Ibid.*, cols. 18, 22, 29, 32.

<sup>25</sup> *Ibid.*, I 78.

<sup>26</sup> *Ibid.*, lxxv, 10 January 1653-4.

<sup>27</sup> *Ibid.*, lxxiii, 73 i.

<sup>28</sup> *Ibid.*, cxxviii, 1 July 1656.

<sup>29</sup> *Ibid.*, cxxix, 7 August 1656.

<sup>30</sup> *Ibid.*, I 76.

ernment was being strengthened, as many desired a king, and some wished that Cromwell would be king, the council of the protector began to be known again by the name it had had under monarchy. In 1656 a report was prepared "For the Right Hon<sup>ble</sup> his Highnesse Privie Councill." <sup>81</sup> The Humble Petition and Advice contained regulations for the "Privy Council" and this title was at once used in the council's record, as when Colonel Sydenham "tooke the Oath of a privy Councello:" <sup>82</sup> In 1657 a petition was addressed to "his Highnes the Lord Protector, & to the R<sup>t</sup> Hon<sup>ble</sup> the Lords of his privy-Council," <sup>83</sup> and in the next year another to "the right Hon<sup>ble</sup> the Lords of his Highness most Hon<sup>ble</sup> privy Councill." <sup>84</sup>

When the protector's council was constituted each member before being admitted was required to take "The Oath of a Councello<sup>r</sup>": <sup>85</sup>

I. A: B. being nominated and appointed to be one of the Councill to his Highnesse the Lord Protecto<sup>r</sup> of the Co<sup>m</sup>onwealth of England Scotland and Ireland and the Dominions thereto belonging, doe promise in the sight of God That I wilbe true and faithfull in my trust, according to the best of my knowledge And that in the Election of every successive Lord Protector I shall proceed therein impartially, and doe nothing therein for any promise feare favo<sup>r</sup> or reward.

Apparently councillors were under obligation not to reveal any council proceedings which the council ordained should be secret. In 1654 there is the note: "Ordered that the present report made by M<sup>r</sup> Secretary to the Councill touching the businesse with Holland bee put under Secrecy." <sup>86</sup> In 1655 the clerks of the council were bidden

<sup>81</sup> S. P. D., Interregnum, cxxvi, 25 April 1656.

<sup>82</sup> *Ibid.*, I 78, 21 July 1657.

<sup>83</sup> *Ibid.*, clvi. 5.

<sup>84</sup> *Ibid.*, clxxxii, 29 June 1658.

<sup>85</sup> *Ibid.*, I 75, 20 December 1653.

<sup>86</sup> *Ibid.*, 10 March 1653-4.

to look over the council books, then give account to the council what business had by any order of the council been put under a secrecy not yet taken off.<sup>37</sup> That year the council book shows the lord protector and eleven members present at a meeting concerning which it is merely recorded that: "The orders of this day are all entered into the private booke."<sup>38</sup> By the Additional Petition and Advice of 1657 councillors were not only required to take an oath of fidelity to the lord protector but to swear to keep secret all matters treated of in the council and put under secrecy, and not reveal them unless so commanded or permitted by the protector, the parliament, or the council.<sup>39</sup> It was the obligation to the protector and to the system now being established that made certain councillors reluctant to take the new oath. After some delay, however, all the members but Lambert took the engagement, and the clerks of the council took a new form of oath also.<sup>40</sup>

Over the protector's council, as over the councils of state of the commonwealth, a president or a lord president presided. Immediately after it had been constituted Henry Lawrence was spoken of as the president,<sup>41</sup> and shortly after the council resolved that he should be appointed to the chair for one month.<sup>42</sup> A month later: "Ordered by his Highnes the Lord Protector, now present in Councill, That Henry Lawrence Esq<sup>r</sup> be continued President of the Councill till further order."<sup>43</sup> In 1656 he was being referred to as lord president: "The Lord President having occasion to be absent the Lord Visc<sup>t</sup> Lisle was called to the Chaire."<sup>44</sup> As in the privy council of James I and

<sup>37</sup> *Ibid.*, I 76, 13 April 1655.

<sup>38</sup> *Ibid.*, 3 May 1655.

<sup>39</sup> Scobell, ii. 452.

<sup>40</sup> S. P. D., Interregnum, I 78, 13 July 1657.

<sup>41</sup> *Ibid.*, xlii, 16 December 1653.

<sup>42</sup> *Ibid.*, I 75, 19 December 1653.

<sup>43</sup> *Ibid.*, 16 January 1653-4.

<sup>44</sup> *Ibid.*, I 76, 7 March 1655-6.

Charles I and in the councils of state, the president signed the orders and communications sent out by the protector and council. On Christmas Eve in 1657 the council ordered "That dureing the absence of the Lord President, the Lord Visc: Lisle who hath the Chaire doe signe the Letters, and warrants of the Councell, in the stead of the Lord President." <sup>45</sup>

Attendant on the council were various assistants and servants, as had been the case with the councils preceding. In December 1653 Thurloe, who had been secretary to the council of state had become "Sec<sup>r</sup>y of the Councell" to the protector.<sup>46</sup> At first he was not a member of the council, but he was at times ordered to attend meetings of council committees.<sup>47</sup> In this capacity he attended to business that had in the preceding generation been handled by the secretaries of state. In November 1656 he was ordered by the council to prepare a letter to be sent from his highness to the king of Denmark, concerning Cromwell's efforts to obstruct the ratification of the treaty between the king of Sweden and the United Provinces.<sup>48</sup> It was not long before he was known as secretary of state. In a list of salaries drawn up in 1655 is the item: "To John Thurloe esq<sup>r</sup> Secretary of State for his owne ffee" £ 800 a year.<sup>49</sup> And the commissioners of the customs so address him about the same time. Secretary of the council as well as secretary of state, he was present at the meetings of the council, but he continued outside the membership of the council, his name not appearing in the lists of those noted as present at meetings. Most probably, however, he often took a more important part in the business than some of the members. At a meeting of the council in

<sup>45</sup> S. P. D., Interregnum, I 78, 24 December 1657.

<sup>46</sup> *Ibid.*, I 75, 27 December 1653.

<sup>47</sup> *Ibid.*, 15 February 1654-5.

<sup>48</sup> *Ibid.*, I 77, 13 November 1656.

<sup>49</sup> *Ibid.*, I 76, 17 April 1655.

May 1656 "Mr Sec<sup>y</sup> presents some Letters from his Highness Agent in Portugall . . . w<sup>ch</sup> were taken into Consideration." <sup>50</sup> In July 1657 he became a member of the council which he had for some years been attending: "His Highness this day nominated John Thurloe Esq<sup>r</sup> Secretary of State, to be one of his Highness Councill, w<sup>ch</sup> was, by Vote of the Councill, upon the Question, consented unto, and he took the same Oath, this day, before the Lord President and Generall Disbrow." <sup>51</sup>

In February 1654 Thurloe presented a list of under-officers and servants whom he proposed as necessary for the council: a Latin secretary—Milton remained at the disposition of the council, but his blindness now prevented him from doing the work, which was given over to Philip Meadow, previously employed as Latin translator, but now given the title of secretary along with its duties; a serjeant at arms; a treasurer for the council's contingencies; seven under clerks; eleven messengers; nine serjeant deputies; various men and women servants, to make fires in the rooms or clean them—the men at two shillings a day, the women at one. The total cost was estimated at about £ 3500 exclusive of Thurloe's own stipend.<sup>52</sup> In January 1654 two clerks of the council were appointed, taking the oath before the council: Henry Scobell and William Jessopp.<sup>53</sup> Like all the minor servants of government then these council assistants were irregularly paid. In December 1658 the under clerks, messengers, serjeants, deputies, and other officers attending the privy council petitioned for half a year's salary and half a year's expenses they having gone unpaid for six months and having expended from their own pockets

<sup>50</sup> *Ibid.*, I 77, 5 May 1656.

<sup>51</sup> *Ibid.*, I 78, 13 July 1657.

<sup>52</sup> *Ibid.*, I 75, 3 February 1653-4.

<sup>53</sup> *Ibid.*, 6 January 1653-4.



money for the council's necessary expenses during that time.<sup>54</sup>

Under Oliver Cromwell the privy council met usually at Whitehall, in the chamber long used for council meetings. Cromwell now had his lodgings at Whitehall.<sup>55</sup> In 1655 it was ordered "That seuerall volumes of the booke called the New Atlas be bought for the use of the Councill and that the Globe heretofore standing in the Councill Chamber be againe brought thither."<sup>56</sup> In the latter months of Cromwell's life, however, the council met outside of London as well. In July 1658 the rule was made that in future the council should assemble in London every Tuesday and at Hampton Court every Thursday, until further notice.<sup>57</sup> Accordingly, various meetings were then held at Hampton Court.<sup>58</sup>

As with former councils, regular days for council meetings were appointed, different at different times, the days being frequently changed, while special meetings were called or arranged in advance as occasion required. By a rule made in December 1653 the council was to sit each Friday morning and afternoon; Monday, Tuesday, Wednesday, Thursday it was to meet only in the morning; Saturday not at all unless upon special order from the lord protector.<sup>59</sup> Shortly after the regular day for afternoon meeting was changed from Friday to Thursday.<sup>60</sup> In 1656 it was ordered "That the Councill doe on their meeting dayes meete in the after noone of Each day at 3 of the Clock and sitt till Six."<sup>61</sup> As in other times many special meetings were arranged or ordinary meetings

<sup>54</sup> S. P. D., Interregnum, clxxxiv, 1 December 1658.

<sup>55</sup> *Ibid.*, I 76, 9 January 1655-6.

<sup>56</sup> *Ibid.*, 2 October 1655.

<sup>57</sup> *Ibid.*, I 78, 20 July 1658.

<sup>58</sup> *Ibid.*, clxxxii, 29 July, 5 August 1658.

<sup>59</sup> *Ibid.*, I 75, 28 December 1653.

<sup>60</sup> *Ibid.*, 10 February 1653-4.

<sup>61</sup> *Ibid.*, I 76, 11 March 1655-6.

postponed or given over. In 1654 at a morning meeting the council ordered its members to assemble again that afternoon to consider certain Dutch business, and the secretary was told to ask the lord protector to be present.<sup>62</sup> A few days later: "That the tyme of the Councells sitting for the weeke next comeing bee from nine of the Clocke in the forenoon till twelve and that dureing that time all Committees of the Councell forbear sitting upon the matters to them referred."<sup>63</sup> At a meeting in April 1654 sitting was adjourned "till Tuesday morning next."<sup>64</sup> Shortly after the council was ordered to sit every morning at ten o'clock for a week for the dispatch of reports and petitions.<sup>65</sup> On other occasions the council appointed meetings at seven and at eight o'clock in the morning for consideration of particular business.<sup>66</sup> In August 1656 it was ordered "That the Counsell doe meet to morrow, and that those in, and about London be for that purpose Sumoned . . . That a Sumons be sent to the Seu'all members of the Counsell now abroad, for their speedy comeing up to London."<sup>67</sup>

At the privy council of the protector attendance was generally good. In December 1653 the rule was made:

That all the members of the Councell doe constantly meet at nine of the Clocke in the morning on sitting dayes under the penalty of 2<sup>s</sup> 6<sup>d</sup> to the use of the poore to be payd to M<sup>r</sup> Jessop for every default, unless a reasonable excuse (to be allowed by the President of the Councell for the tyme being).

And this rule was confirmed by the lord protector the same day.<sup>68</sup> During the period 16 December 1653 to 28

<sup>62</sup> *Ibid.*, I 75, 24 February 1653-4.

<sup>63</sup> *Ibid.*, 28 February 1653-4.

<sup>64</sup> *Ibid.*, 7 April 1654.

<sup>65</sup> *Ibid.*, 11 May 1654.

<sup>66</sup> *Ibid.*, 22 June, 7 July 1654; I 76, 9 October 1655.

<sup>67</sup> *Ibid.*, I 77, 28 August 1656.

<sup>68</sup> *Ibid.*, I 75, 28 December 1653.

February 1654, in which time the council, beginning with thirteen members was soon increased to fifteen, the average attendance was about ten.<sup>66</sup> From 1 March to 28 December 1654, while the membership continued to be fifteen, and when there were 164 meetings, the average attendance was again nearly ten.<sup>70</sup> From 5 January to 22 October 1655, when the membership was fourteen, and when there were 186 meetings, the attendance remained a little short of ten.<sup>71</sup> Some of the members came with constant regularity. From 1 November 1655 to 26 June there were 129 meetings. During that period President Lawrence came 126 times; Strickland, 120; Colonel Jones, 116; Viscount Lisle, 104; Lambert, 102; Colonel Sydenham, 98.<sup>72</sup> From 1 July 1656 to 26 May 1657 there were 103 meetings of the council. The president came 97 times; Strickland, 93; Lambert, 86; Colonel Jones, 85; Fleetwood, the lord deputy of Ireland, 81.<sup>73</sup> From 13 July 1657 to 29 April 1658 there were 113 meetings of the council. The lord president came 98 times; Walter Strickland, 106 times; the secretary of state, 74 times.<sup>74</sup>

The lord protector, as had been the case with the king generally in the period preceding, came infrequently to council meetings. Of the sixty-three meetings from 16 December 1653 to 28 February 1654 Cromwell was present at fourteen.<sup>75</sup> Of the hundred and sixty-four meetings in the period 1 March to 28 December 1654 he was present at only twenty-eight.<sup>76</sup> During the same time President

<sup>66</sup> *Cal. S. P. D., 1653-1654*, preface, pp. ix, x, xxxvii-xxxix.

<sup>70</sup> *Cal. S. P. D., 1654*, preface, pp. xxxvi-xliv.

<sup>71</sup> *Cal. S. P. D., 1655*, preface, pp. xxv-xxviii.

<sup>72</sup> *Cal. S. P. D., 1655-1656*, preface, pp. xxviii-xxx.

<sup>73</sup> *Cal. S. P. D., 1656-1657*, preface, pp. xx-xxii.

<sup>74</sup> *Cal. S. P. D., 1657-1658*, preface, pp. lii-liv.

<sup>75</sup> *Cal. S. P. D., 1653-1654*, preface, pp. ix, xl.

<sup>76</sup> *Cal. S. P. D., 1654*, preface, p. xlv.

Lawrence came to every one of the meetings.<sup>77</sup> Of the hundred and twenty-nine meetings from 1 November 1655 to 26 June 1656 he was at forty-five.<sup>78</sup> Of the hundred and three meetings from 1 July 1656 to 26 May 1657 Cromwell came to forty-one.<sup>79</sup> Of the hundred and thirteen meetings of the council from 13 July 1657 to 29 April 1658 he came to twenty-one.<sup>80</sup> In December 1657 the council resolved: "That it be offered to his Highness as the advise of the Counsell That his Highness would be pleased, that the Lord Richard Cromwell be one of his Highness privy Counsell."<sup>81</sup> Richard Cromwell was shortly afterward admitted, 31 December. Until the end of April he was present twenty-eight times.<sup>82</sup> Sometimes Cromwell came into the meeting after the session had begun and after a considerable part of the business had been finished. In the record of a meeting of the council in November 1655, in the margin beside the eighth of the twenty-four items of business transacted, is the note: "His Highness pnt."<sup>83</sup> On the other hand, at a meeting of the protector and twelve of the council in May 1656, by the eighth item of business recorded is the annotation: "His Highness w<sup>th</sup>drew."<sup>84</sup>

Procedure was much as it had been. In 1653 it was provided that the minutes of all orders pronounced by the council should be read in the council for the members' approbation before being passed.<sup>85</sup> In 1656 the clerks were bidden to inform themselves what public business then remained before the council and give to the lord president

<sup>77</sup> *Cal. S. P. D.*, 1654, preface, p. xliv.

<sup>78</sup> *Cal. S. P. D.*, 1655-1656, preface, pp. xxviii-xxx.

<sup>79</sup> *Cal. S. P. D.*, 1656-1657, preface, pp. xx-xxii.

<sup>80</sup> *Cal. S. P. D.*, 1657-1658, preface, pp. lii-liv.

<sup>81</sup> *S. P. D.*, Interregnum, I 78, 8 December 1657.

<sup>82</sup> *Cal. S. P. D.*, 1657-1658, preface, pp. lii-liv.

<sup>83</sup> *S. P. D.*, Interregnum, I 76, 2 November 1655.

<sup>84</sup> *Ibid.*, I 77, 22 May 1656.

<sup>85</sup> *Ibid.*, I 75, 20 December 1653.

a note thereof; and that from time to time in the future they should do the same with respect to all the public business unfinished.<sup>86</sup> In 1654 it was arranged that for a while petitions should be heard from nine to ten o'clock in the morning, after that hour none without special leave of the council.<sup>87</sup> A little later it was ordered "That the receiveing of all new private businesse into the Councell be forborne for fiftene dayes."<sup>88</sup> During this period, as before and afterwards, it would seem that there was often more business to be done than the council could easily discharge. In December 1657 it was ordered that public business before the council should each day be considered before business of a private nature, and the lord president was bidden to remind the council of this rule as occasion demanded.<sup>89</sup> Business was, if necessary, decided by debate and by voting. At a meeting in January 1655, upon the question put whether permission should be given to the envoy of the Archduke Leopold to transport six mares from Dover into Flanders, "it passed in the Negative."<sup>90</sup>

Much of the council's work was transacted in committees or with the assistance of committees hereafter to be described. "Colonell Mountagu makeing report of what was referred to a Com̄ittee of the Councell concerning the post offices. Ordered that the said report shalbe taken into debate on ffriday morning next."<sup>91</sup> A few days later the report on the post offices was read in council and debated.<sup>92</sup> Sometimes a day was set aside altogether for committee work, the council then not to sit.<sup>93</sup> In 1655 the rule was made that for the future all reports made to the council by committees should be in writing and

<sup>86</sup> S. P. D., Interregnum, I 76, 18 January 1655-6.

<sup>87</sup> *Ibid.*, I 75, 28 February 1653-4.

<sup>88</sup> *Ibid.*, 30 May 1654.

<sup>89</sup> *Ibid.*, I 78, 24 December 1657.

<sup>90</sup> *Ibid.*, I 75, 29 January 1654-5.

<sup>91</sup> *Ibid.*, 18 January 1653-4.

<sup>92</sup> *Ibid.*, 20 January 1653-4.

<sup>93</sup> *Ibid.*, 10 March 1653-4.

signed by the members of the committee or by a quorum of them.<sup>94</sup> In 1656 the record notes that "On the question putt, whether it should be referred to a Com<sup>ee</sup> to consider of what was now proposed for sending of 30,000<sup>l</sup> to Ireland, for the forces there, out of the prize plate, and money lately taken from the Spaniards, it past in the Negative."<sup>95</sup>

The records of the council for this period are in many respects not so satisfactory as those for the period preceding. The order book for 1654, for example, is a huge, thick folio volume in which the regular record of council business is contained. Evidently, however, there is much not included in this book. Committees are alluded to sometimes apparently without previous notice that such committees were appointed. Oftentimes council business elsewhere mentioned is not mentioned in the council record.<sup>96</sup> For the time after Oliver Cromwell's death the information remaining is comparatively scanty. Except for August, September, and October 1659 none of the council order books seem to exist now, so that from September 1658 to August 1659, and from January to May 1660 the student finds only the index books to missing order books, from which scanty notices are to be had, about which the dates have to be conjectured.

Relations of protector, council, and parliament recall the relations of king, privy council and parliament in the time of James I and Charles I. Protector and privy council held position of high dignity and great importance. Supporters were proud of the lord protector's power and discontented only because he had not the royal title. Opponents decried him as a tyrant, more powerful and ruthless than Charles I ever had been. "The King," a

<sup>94</sup> *Ibid.*, 31 January 1654-5.

<sup>95</sup> *Ibid.*, I 77, 16 December 1656.

<sup>96</sup> For example, *ibid.*, lxxvii. 16; *ibid.*, I 75.

certain one was reported as saying in 1656, "Lost his head for raying a Lettell ship mony but now things are ten tymes worse."<sup>97</sup> In the next year Lady Conway wrote to a correspondent abroad about "The parliamt haueing settled that gouernmt w<sup>ch</sup> they proferred under the stile of Kingship to one altogether as absolute, Royall, and hereditary, only w<sup>th</sup> the alteration of that name and title, to protector"; and she added "I am here a Stranger in the Court where my 1<sup>d</sup> protect: hath perfectly Induced the Spanish habit and port."<sup>98</sup> In December 1653 the council ordered "That in case of Adresse by petition the same shall be directed to his Highnesse Oliver Lord Protector of the Co<sup>m</sup>onwealth of England Scotland and Ireland."<sup>99</sup> The council was known indifferently as the privy council or the council of state. Petitions were addressed to "His Highnes the Lord Protector and the right Hon<sup>ble</sup> the Lords of his Councell"<sup>100</sup> or to "the right hon<sup>ble</sup> the Lords of his Highnes Privie Councell".<sup>101</sup> Orders were issued "by his Highness the Lord Protector by and w<sup>th</sup> the advise of the Councell."<sup>102</sup> In 1657 at a meeting of the protector and eight of the council was accepted the humble desire of the lord mayor of London that the council would dine with him the next Tuesday.<sup>103</sup> In September 1656 seats were ordered prepared in Westminster Abbey for his highness and council, to hear the sermon on the first day of the sitting of parliament.<sup>104</sup>

The protector was usually not present at meetings of the council, but he kept firm control of its affairs. Ordinances of the council had always to be presented for his approval, and none could be passed without his consent.<sup>105</sup>

<sup>97</sup> S. P. D., Interregnum, cxxix, 3 August 1656.

<sup>98</sup> Letter to M. Mayet: S. P. Foreign, France, cxiii, 13/23 June 1657.

<sup>99</sup> S. P. D., Interregnum, I 75, 19 December 1653.

<sup>100</sup> *Ibid.*, cxxvii. 31.

<sup>101</sup> *Ibid.*, clxxxiii. 70.

<sup>102</sup> *Ibid.*, clxxxi. 62, 63.

<sup>103</sup> *Ibid.*, I 78, 8 October 1657.

<sup>104</sup> *Ibid.*, I 77, 15 September 1656.

<sup>105</sup> *Ibid.*, I 75.

Formally the council was as respectful to the protector as the old privy council had been to the king. In 1656 the council resolved "That it be offered to his Highness as the advise of the Councell, That his Highness will please to order Justice Hales not to goe the next Circuit."<sup>106</sup> On the other hand, it has sometimes been thought that the protector was virtually uncontrolled, and that the council imposed on his authority a nominal limitation only. It was not so. According to the constitution the protector was to govern with the advice of his council, and though it is not certain that Cromwell's will was ever positively thwarted in the council, it is no more certain from the records that he definitely sought to impose it. The privy council of the protectorate was stronger, with respect to the principal executive official, than the privy council of other days had been in relation to the king. Probably the protector had difficulty at times in making his views prevail; apparently he relied rather on persuasion and argument than any compulsion or higher authority; and doubtless he frequently found it expedient to be persuaded by the council members.<sup>107</sup> "Its most certeyne," wrote Edward Nicholas to a friend at the Hague in 1656, "there are very great distemp<sup>rs</sup> now among the great and in rule in Engl<sup>d</sup>, & that Cromw<sup>th</sup> is now more full of ielousies then eu<sup>r</sup>". And he added: "Lambert is now for certeine the Armys darling, & the only p<sup>r</sup>son courted; he hath acted more there w<sup>th</sup>in these 3. weekes, then he hath donne in all his tyme before; he is dayly in Councell, & carries (for c<sup>r</sup>teine) all before him."<sup>108</sup> Doubtless afterwards Oliver's son had much less control. In January 1659 the French ambassador wrote to Mazarin that Richard Crom-

<sup>106</sup> *Ibid.*, I 77, 26 June 1656.

<sup>107</sup> Gardiner, *History of the Commonwealth and Protectorate*, ii. 292.

<sup>108</sup> Secretary Nicolas to Joseph Jane, Cologne, 21/31 March 1655-6: S. P. D., *Interregnum*, cxxv. 54.



well was unwilling to bring a certain matter before the council of state, without the advice and participation of which few matters were decided, for fear that the council would adopt a resolution contrary to that which he wished.<sup>109</sup>

There was a striking contrast between the period of the commonwealth—when the councils of state had been committees of parliament and had for the most part acted with it, the two doing much work together—and the period of the protectorate—when the privy council and lord protector, both raised above parliament, and virtually uncontrolled by parliament in any way, strove to manage it and often did with it as they would. Where in the period preceding there had on the whole been harmony between parliament and the various councils of state, now under the protectorate council and protector were unable to work harmoniously with any parliament, and each of the parliaments called was speedily broken.

In 1656 a certain one wrote: "The Pro<sup>tr</sup> (its believed) hath lay'd aside thoughts of a Parl<sup>mt</sup>, and is now doubling the Taxe w<sup>th</sup> out them."<sup>110</sup> In September, when a new parliament had been called, and many of the members excluded, the protector made to those admitted a speech some three hours long: "its supposed that he hath soe roused a pty in the house that its hoped we shall haue now some Acts to purpose."<sup>111</sup> A little later the same correspondent wrote that notwithstanding parliament was so moulded and so many made incapable of sitting, yet Whitehall was not satisfied with it.<sup>112</sup> In the summer of

<sup>109</sup> M. de Bordeaux to Cardinal Mazarin, 16 January 1659 (N. S.): François Guizot, *History of Richard Cromwell and the Restoration of Charles II* (trans., London, 1856), i. 282.

<sup>110</sup> T. Ross to Secretary Nicholas, Paris, 9 July 1656. S. P. D., *Interregnum*, cxxviii, 107.

<sup>111</sup> Humphrey Robinson to Sir Joseph Williamson: *ibid.*, cxxx, 18 September 1656.

<sup>112</sup> *Ibid.*, cliii, 15 January 1656-7.

1657 another wrote that parliament having settled the form of government was prorogued until October, "for this is too fine, and tractable a parliament to be dissolved."<sup>113</sup> In December Secretary Thurloe wrote to Lockhart, the ambassador in Paris, "h: h: hath agreed upon a list of names for the other house of parlam<sup>t</sup>."<sup>114</sup> A few months later another wrote that both houses upon the lord protector's summons had met him in the Banqueting House at Whitehall, where his highness spoke very long to them, exhorting them to union and agreement.<sup>115</sup> On dissolution of parliament, which followed hard after, "its thought he will take the legislative power, and send privy seales to o<sup>r</sup> great monied men."<sup>116</sup> In December 1658 Cromwell and the council agreed that another parliament should be called to sit in February, and his supporters hoped the new body would promote settlement and study the peace of the nation.<sup>117</sup>

<sup>113</sup> Lady Conway to M. Mayet: S. P. Foreign, France, cxiii, 13/23 June 1657.

<sup>114</sup> *Ibid.*, 10/20 December 1657.

<sup>115</sup> *Ibid.*, cxiv, 25 January/4 February 1657-8.

<sup>116</sup> Humphrey Robinson to Sir Joseph Williamson: S. P. D., *L. L. L.* regnum, clxxix, 13 February 1657-8.

<sup>117</sup> Robert Blackborne to Captain Stoakes: S. P. Foreign, France, cxiv, 2/12 December 1658.

