CHAPTER XIV

THE LATER COUNCILS OF STATE

IT IS well known that during the interregnum radical innovation was followed by reaction back towards what had earlier been abandoned. At the beginning of the revolution king and privy council were contemned, disliked and opposed, and presently both of them were for the time being abolished. During this time parliament strove to manage all things. At first it did the executive part of its tasks through a committee of safety, composed of members of parliament, afterwards through various parliamentary committees, of which the principal and presiding one was the committee of members from both houses of parliament. This group, when it was associated with commissioners from Scotland, made the principal part of the committee of both kingdoms; afterwards, when united action between England and Scotland was possible no longer, it was the committee of both houses. As the revolution went still farther, after kingship and the house of lords had been abolished, and a republic established, then the remnant of the house of commons, styling itself parliament, arrogated all the functions of government, carrying on administrative and executive work through various committees of itself, but especially through successive councils of state, which were for the most part powerful committees of the principal members of the Rump or of the nominated parliament that followed.

By 1653 this system had so far failed that the army was able to overthrow it without any repining by most

of the people, and substitute for a government engrossed altogether by parliament a system much like that which parliament and army had overthrown a few years before. Under the protectorate now established a parliament of one house, later of two, existed, but as subordinate and unimportant as ever it had been in the time of Charles I. A king was desired by many, and while the name itself was not yet revived, a powerful executive was established, vested in a single person, a lord protector, in many respects more powerful than either of the Stuart monarchs had been. The power of the protector was limited, as in effect that of the kings had been, not by parliament but by the council, known at first as the protector's council, presently by the older term, privy council. This system lasted from December 1653 until May 1659, and led naturally enough, as it afterwards seemed, to the restoration of kingship, privy council, and parliament in 1660.

Before the restoration, however, there was another reversion to what had earlier prevailed. The protectorate was brought to an end; for a short time the army and Long Parliament undertook to rule England once more; and instead of lord protector and his privy council again was seen parliament with executive power wielded first by a committee of safety appointed by parliament and then by three successive councils of state like those of the commonwealth period or like the preceding committee of the houses. This committee of safety and these councils of state were composed of members of parliament and others, they who were not of parliament making up a larger part of the councils of state than had been the case in the earlier commonwealth time.

So great was the trouble and confusion of these twelve months that what took place has interest for the historian rather than for the student of the development of institutions, since the institutions then established

were unstable and generally had no more than the shadow of power. Yet such as they were they constituted the government of England during the year before the return of Charles II, and they are interesting if not important in a cycle of English conciliar institutions.

Neither the temperament nor the abilities of Richard Cromwell, the new lord protector, enabled him to sustain the load that had crushed his father. Oliver Cromwell's authority had rested essentially on the support of the army. It was afterwards evident that only he could control it. Richard steadily lost the respect of the principal commanders, and the soldiers soon looked to the various commanders rather than to him.

In January 1659 a correspondent writing from Normandy said: "Richard Cromwll is said to haue kept himselfe verie close in white Hall since his being made Protr, he being it is beleived affraid to stirre abroade." [1] Oliver Cromwell had sometimes found it difficult to hold in check the abler and more ambitious leaders of the army. They were quick now to see their opportunity and seek more authority in the government than the system of the protectorate was designed to allow. Accordingly, they desired the system to be changed.

In February the French ambassador reported that limitation of the protector's authority was being discussed—depriving him of veto on parliamentary votes, and appointment of his council by the house of commons.[2] Fleetwood, Desborough, Sydenham, members of the protector's privy council, were active in efforts to depose him.[3] In the spring of 1659 Fleetwood and several of the officers went to the protector and told him he must at

[1] F. M[ompesson] to M. Jehan Nekles [Sir Edward Nicholas], 13/23 January 1658-9: S. P. Foreign, France, cxiv. 21.

[2] M. de Bordeaux to Cardinal Mazarin, 27 February 1659 (N. S.): Guizot, i. 309

[3] *Cal. S. P. D., 1658-1659,* preface, p. xv.

once sign a bill or order to dissolve the parliament of the protectorate then existing. Richard wished the advice of his council, but he was not permitted to ask it, and he was obliged to sign the order required. The protector tried to secure Whitehall and other places with soldiers, but this failed, for his opponents gained them over. The message was then sent by the Black Rod, who told the upper house and bade them communicate it to the other house. They may have been warned by the protector, for they would not let the messenger enter. None the less the proclamation dissolving parliament was published, and members of the lower house were excluded by soldiers on guard at the doors.[4] The officers of the army, masters of the situation, resolved to invite back what contemporaries were calling the Long Parliament.[5] They had at first, apparently, designed to change the government only a little. They now began to think of taking away the protector's power altogether, and thus of bringing the protectorate to an end. The Rump, or what had constituted parliament under the commonwealth, was recalled. 6 May, Lambert and other officers delivered to some of the members a declaration. 7 May, the Long Parliament thus revived was reopened, and the declaration inviting them was read. Then parliament appointed

Lord Fleetwood
Sir Arthur Haselrig
Sir Henry Vane
Lieutenant General Ludlow
Colonel Sydenham
Major Salwey
Colonel John Jones

[4] S. P. Foreign, France, cxiv. 230.
[5] "Le Long parlement": *ibid.*, fo. 241.

or any four of them "a Committee of Safety, with full Power to take especial and effectual Care of the Preservation of the Peace and Safety of this Commonwealth." [6] This body was similar to the committee of safety established by the Long Parliament in 1642, save that the earlier body had contained members from the lords as well as from the commons, and that it had contained members of parliament solely. Of the committee of safety of 1659 only two members, Fleetwood and Sydenham, had been on Richard Cromwell's privy council. "I find," said a correspondent, "the french Ambassad[r] hath writt hither th.[t] he knows not who to adresse himselfe too in England at pñt, by w[ch] I perceive the Councell of State acts noe more, all this being as wee heare done by the Councell of the Officers who take thereunto whome they think fitt to Joyne with." [7] 9 May, four others were added:

Lord Lambert
Colonel Desborough
Colonel Bury
Mr. Scot

of whom Desborough had been a member of the protector's privy council.[8] The committee of safety now consisted of eleven members.[9]

The committee of safety was constituted at first for eight days, but its tenure was afterwards extended. All officers, soldiers, and ministers of justice must obey its orders. It was to sit when and where its members deemed fitting. Parliament also gave it power to direct warrants to those holding revenue of the state, for money which it deemed necessary for the commonwealth's service.[10] Such

[6] *C. J.*, vii. 646.
[7] [Earl of Inchiquin] to the countess of Dysart, Paris, 8/18 May 1659: S. P. Foreign, France, cxiv. 246.
[8] S. P. D., Interregnum, I 91, 9 May 1659.
[9] *Ibid.*, cciii, 9 May 1659.
[10] *Ibid.*, I 91, 7, 9 May 1659.

of the committee as were members of parliament were at the same time ordered to consider of qualified persons fit to be chosen for civil and military employments and report to parliament their names.[11] The next day such members of the committee as were of parliament were ordered to suggest persons to be appointed commissioners of the great seal, judges of the several benches in Westminster Hall, barons of the exchequer, judges of the admiralty, and judges for probate of wills.[12]

For a moment parliament and the committee of safety governed England, under shadow of the army. 11 May, at a meeting of the committee it was resolved that the war with Spain was illegal, that the peace with Holland was unlawful, that none who had been for the king should have any interest in church or state, that the officers of the army should bring in account of all officers faithful until the time when the Long Parliament was broken.[13] At the same time parliament ordered the committee to raise auxiliary forces sufficient to secure the peace of the nation, continue them as long as was necessary, not exceeding a month, and issue money to raise and pay them, not exceeding £ 5,000. The committee was empowered to search for disaffected persons and seize them. It was also speedily to consider how to constitute in the several counties a militia of persons of approved fidelity.[14] 18 May, parliament ordered "That the Committee of Safety continue till *Monday* next, unless the Council of State sit, in the mean time."[15] The new council now talked of was soon set up, but the committee continued to function. Minutes of the meetings of the committee remain for the period 13 June to 7 October 1659, the committee con-

[11] *Ibid.*, 9 May 1659.
[12] *Ibid.*, 10 May 1659.
[13] S. P. D., Interregnum, cciii, 11 May 1659.
[14] *Ibid.*, I 91, 11 May 1659.
[15] *C. J.*, vii. 658.

sidering at these meetings who were fit persons to hold places of trust or positions in the army.[16]

An observer recounted that parliament—as five or six years before—now governed all. A proclamation had been issued that he who was called protector should be called only My Lord Richard. The son of the mighty Oliver was stripped of his power and received nothing. At first the army officers had proposed that all the debts contracted by Richard Cromwell or by his father since 15 December 1653 should be satisfied; that £10,000 a year with a convenient house should be settled on Richard and his heirs forever; that £10,000 a year more should be settled on him for life; that £8,000 a year should be settled on his mother for life, "as a mark of the high esteem this Nation hath of the good service done by his father."[17] A correspondent reported that there had been talk of giving him Hampton Court or Somerset House and £20,000 a year, but he had refused. He was to leave Whitehall at once, giving it up to some of the gentlemen of parliament.[18] 25 May, a letter from Richard Cromwell was read in parliament. "I love and value the peace of this Comon wealth much aboue my owne gouernmn!", he said. He acquiesced in his deposition and the changes which parliament had made. He expected protection from the new government and enclosed a statement of his debts. Parliament seemed to take his words in good part, assuming the debts exhibited in his statement, but declaring it well that he should leave Whitehall and go to his private concerns.[19]

[16] S. P. D., Interregnum, I 127.

[17] *The Humble Petition and Addresse of the Officers of the Army, to the Parliament*, etc. (London, 1659), pp. 11, 12: in *ibid.*, cciii. 5.

[18] [M. de Vaux] to the marquis du Chastel, London, 12/22 May 1659: S. P. Foreign, France, cxiv. 252.

[19] S. P. D. Interregnum, I 91, 25 May 1659.

Members of the Long Parliament seemed to believe that the commonwealth overthrown when Cromwell turned the Rump out of doors was being reëstablished. There would be no king, no protector, no house of lords, but merely a parliament of one house ruling a republic.[20] The army leaders were determined to have more authority in the new government than they had previously had, and they favored creation of an upper house or council controlled by themselves. With respect to the government they proposed "That . . . the Legislative Power thereof may be in a Representative of the People, Consisting of a House successively chosen by the People in such way and manner as the Parliament shall judge meet; and of a select Senate, Co-ordinate in power, of able and faithful Persons, eminent for godliness, and such as continue adhering to this Cause." Further, "That the administration of the Executive Power of Government may be in a Council of State, consisting of a convenient number of persons qualified in all respects as aforesaid." [21] In April 1659 Mazarin's well-informed agent wrote that the army was going to establish an entirely new council of state.[22] A little later he declared that the superior officers aimed at the establishment of a senate composed of themselves, but that the inferior officers wanted a commonwealth governed by successive parliaments, and in the intervals between parliaments a council of state appointed with power to execute the laws and statutes.[23] 9 May, parliament referred it to a committee

[20] "La chambre basse ont voté quils ne veulent point estre Gouverné par Roy ny Maison hautte, c'est a dire Seigrs ny par une persone seule, c'est a dire mons; le Prot: mais un Parlement cela veut dire asseuré que nous aurons une Republique." [M. de Vaux] to the marquis du Chastel, London, 12/22 May 1659: S. P. Foreign, France, cxiv. 252.

[21] *The Humble Petition and Addresse of the Officers of the Army*, etc., pp. 10, 11.

[22] M. de Bordeaux to Cardinal Mazarin, 24 April 1659 (N. S.): Guizot, i. 363. [23] Bordeaux to Mazarin, 29 May 1659 (N. S.): *ibid.*, p. 391.

of those who were of the committee of safety to inform themselves concerning the powers which the late council of state had by authority of parliament and to consider what was the fit number of members of a future council of state.[24] Two days later the committee of safety approved twelve propositions to be submitted to parliament—mainly abstracts of those which had been presented by the officers of the army. One of them: "A Councill of State be chosen in the Interualls of prliament for the executiue parte." [25]

13 May parliament drew up instructions and rules for a council[26] of state. It was to last from 17 May until 1 December; it should consist of thirty-one members, of whom ten were not to be members of parliament; nine to be the quorum, including six who were members of parliament.[26] That day and the next parliament chose the members.[27] The ten not in parliament were:

Lord Fairfax
Major General Lambert
Colonel Desborough
Colonel James Bury
Serjeant Bradshaw
Sir Anthony Ashley Cooper
Sir Horatio Townshend
Josias Barners
Sir Archibald Johnson
Sir Robert Honywood

The twenty-one who were members of parliament were:

Sir Arthur Haselrig
Sir Henry Vane
Lieutenant General Ludlow

[24] *C. J.*, vii. 646. [25] S. P. D., Interregnum, cciii, 11 May 1659.
[26] *C. J.*, vii. 252; S. P. D., Interregnum, I 91, 19 May 1659.
[27] *C. J.*, vii. 652, 654, 655.

Lieutenant General Fleetwood
Major Salwey
Colonel Morley
Mr. Scot
Mr. Wallop
Sir James Harrington
Colonel Walton
Colonel John Jones
Colonel Sydenham
Colonel Sydney
Mr. Henry Nevil
Mr. Thomas Challoner
Colonel Downes
Oliver St. John, lord chief justice
Colonel Thompson
Lord Commissioner Whitelock
Colonel Dixwell
Mr. Reynolds

Parliament ordered a seal to be prepared for the council of state.[28] The draft of an oath for the members was prepared, though presently Fleetwood and Sydenham were admitted merely on their promise to act in accordance with the oath.[29] Then a bill was passed constituting this ninth council of state.[30]

Instructions were given to the council by parliament, as formerly instructions had been drawn up for the earlier councils of state. The members of the council were to oppose and suppress whoever undertook to maintain the pretended title of Charles Stuart, the title of any of his relations, or of any single person to the crown of England, of Scotland, or of Ireland. To all the militia forces by land or by sea they were to give orders for preserving the peace and for suppressing risings or tumults or for-

[28] *Ibid.*, pp. 655, 663; S. P. D., Interregnum, I 91, 19 May 1659.
[29] *C. J.*, vii. 656, 664. [30] *Ibid.*, pp. 656, 658, 659.

eign invasions. In emergency they were to raise and arm additional forces and give to the officers commissions under the seal of the council. They were to supervise the military and the naval stores. They were to see to the repair of ships and the building of new ones. They were to try to advance trade in England, in Scotland, in Ireland, promote the welfare of the foreign factories and plantations, and watch over the state's interests in foreign parts. They were to direct the renewing or preserving of amity with foreign states, preserve the rights of the realm, and send necessary messengers or agents abroad. They were to consult together on matters of public concernment, and report their opinion to parliament. They were to summon to appear before them those from whom they wished testimony or advice. They might send for any public documents they wished to consult concerning matters pending before them. In emergency they might administer oaths for discovery of the truth. They might imprison or secure by bond and sureties any offenders against these or other instructions and all who disobeyed their orders. They might charge the public revenue, by warrant under the seal of the council, with sums necessary to defray charges of foreign negotiations and for the salaries of their officers and attendants. They were to execute all the orders received from parliament. They might appoint committees or persons to take examinations, receive information, or to prepare business for their debates or resolutions. They were to meet at Whitehall, 19 May 1659; afterwards when and where they thought fitting. At due seasons they were to order the felling of timber for ships, and sell what was not needed. They were to prevent meetings dangerous to the state. They were to take care of the public library at St. James. They were to give warrants for issue of the residue of money from the sale of fee-farm rents. They were to

prevent free quarter and other abuses of the people by short marches of soldiers. They were to charge all warrants on the treasury upon the respective treasurers, according to previous instruction, entering them in a book, with an abstract of the disbursements made, and deliver it to parliament, stating the gross sum for intelligence. All warrants to imprison or for the issuing of money were to be signed by five or more members. They were to encourage and promote the fisheries.[31] The oaths or engagements prescribed for members of the councils of state during this period reflect the swiftly changing complexion of politics in a time of metamorphosis and stress. The members of this council were to take an oath to maintain the commonwealth as declared by parliament, "without a single person Kinship or house of peeres." [32]

The record of the activities of the Long Parliament now reassembled consists very largely of the referring of matters to the council of state which it had set up.[33] Parliament at once referred it to the council to consider how far the commonwealth was concerned either in peace or war with foreign nations by transactions since the interruption of the Long Parliament, 20 April 1653; "And to take Care in what is done from tyme to tyme by the Councell in pursuance of their Instructions in reference to fforreigne States, that this Comonwealth bee not engaged in a Warr wthout the Consent of Parlament." [34] 23 June the council's power to issue money for the carrying on of public affairs was continued by parliament for a month longer, and this power was renewed for a month 25 July, 26 August, and 4 October.[35] In October the council was empowered and required by parliament to command all books and papers of public concern from any

[31] S. P. D., Interregnum, I 91, 19 May 1659.
[32] *Ibid.*
[33] *Ibid.*, I 91.
[34] *Ibid.*, 19 May 1659.
[35] *C. J.*, vii. 692, 729, 769, 791.

person or persons whatsoever, and dispose of them as the councillors should think fit for the use of parliament and the state.[36]

The scanty records now remaining permit few definite statements to be made about activities and procedure of the ninth council of state. 19 May 1659 the council appears to have held its first meeting. The members were sworn, a president chosen, a clerk appointed, certain petitions were read, and certain matters debated. A committee was probably appointed to confer with the Dutch ambassador and another to confer with the minister from Denmark.[37] Rules for the council's routine and proceedings seem to have been considered or adopted at the end of May.[38] From figures compiled on the basis of warrant signatures—these figures accordingly conjectural—it has been supposed that attendance of most of the members was poor; that during May and June some twenty meetings were held.[39] In August the president summoned the earl of Elgin, the council wishing to speak with him at once on very important business.[40] Shortly after the council considering the weighty and extraordinary business that was in Lieutenant General Fleetwood's care, ordered that he "be excused of being President of the Councell in his Turne." Sir Arthur Haselrig was desired to take the chair for the next fortnight, and Sir Henry Vane was asked to act as "Lo. President of the Councell" for the morning, to sign warrants, commissions, and the like.[41] In October, at a meeting of eighteen of the members, the question was proposed: "That as the Condition of affaires now are [*sic*] the Councell haveing

[36] *C. J.*, vii. 795.
[37] S. P. D., Interregnum, I 85, cols. 1, 11, 18, 29, 42, 59.
[38] *Ibid.*, col. 63. [39] *Cal. S. P. D., 1658-1659*, preface, p. xxiv.
[40] S. P. D., Interregnum, I 98, 5 August 1659.
[41] *Ibid.*, I 79, 17 August 1659.

taken Consideration thereof, have thought fitt from the tyme of their now sitting to adjourne unto the last Saturday of Novembr next, and doe order that this Councell be then adjourned accordingly." But this was voted down.[42]

Conflict between parliament and the army was shortly resumed. 13 October 1659, the principal officers of the army whose commissions had just been vacated, that is to say, the faction led by Lambert and his associates, assembled forces in Westminster and thereabouts. They obstructed all the passages by land and by water, stopped the speaker on his way, placed guards about the doors of parliament house, and interrupted the assembling of members. Parliament did not meet again until 26 December.[43] With this new expulsion of the Long Parliament by the army the ninth council of state collapsed.

At first the officers of the army had sought an agreement with parliament that would give them greater power in the government. After various overtures they resolved to establish a council of twenty-three persons, including Fleetwood, Desborough, Lambert, and Sir Henry Vane, of whom ten were to be colonels, three citizens of London, and the others members of the preceding council or of the council of the protector. This was to be a provisional council, until a larger number could be chosen. With such a scheme Monk would have nothing to do, renewing assurance that he was faithful to parliament.[44] A little later, after other negotiations, it was proposed to govern the three nations as a free state or a republic without king, house of lords, or any single ruler, establishing a council of nineteen persons, of whom ten should be moderate Presbyterians chosen by deputies

[42] *Ibid.*, 15 October 1659. [43] *C. J.*, vii. 797.
[44] M. de Bordeaux to Cardinal Mazarin, London, 3 November 1659 (N. S.): Guizot, ii. 272.

from Monk's army and the army in England, and the other nine chosen from the three armies in England, Scotland, and Ireland.[45] But in the midst of confusion and disagreements nothing was accomplished, and soon the supporters of parliament recalled the Rump a second time.

When parliament met again it declared its approval of what had been done by members of the council of state and those working with them, who had acted for the service of parliament during the time of the recent interruption. "And that the hearty Thanks of this Hous be given unto them, for their good and faithful Service done for the Parliament and Commonwealth." [46]

It proceeded, however, to constitute a tenth council of state. 29 December, it resolved that a council of thirty-one should be nominated, of whom ten were not to be members of parliament.[47] 31 December, the twenty-one members, chosen from parliament, were selected: [48]

Sir Arthur Haselrig
Mr. Herbert Morley
Mr. Wallop
Colonel Walton
Mr. Thomas Scot
Mr. Nicholas Love
Oliver St. John
Colonel White
John Weaver
Robert Reynolds
Sir James Harrington
Sir Thomas Widdrington
Colonel Thompson
Mr. John Dixwell

[45] Bordeaux to Mazarin, London, 27 November 1659 (N. S.): Guizot, ii. 289.
[46] *C. J.*, vii. 799.
[47] *Ibid.*
[48] *Ibid.*, p. 800.

Mr. Henry Nevill
Colonel Fagg
Mr. John Corbet
Mr. Thomas Challoner
Mr. Henry Martin
Mr. William Say
Luke Robinson

Two days later, the other ten members, not of parliament, were chosen: [49]

Sir Anthony Ashley Cooper
Josias Barners
General Monk
Vice Admiral Lawson
Alderman Love
Mr. Tirrill
Lord Fairfax
Alderman Foote
Robert Roll
Slingsby Bethell

An act was passed at once embodying instructions for the council. The quorum to be nine, six of them members of parliament. The period of the council to be from 1 January to 1 April 1660. In addition to other powers the council was to have and exercise all the powers and authority previously held by the lord wardens or commissioners of the Cinque Ports and by the constables of Dover Castle. It was authorized to disband any militia or volunteer forces raised by authority of the former council of state, or raised since 12 October by any other order or pretended authority.[50]

For the tenth council of state a new oath was prescribed: [51]

I *A. B.* do hereby swear, That I do renounce the pretended Title or Titles of *Charles Stuart* and the

[49] *Ibid.*, p. 801. [50] *Ibid.* [51] *Ibid.*

whole Line of the late *King James*, and of every other Person, as a Single Person, pretending, or which shall pretend, to the Crown or Government of these Nations of *England*, *Scotland*, and *Ireland*, or any of them, and the Dominions and Territories belonging to them, or any of them: And that I will, by the Grace and Assistance of Almighty God, be true, faithful, and constant to the Parliament and Commonwealth; and will oppose the bringing in, or setting up any Single Person, or House of Lords, and every of them, in this Commonwealth.

The terms of this oath alone made it necessary to constitute another council of state when restoration of monarchy was presently resolved on.

The members of the council took the oath and held their first meeting 3 January. A president and a treasurer of the council's contingencies were appointed, and a committee of the council appointed to secure lodgings in Whitehall.[52] About the end of January it was resolved: "Harrington St James to be Lq Presidt" [53] In February an engagement to be taken by the members of the council was substituted for the oath of renunciation: "That I *A. B.* do promise and declare, That I will be true and faithful to the Commonwealth of *England*, and the government thereof, in the way of a Commonwealth and Free State, without a King, Single Person, or House of Lords." [54]

The council sat for seven weeks. Apparently there were some twenty-six meetings.[55] The record of its activities is scanty and uncertain, little but the index books of lost record books now remaining. Many matters that concerned parliament were by parliament re-

[52] S. P. D., Interregnum, I 86, cols. 4, 9, 20, 28.
[53] *Ibid.*, col. 11.
[54] *C. J.*, vii. 843, 845.
[55] *Cal S. P. D., 1659-1660*, preface, p. xxiii.

ferred to the council. Frequently the council was bidden to examine certain persons.[56] The council was instructed to consider how the civil power and authority might be settled in Ireland, and how the army there was to be governed.[57] Parliament ordered the council to take charge of the postmaster's office, and manage it to the best advantage of the state, calling to an account those who had received the profits of the office, and then submit to parliament a report.[58]

Great political events meanwhile were affecting the parliament and its council. In January the council wrote General Monk a letter of thanks, assigned him lodgings in Whitehall, allowed him ten pounds a day for his table, and appointed a committee to advise him and to attend him, the commissioners receiving £200 for the great man.[59] Shortly after, parliament authorized and enjoined the council to arrest several army officers, among whom were Lambert and Desborough, members of the council of state preceding. The council was to see to it likewise that all other persons against whom orders or warrants had been or should be issued by parliament or by the council of state, should depart to their houses in the country. It was to proceed against those who had not departed or who had not given ready obedience to the orders.[60] A little later occurs the note: "Lambert Lord to repaire to his house furthest of in the Countrey."[61] Early in February it was ordered by parliament "That it bee referred to the Councill of State to examine the whole businesse touching the Tumults wch happened last night in the Citty of London, and State matter of ffact

[56] S. P. D., Interregnum, I 91, 2 January 1659-60.
[57] *Ibid.*, 5 January 1659-60.
[58] *Ibid.*, 7 January 1659-60.
[59] *Ibid.*, I 86, col. 17.
[60] *Ibid.*, I 91, 14 January 1659-60.
[61] *Ibid.*, I 86, 23 (?) January 1659-60.

and reporte their opinion what is fit to bee done therein and how to p[r]vent the like tumults for the future." [62]

Confusion and unsettlement rapidly increased. Some members of parliament attempted to institute a new committee of safety.[63] 21 February, the Presbyterian members, excluded ten years previously, before the trial of the king, and now at last, in deference to the wishes of the people of London and of many other people invited by Monk to resume their places, once more took their seats. In parliament constituted thus the members of the old Rump were in a minority. Accordingly, at once it was decided in parliament that the votes of 1648-9 be vacated, along with a resolution of parliament of 5 January 1659-60 confirming those former votes. It was determined that all the orders given by the council of state since the previous Saturday should be communicated to General Monk, that without his approbation there should be no proceedings upon the said orders, and that the powers of the council of state should be suspended until further order.[64] Actually restoration of the Stuarts had now been decided. Accordingly parliament proposed to supersede the tenth council of state, whose members had sworn to oppose a Stuart king or any executive in a single person, with a new council. It was ordered that an act constituting a new council should be introduced.[65] That day one of the members announced: "That he had given Notice, to the Council of State, of the Order of this House for suspending the Council of State, according to the Command of the Parliament: And that ready Obedience will be yielded thereunto." [66]

The eleventh and last council of state was constituted at once. 21 February, parliament resolved that the coun-

[62] S. P. D., Interregnum, I 91, 3 February 1659-60.
[63] *C. J.*, vii 841.
[64] *Ibid.*, pp. 846, 847.
[65] *Ibid.*, p. 847.
[66] *Ibid.*

cil should consist of thirty-one members, of whom General Monk should be one.[67] It had previously been agreed that parliament should sit only a few days, during which time it should issue writs for the election of a new parliament, and that a new council of state should be chosen.[68] 22 February, it was resolved that a new parliament should be summoned for 25 April 1660.[69] Next day the members of the new council besides Monk were chosen. They were:[70]

William Pierrepoint
John Crew
Colonel Rosseter
Richard Knightley
Colonel Popham
Colonel Morley
Lord Fairfax
Sir Anthony Ashley Cooper
Sir Gilbert Gerrard
Lord Chief Justice St. John
Lord Commissioner Widdrington
Sir John Evelyn
Sir William Waller
Sir Richard Onslow
Sir William Lewis
Colonel Edward Montagu
Edward Harley
Richard Norton
Arthur Ansley
Denzil Hollis
Sir John Temple
Colonel George Thompson

[67] *Ibid.*

[68] M. de Bordeaux to Cardinal Mazarin, London, 2 March 1660 (N. S.): Guizot, ii. 359.

[69] *C. J.*, vii. 848.

[70] *Ibid.*, p. 849.

John Trevor
Sir John Holland
Sir John Potts
Colonel John Birch
Sir Harbottle Grimston
John Swinfin
John Weaver
Serjeant Maynard

It was proposed, a contemporary says, to call some of the nobles to this council, but they, hoping that the house of lords would be reëstablished, gave the government to understand that it would injure their prerogative to accept.[71] It was the intention of Monk and his fellows that this council should govern England during the period between the dissolution of the Long Parliament and the assembling of the new parliament in April.[72] Parliament, drawing up instructions for the council, ordained that it was to continue "until the Parliament take further Order."[73]

The oath, drawn up by the councillors, approved by parliament, and added to the council's instructions, was an ordinary councillor's oath, little like the political engagements recently prescribed:[74]

> I, *A. B.* do promise, in the Sight of God, That I will be true and faithful in the Trust committed to me in my Employment under the Council of State; and that I will not reveal or disclose any thing, in Whole or in Part, directly or indirectly, that shall be debated or resolved upon in the Council, and ordered to be kept secret by the said Council, without the Command, Direction, or Allowance, of the Parliament, or Council.

[71] Bordeaux to Mazarin, London, 4 March 1660 (N. S.): Guizot, ii. 365.
[72] Bordeaux to M. de Brienne, London, 8 March 1660 (N. S.): *ibid.*, p. 368.
[73] *C. J.*, vii, 852.
[74] *Ibid.*, p. 854.

Large powers were entrusted to the members of this council. In case of special emergency they might seize and secure any person or persons suspected, even though the persons arrested were members of parliament.[75] This, as the French representative might well observe, was "contrary to all usage."[76] In addition to other instructions, the council was to have the ordering of all houses, forests, chases, and parks belonging to the commonwealth, with the disposing of the timber, to the commonwealth's best advantage.[77] A little later parliament enjoined that the council should take special care of the peace and the safety of the nation, proceeding vigorously to secure those whom they thought dangerous to the nation. Against them the council might issue proclamations until the next parliament sat.[78] Until parliament assembled the council might issue its warrants to the commissioners of the great seal, authorizing them to pass under the great seal commissions for foreign ministers employed by the commonwealth. The council might also liberate persons imprisoned for crimes against the state.[79] Meanwhile the council nominated and the parliament appointed two secretaries of state: John Thompson and Thurloe.[80] The latter had been thoroughly identified with the rebellion and with the government of Cromwell, and he had organized an admirable and effective secret service. "Thurloe is made Secretary to the councell," said a cipher letter directed to one abroad.[81]

Meanwhile the Long Parliament, though protracting its existence beyond what had been hoped and desired, was preparing its end. 1 March, it resolved that the time

[75] *Ibid.*

[76] Bordeaux to Brienne, London, 8 March 1660 (N. S.): Guizot, ii. 370.

[77] *C. J.*, vii. 857.

[78] *Ibid.*, pp. 864, 875.

[79] *Ibid.*, pp. 877, 878.

[80] *Ibid.*, p. 855.

[81] Col. Herbert Pine to [Sir Edward Nicholas], 9/19 March 1659-60: S. P. Foreign, Flanders, xxxiii. 29.

of its dissolution should be on or before 15 March.[82] 16 March, it sat for the last time. It granted £ 20,000 to General Monk "for his eminent Services," then resolved that that day should see its dissolution. Last of all: "*Resolved*, That *Friday*, the 6th Day of *April* 1660, be set apart for a Day of publick Fasting and Humiliation, to be solemnized throughout the Nation, under the Sense of the great and manifold Sins and Provocations thereof; and to seek the Lord for his Blessing upon the Parliament, now shortly to be assembled, that the Lord will make them Healers of our Breaches, and Instruments to restore and settle Peace and Government in the Nations, upon the Foundations of Truth and Righteousness." [83]

During the next six weeks the established government of England, so far as one remained, was vested principally in the council of state. During March it held twenty sittings, during April twenty-one, during May sixteen.[84] The Convention Parliament assembled 25 April 1660.[85] Then the authority of the last council of state virtually ended, though for a while longer it continued to sit. Its business, however, was no longer important. Parliament was now rapidly restoring the old system. 1 May, the house of lords asserted: "That the Lords do own, and declare, that, according to the ancient and fundamental Laws of this Kingdom, the Government is, and ought to be, by Kings, Lords, and Commons." [86] The same day the commons: "That this House doth agree with the Lords; and do Own and Declare, That, according to the antient and fundamental Laws of this Kingdom, the Government is, and ought to be, by King, Lords, and Commons." [87] Preparations were now being made to receive the king. The commons ordered that the lord president of the coun-

[82] *C. J.*, vii. 857.
[83] *Ibid.*, pp. 879, 880.
[84] *Cal. S. P. D., 1659-1660*, preface, pp. xxiii-xxvii.
[85] *C. J.*, viii. 1.
[86] *L. J.*, xi. 3.
[87] *C. J.*, viii. 8.

cil of state should attend the proclaiming of the king, that his mace should be carried before him, and that he should go next to the speaker of the house of commons.[88] 16 May, the lord president, Annesley, gave to the commons a statement of the sums charged by orders or warrants of the council upon the several treasuries, 25 February to 15 May 1660. They were at once approved, and the sums ordered to be paid.[89] Then, it being resolved that the council should have the thanks of the house, the speaker said: "Gentlemen, You of the Council of State, that are Members of this House, (and you are desired to communicate it to the rest) the House have taken Notice of your great and careful Services; and they do give you their very hearty Thanks."[90] Thus came to its end the eleventh and last of the councils of state, substitute under the commonwealth, for the privy council. Perhaps, the name may have lingered on a little longer, for the French representative writing some weeks later of the first meeting of Charles's privy council, spoke of it as the council of state.[91] This, however, may have been no more than application to an English institution of a phrase familiar in French usage, after the manner not only of French but of Spanish ambassadors in the time of James I.

The work of these last councils of state under the restored commonwealth was, so far as the unusual time permitted, much like that of the councils of state of the earlier period, and something like that of the privy council of the protectors. The members dealt much with matters referred to them by parliament, they handled much business concerning finance, army, navy, domestic and local affairs, plantations, and foreign relations; they considered petitions and issued orders and warrants.

[88] *Ibid.*, p. 18. [89] *Ibid.*, pp. 27-31. [90] *Ibid.*, p. 31.
[91] Bordeaux to Mazarin, London, 10 June 1660 (N. S.): Guizot, ii. 439.

In May 1659 the council represented to parliament that the power given the committee of safety to issue money having lapsed, there was no means of paying the army and the navy and providing for other demands. It was accordingly resolved that power be given to the council to charge any public revenue of the commonwealth with such moneys as it judged necessary for requirements on land and on sea, for one month.[92] Several times was this power renewed. Somewhat later the council ordered that money raised by the excise should be divided, and paid to the treasurers of the navy and of the army.[93] On another occasion a committee of the council was appointed to consider the question of money, "how it may be had."[94] Again, acts, instructions, and commissions for the treasury were passed and ordered to be reported to parliament.[95]

There was much less about the army and the navy than before. In May 1659 parliament referred it to the council to take care that more ships were fitted out for sea.[96] The council gave many orders for paying soldiers, distributing powder and arms, and for other things connected with the army. On one occasion it directed the committee of safety to consider how all the armed forces might be united, to consider what troops might be sent into Kent and Surrey, and also to prepare instructions for Lambert.[97] On another occasion the council directed the admiralty commissioners to order certain frigates to lie before Ostend and Nieuport.[98] At another time parliament referred it to the council of state to prepare and bring into the house various commissions, one constituting Fleetwood lieutenant general and commander-in-chief of the land forces and the others for six other commissioners.[99]

[92] *C. J.*, vii. 667.
[93] S. P. D., Interregnum, I 85, col. 49.
[94] *Ibid.*, col. 48.
[95] *Ibid.*, col. 76.
[96] *Ibid.*, I 91, 26 May 1659.
[97] *Ibid.*, I 85, col. 71..
[98] *Ibid.*, col. 1.
[99] *Ibid.*, I 91, 31 May 1659.

In January 1660, apparently, three letters from the navy commissioners about defects in the stores were ordered to be reported to parliament.[100]

The council dealt with many things relating to foreign affairs. Frequently the council or some of its members conferred with representatives from abroad.[101] At various meetings, of which the dates cannot be surely ascertained, the council handled foreign business. A message from the secretary of the French ambassador was brought to the council.[102] "A Constant Com^tee" was appointed to meet with the Dutch ambassador; and the committee reported to the council.[103] Somewhat later the council appointed a committee to read the papers of ministers from abroad.[104] Early in 1660, it would seem, a "Comm^tee for forreigne Affaires" was appointed.[105] A little after there was a particular committee to consider the proposals of the Portuguese ambassador.[106] In May 1659 parliament referred it to the committee to hear what the ambassador from the United Provinces had to say further, and present it to the house.[107] Somewhat later Sir Henry Vane reported from the council a form of ratification of the treaty at the Hague, likewise the council's negotiations with the Dutch ambassador. Parliament then agreed that the form of the ratification should be signed, and it approved the proceedings between the ambassador and the council.[108] In July a letter from the grand duke of Tuscany was read in parliament, which referred it to the council of state to signify to the house how matters stood between the grand duke and the commonwealth, and prepare to the letter an answer which the speaker would sign.[109] In September 1659 the council

[100] *Ibid.*, I 86, col. 19.
[101] *Ibid.*, I 85, cols. 19, 59, 67.
[102] *Ibid.*, col. 67.
[103] *Ibid.*, col. 19.
[104] *Ibid.*, col. 60.
[105] *Ibid.*, I 86, col. 5.
[106] *Ibid.*, cols. 21, 22.
[107] *Ibid.*, I 91, 24 May 1659.
[108] *Ibid.*, 30 June 1659.
[109] *Ibid.*, 25 July 1659.

resolved that as soon as parliament's pleasure could be known with respect to the question of the Sound, an express should be dispatched, so that the commissioners plenipotentiary might know whether to remain or return to England.[110]

At the same time the council dealt with matters that concerned Ireland, Scotland, and the plantations. In May 1659 parliament referred to its members who belonged to the council of state, or any five of them, the preparing of an act of union between England and Scotland.[111] About the same time the council named commissioners to administer the affairs of Ireland.[112] On another occasion instructions concerning Ireland were considered in the council.[113] At other times there was consideration of plantation matters, and letters were prepared to be sent to the colonies.[114]

There were as always many local affairs to be managed. Certain disturbances at Brainford were reported to the council.[115] A letter about a riot in Enfield Chase was received along with an order from parliament about it: both were considered.[116] Parliament referred it to the councillors to take such measures as seemed necessary for discovering dangerous persons, to prepare acts thought necessary for the purpose, and report to the house.[117] At another time the council ordered certain scandalous pamphlets suppressed.[118] In connection with various matters petitions were directed to the council of state, or to the parliament which sometimes referred them to the council.[119]

[110] S. P. D., Interregnum, I 79, 12 September 1659.
[111] *Ibid.*, I 91, 18 May 1659.
[112] *Ibid.*, I 85, col. 38.
[113] *Ibid.*, I 86, col. 13.
[114] *Ibid.*, I 85, col. 59.
[115] *Ibid.*, col. 5.
[116] *Ibid.*, col. 26.
[117] *Ibid.*, I 91, 23 May 1659.
[118] *Ibid.*, I 85, col. 59.
[119] *Ibid.*, col. 59; I 91, 19, 30 July 1659.