

CHAPTER XV

THE PRIVY COUNCIL, 1660-1679

THE last meeting of the privy council of Charles I seems to have taken place in September 1645.¹ Thereafter it appears to have lapsed, or at least it disappeared in the confusion of the times. During the period of the interregnum there was no more privy council in England, except that for some years the council of the protector was designated by the old name. None the less, driven out of England the king's council continued to maintain a slight and precarious existence. While Charles Stuart, whom so many steadfastly regarded as Charles II, under God's law and the rightful law of man, but who did not reign in England until the restoration in 1660, wandered about in exile, he had with him a council as his ancestors had had at Whitehall in happier days. Clarendon says that immediately after the news of his father's death reached him, he "caused those of his father's council who had attended him to be sworn of his privy council."² The records of this council outside of England were afterwards brought together and embodied in what is now the fifty-fourth volume of the register of the privy council. According to this record, from 3/13 May 1649 to 27 May 1660 twenty-nine meetings were held. The record is scanty and most of the volume remains empty and bare, for little business was done at the occasional meetings, some of them held merely for swearing in members.

¹ Sir Edward Nicholas to the king, Oxford, 18 September 1645: S. P. D., Charles I, dx. 126.

² *History of the Rebellion*, vi. 262.

3/13 May 1649, in his majesty's bedchamber at the Hague, were sworn of the king's privy council

Sir Richard Lane	lord keeper
Lord Cottington	lord treasurer
Lord Culpepper	master of the rolls
Sir Edward Hyde	chancellor of the exchequer

Lord Hopton

At a meeting next day

Robert Long	the king's secretary
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was sworn, and a clerk of the council was appointed. 12 July, in a meeting at Péronne was admitted

The earl of Bramford and Forth.

4 October, at Castle Elizabeth in Jersey

Sir Edward Nicholas

was added.

Among the interregnum papers of December 1657 is a list of the officers and others serving the king, drawn up by Sir Edward Nicholas for Don Juan of Austria, governor of the Spanish Netherlands, who was contributing to Charles's support. Doubtless it was intercepted by Cromwell's secret service. According to this list there were eight councillors and three clerks of what the compiler called the council of state:³

The marquis of Ormonde	viceroy of Ireland
earl of Bristol	councillor and secretary of state
earl of Norwich	councillor of the king
earl of Rochester	councillor and gentleman of the king's chamber
Lord Wentworth	councillor and gentleman of the chamber

³ S. P. D., Interregnum, clviii. 10.

Lord Culpepper	councillor of the king
Sir Edward Nicholas	councillor and secretary of state
Sir Edward Hyde	councillor and chancellor of the treasury

In 1658 occurs a record: "The Lords and others of his Majesties most Honorable Privy Councill as they are in this Moneth of November 1658." The council then contained eleven members: ⁴

Sir Edward Hyde	lord chancellor
George, duke of Buckingham	
William, marquis of Newcastle	
James, marquis of Ormonde	lord lieutenant of Ireland
George, earl of Bristol	
Morogh, earl of Inchiquin	
Henry, Lord Perry	lord chamberlain
Thomas, Lord Wentworth	
Henry, Lord Jermyn	
John, Lord Culpepper	master of the rolls
Sir Edward Nicholas	principal secre- tary of state

The meetings of the council during this time, in their scanty numbers and in the small business done, reflected the fallen fortunes of the master. At St. Germain in July 1649, the king, the duke of York, and four councillors considered the king's expenditures and means of payment.⁵ A little later five councillors in the same place took up a petition from Jersey.⁶ In the same place a few days later the king, the duke, and seven councillors determined the explanation of some words in an admiralty

⁴ P. C. R., liv. 41.

⁵ *Ibid.*, 29 July 1649.

⁶ *Ibid.*, 7 August 1649.

patent.⁷ Another petition from Jersey was dealt with in another meeting about the same time.⁸ A meeting of four councillors at Castle Elizabeth in Jersey ordered an account to be taken of the king's revenue from that island.⁹ At Castle Elizabeth that winter the king himself with five councillors issued an order of council in respect of a Jersey petition.¹⁰ Early in the following year three councillors at St. Hilary's, Jersey, considered a petition and denied it.¹¹ The ships of parliament soon conquered the outlying islands, and the council met in Jersey no more. In April 1650 two meetings were held in the castle of Breda, at which the duke of Buckingham along with the marquis of Newcastle and then the duke of Hamilton were added to the council, thus increasing the number to eleven.¹² In May, at the same town, the king and seven of his council determined to sell the king's jewels pawned in Amsterdam.¹³ Clarendon, who afterwards fell partly from the malice and envy of his enemies, seems to have been pursued by envious enemies at this time. In January 1654, Charles being then in France, a meeting of the king, the queen, the dukes of York and Gloucester, and Prince Rupert together with six members of the council gave out "His Ma^{ty}s Order in Councill" to vindicate the chancellor of the exchequer from a libel.¹⁴ In November 1656, at a meeting in Bruges, two clerks of the council were sworn.¹⁵ At Brussels two years later another clerk was sworn, and the king bade the lords of the council to meet thenceforth every Friday, and promised that he would be present as often as he could.¹⁶ What else may have been done in these years one does not now know. If there was more, it was doubtless unimportant.

⁷ P. C. R., liv, 31 August 1649.

⁸ *Ibid.*, 19/29 September 1649.

⁹ *Ibid.*, 1 February 1649-50.

¹⁰ *Ibid.*, 6 May 1650.

¹¹ P. C. R., liv, 18 November 1656.

¹² *Ibid.*, 1 September 1649.

¹³ *Ibid.*, 1 November 1649.

¹⁴ *Ibid.*, 6, 7 April 1650.

¹⁵ S. P. D., Interregnum, lxx. 28, 28i.

¹⁶ *Ibid.*, 27 October 1658.

Clarendon says that in 1660, when the king had reached Canterbury, coming up from Dover, Monk in a private audience gave him a paper containing "the names of at least threescore and ten persons, who were thought fittest to be made privy counsellors." Only two of them had ever served the king. At Canterbury Charles made Monk, Sir William Morris, and Sir Anthony Ashley Cooper members of his council. He says also that "the king brought with him from beyond the seas that council which had always attended him, and whose advice he had always received in his transactions of greatest importance."¹⁷ Some of the king's council that had attended him abroad remained there as they found it convenient for a time. 27 May 1660, at a meeting at Canterbury there were, besides the king, the duke of York, and the duke of Gloucester, three of the old members:¹⁸

The marquis of Ormonde	lord lieutenant of
	Ireland
Lord Culpepper	
Secretary Nicholas	

Not present, but highest in the confidence of the king was

Sir Edward Hyde	lord chancellor
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At this meeting were sworn of the council

General Monk
earl of Southampton
Sir William Morris
Sir Anthony Ashley Cooper

Four days later several new councillors were sworn, and at a meeting of the council held there were present, be-

¹⁷ *The Life of Edward Earl of Clarendon . . . in Which is Included a Continuation of His History of the Grand Rebellion* (Oxford, 1857), i. 269, 276, 278.

¹⁸ P. C. R., liv, 27 May 1660.

sides the king and the duke of York, fifteen, including the following new members: ¹⁹

Marquis of Hertford
 earl of Northumberland
 earl of Leicester
 earl of Berkshire
 Lord Seymour
 Arthur Annesley
 Lord Wentworth

Seven more members were sworn of the council next day: ²⁰

ea. l of Lindsay	lord great chamberlain
earl of Manchester	
earl of St. Albans	
Lord Viscount Say and Seale	
Lord Roberts	
Denzill Holles	

At various dates during June, July, and August were sworn these others: ²¹

Colonel Charles Howard	
Lord General Montague	
Sir Frederick Cornwallis	treasurer of the king's household
Sir Charles Berkeley	comptroller of the king's household
Sir George Carteret	vice chamberlain of the king
marquis of Dorchester	

Thus almost at once the number of the council was raised to twenty-seven. A list of "The names of the Lords, and others of his Ma^{ty}s most honorable Prive Councell" pre-

¹⁹ P. C. R., liv, 31 May 1660.

²⁰ *Ibid.*, 1 June 1660.

²¹ *Ibid.*, 2, 14 June, 6, 11 July, 27 August 1660.

fixed to the next volume of the council register contains twenty-six besides the duke of York.²²

Clarendon says that into the privy council Charles admitted all who had been councillors to his father, and had not eminently forfeited claim by revolt, and many of those who had been recommended by the lord general, among whom were some who would not have been admitted upon any other title.²³ The tendency was now, as it had been in the time of Charles I and of James I, for the council to increase by further additions. In March 1661 there seem to have been twenty-eight members.²⁴ In June 1662 there were thirty-six, including the duke of York and Prince Rupert.²⁵ In January 1664 there were forty, the archbishop of Canterbury and the bishop of London among the additions.²⁶ In 1665 Clarendon, remonstrating against the admission of Coventry to the council, told the king "That the members of that board had been always those great officers of state, and other officers, who in respect of the places they held had a title to sit there, and of such few others who, having great titles and fortunes and interest in the kingdom, were an ornament to the table." He added that there were now too many in the council; the number lessened the dignity of the position.²⁷ Not long after Pepys observed: "I do see that by how much greater the council, and the number of Counsellors is, the more confused the issue is of their councils."²⁸

The number of members in the council at any particular time is not easily ascertained, since each of the lists prefixed to the various register volumes usually

²² *Ibid.*, lv, fo. iii, August 1660.

²³ Clarendon, *Life and Continuation*, i. 310, 311.

²⁴ Add. MS., 36781, fo. 2.

²⁵ P. C. R., lvi, fo. i.

²⁶ *Ibid.*, lvii, fo. i.

²⁷ Clarendon, *Life and Continuation*, ii. 186, 187.

²⁸ *Diary* (ed. H. B. Wheatley, London, 1903-4), 2 January 1667-8.

relates to the entire period covered by the contents of the volume, and hence contains the names of those dismissed or withdrawn from the council during that interval along with those added. Sometimes the clerk has drawn a line through a name when the person has ceased to be a member, and more frequently he has indicated by a note when a member withdrew or was added; but often there is no indication of change, so that the list will not give exactly the total, and only patient examination of the entire contents of the volume will give the proper total exactly, and that total is true only for the moment and a brief time further, until the next change was made. From time to time in other places clean lists of council members occur, and they, in so far as they are accurate, give closer idea of the truth. All in all, however, the register lists, with the extra occasional ones, give adequate information concerning the size of the council including the members of the royal family other than the king.

1660	28-29 ²⁹
1661	28 ³⁰
1662	36 ³¹
1664	40 ³²
1667	46 ³³
1668	42 ³⁴
1669	42 ³⁵
1670	41 ³⁶
1675	50 ³⁷
1677	47 ³⁸
1679	47 ³⁹

²⁹ P. C. R., liv; lv, fo. iii.

³⁰ P. C. R., lvi, fo. i.

³¹ *Ibid.*, lix, fo. i.

³² *Ibid.*, lxii, fo. i.

³³ P. C. R., lxv, fo. i.

³⁴ *Ibid.*, lxvii, fos. i, ii.

³⁵ Add. MS., 36781, fo. 2.

³⁶ *Ibid.*, lvii, fo. i.

³⁷ *Ibid.*, lxi, fo. i.

³⁸ S. P. D., Charles II, cclxxvi. 385.

³⁹ *Ibid.*, lxvi, fos. i, ii.

It is well known that in 1679 Charles II dismissed his privy council, and undertook a reform which, among other things, provided that thereafter the council should contain not more than thirty members, in addition to the princes of the blood.

Councillors now, as in the period before the interregnum, were appointed altogether at the pleasure of the king, and held during continuance of that pleasure only. They were appointed from time to time as the king willed it, and they might be summarily dismissed if they came into disfavor. In 1667 "His Ma^{ty} was pleased this day to declare in Council his Royall Will & Pleasure and accordingly to Order & command, That Edward Earle of Clarendon late Lord High Chancellor of England be displaced from being one of the Lords of his Ma^{ty} most Hono^{ble} privy Council, and that his name be accordingly razed out of the List of his Ma^{ty} most Hono^{ble} Privy Councillors."⁴⁰ In 1674: "His Ma^{ty} this day in Council Declaring his displeasure against the Earle of Shaftesbury, Comanded the Clerk of the Council That his Name be henceforth left out of the Number of Privy Councillors."⁴¹ Admission to the council involved taking the councillor's oath, like that of the earlier period, and also an expensive formality. "To my Lord, much business," says Pepys of the earl of Sandwich in 1660. "With him to the Council Chamber, where he was sworn; and the charge of his being admitted Privy Councillor is £ 26."⁴²

As in the preceding period also the council had various assistants and servants. There were four clerks of the council.⁴³ When appointed a clerk also was sworn.⁴⁴ These clerks seem to have been competent, industrious,

⁴⁰ *Ibid.*, lx, 4 December 1667.

⁴¹ *Ibid.*, lxiv, 19 May 1674.

⁴² *Diary*, 21 June 1660.

⁴³ P. C. R., lvi, fo. ii.

⁴⁴ Robert Southwell was sworn clerk of the privy council in 1664: *ibid.*, lvii, 23 September 1664.

well-informed. They wrote the numerous papers concerned with council business, took notes of the proceedings and memoranda of the orders to be executed, and it was they who made the formal record of proceedings embodied in the council register. Doubtless they saw much and had opinions of their own. "This morning," says Pepys in 1664, "Mr. Burgby, one of the writing clerks belonging to the Council, was with me about business, a knowing man, he complains how most of the Lords of the Council do look after themselves and their own ends, and none the publique, unless Sir Edward Nicholas."⁴⁵ There was also a secretary to the council, as there had been under the protectorate; and it is interesting to note that as Mr. Thurloe, secretary of the council of the protector was after a while secretary of state, so in the time of Charles II Sir Joseph Williamson, "Secretary to the Councell"⁴⁶ was afterwards one of the secretaries of state. There were, in addition, keepers of the council chamber, and messengers of the council.

As a result of the civil wars and alterations of the previous decade the power of the king and along with it that of his council had declined while parliament's power had risen. None the less, the government of England after 1660 for some time continued to be much as it had been before 1640. The doctrine of divine right, if not abandoned, had suffered fatal diminution from the fall of Charles I. Star Chamber was gone; there was no longer any question of the king levying taxes of any sort without parliamentary grant. There was general feeling among those who knew that the king was less and that parliament was or could be the master. Yet the idea was largely based on sentiment and on remembering a revolution now ended rather than resultant from changes that

⁴⁵ *Diary*, 2 March 1663-4. ⁴⁶ S. P. D., Charles II, cccxii, 2 July 1672,

avowedly altered the structure of the government. For the most part the government of England was still vested in the king, and for the most part it was still carried on by the monarch assisted by his ministers and council. After a short interval, it is true, parliament began encroaching or making trouble; but for some time it was able to do little more than thwart and control by opposing. Not until after 1688 did parliament really begin to take much of the government into its own hands; and then it attained this object mostly by getting control of and establishing close relations with the ministers who had formerly had their principal relations with the crown. Even so the result was reached only by slow process in the century succeeding.

After 1660, therefore, the central government was mostly in the king and his council. After that time, it is true, the council steadily waned in importance, and more and more it lost control of the important things in the realm. That had been going on to some extent, however, for a long time before 1640. It resulted from transfer of real importance from the whole council to a part of itself—the cabinet. But again the process was slow. For a generation after 1660 the privy council had part in important affairs of the state, and sometimes matters of importance were actually decided in the council. Moreover, much formal routine in respect of important matters was concluded and a great deal of routine and detail was regularly dealt with there. Hence, though less important than it had been, and constantly though slowly getting to be still less important, the privy council continued to be a body, great and august, more important for a while in ordinary government business than any other organ of the government, meeting frequently, well attended, dealing with a vast body of miscellaneous things.

The privy council met in various places, at the convenience of the members, at the pleasure or order of the king. For the most part its meetings were held at Whitehall, in the council chamber at the Cockpit.⁴⁷ From 1 June 1660 to the end of December all of the eighty-one meetings of the council were at Whitehall.⁴⁸ Other meetings were held at Hampton Court, Worcester House,⁴⁹ "At the Prince's Lodgings at Westminster",⁵⁰ at Sion House, at Salisbury, at Oxford,⁵¹ at the prince's lodgings.⁵² Always, however, during this period, the regular place of meeting was at the council chamber in Whitehall, more than nine out of ten meetings being held there, so that meetings elsewhere may be considered unusual. For short periods, however, regular meetings of the council were held at Hampton Court or at other places, when the king stayed in the country, away from London. In 1674, according to a newsletter: "The King has ordered that during his stay at Windsor the Council should meet every Wednesday at Hampton Court."⁵³ In the summer of 1679 the Dutch ambassador wrote that the regular Thursday meetings of the council at Hampton Court had been brought to an end for the time being.⁵⁴

Descriptions of the council chamber are scanty and few, though it is not hard to reconstruct again the outlines of the pictures—the chamber with its long table, the councillors' seats about it, the papers and memoranda on the board before them, the clerks in attendance to

⁴⁷ "The Cockpit at Whitehall stood on the site of the present Privy-Council Office." Donne, note, in *Correspondence of George III with Lord North* (1867), i. 37.

⁴⁸ P. C. R., liv, lv.

⁴⁹ *Ibid.*, lvii, 10 March 1663-4.

⁵⁰ *Ibid.*, lviii, 2 March 1664-5.

⁵¹ *Ibid.*, lviii.

⁵² *Ibid.*, lxiii, 29 March 1673.

⁵³ *Le Fleming MSS., H. M. C.*, 12th. report, appendix, vii, 111.

⁵⁴ "De weeckelijcke Donderdaeghsche byeenkomsten van des Coninghs raet tot Hamptoncourt sijn tot int laetsten van September wtgesteld ende sullen veelen leeden van den Raet haer daerop naer haere lanthuijsen begeben." Van Leeuwen to the states general, Windsor, 18 August 1679: Add. MS. 17677 EE, fo. 202.

read and write on order. A contemporary picture of "His Mat^{tie} and his Prive counsell" shows Charles II covered and twelve councillors uncovered about an oblong table seated in chairs with arms and straight or slightly curving backs.⁵⁵ In 1664, at a meeting of the council, warrants were given to the two keepers of the council chamber, directed to the treasurer of the chamber, "for allowance of Ten pounds for Charges of Broomes, Brushes, Vrinalls &c. for one Yeare ended at Midsomer 1664."⁵⁶ In 1669, at a large council with the king present, it was ordered that the surveyors of his majesty's works should at once cause presses to be set up in the council chamber "for the keeping of Books, and o^ther necessaries that so the Lords may make use of them upon any Occasion."⁵⁷ At another time the officers of the green cloth were authorized to order fuel and candles for their lordships' service, to be delivered to the chamber keeper—which brings it back again that probably the chamber was often warmed with a fire of coals and work done by candle light.⁵⁸ In 1676 the council referred it to one of the council committees what compensation should be made to a certain one who had furnished pens, ink, paper, and other necessaries for the council's use, also what payment ought to be made to the messengers of the council.⁵⁹ From time to time one catches a glimpse of the environs of Whitehall and the council chamber, from Pepys or from others. "Last night," says Sir Joseph Williamson in his journal for October 1667, "being the D. of Yorke's birthday, a Dancing was at the D. of Monmouth's lodgings in the Cockpitt."⁶⁰

⁵⁵ Frontispiece to *England's Glory, or, an Exact Catalogue of the Lords of His Majesties' Most Honourable Privy Council* (1660), reproduced in R. B. Morgan, *Readings in English Social History* (Cambridge, 1923), pp. xxvi, 392.

⁵⁶ P. C. R., lvii, 31 August 1664.

⁵⁷ *Ibid.*, lxi, 20 January 1668-9.

⁵⁸ *Ibid.*, lxiii, 23 September 1671.

⁵⁹ *Ibid.*, lxxv, 14 July 1676.

⁶⁰ S. P. D., Charles II, cccxxxi. 66.

There were frequent meetings of the council, so that regular attendance must have been an onerous duty and burden. At the beginning of June 1660 the council determined to sit each week on Wednesdays and Fridays, at three o'clock in the afternoon.⁶¹ Some weeks later it was ordered "That the Councill should attend his Ma^{tie} in Councill every Evening at Six of the Clock, to debate about publick Businesse."⁶² In June 1660 there were twelve meetings of the council; in July, twelve; in August, thirteen; in September, fourteen; in October, nine; in November, twelve; in December, nine;⁶³ that is to say, there were meetings pretty regularly every two or three days. Sometimes there were a morning and also an afternoon meeting in one day.⁶⁴ In August 1661 "It was this day Ordered by his Ma^{tie} in Councill that (in regard of the approaching Progresse, the businesse of New-England, & other affaires requireing dispatch) the Councill henceforward meete thrice a Weeke, (vizt) Munday Morning, Wednesday Morning, & ffryday morning."⁶⁵ In September 1662 it was ordered that the council should meet Wednesdays and Fridays, until term time, at nine o'clock in the morning, at the council chamber in Whitehall.⁶⁶ In August 1664 the council was ordered thenceforth to "meet but onely upon Wednesdayes weekly in the Morning at Nine of the Clock, untill order be given to the Contrary."⁶⁷ In 1665 a correspondent says that "The king and all the Councill meet constantly three times a weeke."⁶⁸ In January 1668 there were ten meetings; in February, eight; in March, nine; in April, ten; in May, eight; in June, eight; in July, twelve; in August, nine;

⁶¹ P. C. R., liv, 1 June 1660.

⁶² *Ibid.*, 20 July 1660.

⁶³ *Ibid.*, liv, lv.

⁶⁴ *Ibid.*, liv, 31 August, 7 September 1660.

⁶⁵ *Ibid.*, lv, 7 August 1661.

⁶⁶ *Ibid.*, lvi, 10 September 1662.

⁶⁷ *Ibid.*, lvii, 3 August 1664.

⁶⁸ Denis de Repas to Sir Robert Harley, Oxford, 24 November 1665: *H. M. C.*, 14th report, appendix, ii. 294.

in September, fourteen; in October, nine; in November, ten; in December, eight.⁶⁹ "The Councill continues as usually Wednesdays & fridays here at Whitehall," said Williamson in his journal for that October.⁷⁰ In January 1678 there were five meetings; in February, six; in March, ten; in April, seven; in May, six; in June, seven; in July, seven; in August, two; in September, seven; in October, eight; in November, thirteen; in December, eleven.⁷¹

For the most part meetings were regularly appointed or arranged. In addition there were other, "extraordinary", meetings called at desire of the council or at the king's behest, as convenience or emergency dictated. On occasion the ordinary times of meeting were altered. Sometimes meetings of the council were suspended altogether, especially in the summer.

"I pray," said the lord chancellor, Clarendon, in a note which he passed to the king during a meeting, "before wee goe to any other businesse, declare the councill for Munday."⁷² In 1662, when preparations were being made to receive the Russian ambassador, the governor and certain members of the Muscovy Company were bidden to "attend his Ma^{tie} at Hampton Court upon Sunday next the Sixth instant, at the Counsell Chamber there, at Three of the Clock in the Afternoone."⁷³ "This afternoone," says Sir Joseph Williamson in 1668, "was an extr^v Councill about concludeing upon the setting the new Duty on Wines."⁷⁴ Somewhat later he declared that

⁶⁹ P. C. R., lx, lxi.

⁷⁰ S. P. D., Charles II, cclii. 79.

⁷¹ P. C. R., lxvi.

⁷² *Notes Which Passed at Meetings of the Privy Council between Charles II and the Earl of Clarendon, 1660-1667, etc.* (Roxburghe Club Publications, London, 1896), p. 48.

⁷³ P. C. R., lvi, 4 July 1662.

⁷⁴ Sir Joseph Williamson's Journal, 25 May 1668: S. P. D., Charles II, cclij. 43.

a certain Monday was appointed to be "a Councill day extra^{dr}" for dispatch of several matters for which time was wanting on the ordinary days.⁷⁵ In September 1678 the king ordered an extraordinary council to be held one morning, at which Williamson, secretary of the council, presented a bundle of papers received from Dr. Tongue, purporting to give information about a conspiracy of the Jesuits against the king's life.⁷⁶ There were five meetings of the council on that and the two following days.⁷⁷

On the other hand, time of meeting was altered or meetings were suspended altogether when there was not much other business or when the king went away from London. As in the earlier period, councils were so adjusted as not to conflict with court sessions in term time. In October 1668 Williamson wrote in his journal: "The terme comeing on the Councells will be held henceforward in the afternoones." In December: "The terme being ended the Councill is appointed henceforth to meet in the forenoones."⁷⁸ In June 1669 he said that the council "as is usuall in the terme time is appointed to be held in the afternoone by reason the Lord Keep^r & those of the long Robe are employed in Westm^r Hall in the morning."⁷⁹ At a meeting held at Hampton Court in July 1674 Charles ordered that there should be no more meetings of the council until after his return to Whitehall, where he intended to be 21 August following.⁸⁰ Actually there were no further meetings of the council until 4 September. Some months later the council resolved that while the king was at Newmarket there should be only one meeting each week, on Friday afternoon.⁸¹ "The

⁷⁵ Journal, 26 June 1669: S. P. D., Charles II, cclxxi.

⁷⁶ P. C. R., lxvi, 28 September 1678.

⁷⁷ *Ibid.*, lxvi.

⁷⁸ Journal, 21 October, 1 December 1668: S. P. D., Charles II, ccliii. 83, 95.

⁷⁹ Journal, 9 June 1669: S. P. D., Charles II, cclxxi.

⁸⁰ P. C. R., lxiv, 24 July 1674.

⁸¹ *Ibid.*, 5 March 1674-5.

Council is adjourned for some weekes yet to come", wrote Williamson in 1676.⁸²

In addition to meetings of the council, two or three a week, sometimes two a day—though there were occasions when no meetings of the council occurred for some weeks, there were numerous meetings of committees. He who faithfully attended had his time much taken up by council affairs. That is seen in the diary of the earl of Anglesey, not one of the more important members but faithful in attendance for a time:

1678-9

- January 7 This morning spent in the Council chamber . . .
- 8 The morning gave my daughter Anne in marriage to S^r Francis Wingate at S^t Martins church the Deane of Bangor married them then went to Com^{ttee} of Council, the afternoon was at the Comⁿ of the admiralty and at Council and did duties and saw da: Anne bedded.
- 9 This morning spent in the Com^{ttee} of Council . . .
- 10 The morning spent in London at the Gambia adventurers the afternoon at Council . . .
- 11 The morning spent at council Com^{ttee} and at Admiralty . . .
- 13 This morning spent at Council . . .
- 14 The morning at Council chamber . . .
- 15 The morning at Com^{ttee} of Council the afternoon in council and other business and duties . . .

⁸² Letter to the bailiffs of Yarmouth, 25 September 1676: S.P.D., Entry Books, xliii.

- 16 The morning till late spent at the
Council Com^{ttee} . . .
- 17 The morning at Com^{ttee} of council, the
afternoon at Council . . .
- 18 This morning was at the Com^{ttee} of
Council . . .

And so, day after day.⁸³

Attendance at the council was much as it had been in the earlier period, and much as it would be at any like body. Seldom or never did all of the councillors come to any one meeting. While the membership of the council varied from thirty to fifty, and was generally somewhere above forty, attendance usually varied from twelve to twenty-five, and was frequently not far from twenty. During June 1662 the attendance at the various meetings of the privy council was respectively, 19, 17, 22, 11, 18, 16, 18, 22, 23, 11, 25.⁸⁴ The attendance during January 1668 was successively 21, 22, 22, 25, 26, 23, 25, 22, 27, 22.⁸⁵ During April 1673 it was 22, 22, 30, 29, 24, 21, 13, 14.⁸⁶ During February 1679 the numbers were 26, 27, 17, 26, 24, 25, 25, 23, 22.⁸⁷

Some of the members attended regularly, and were usually present at whatever meetings of the council were held. They tended also to be on the important committees; in effect they often constituted the committee of the whole council; and some of them made up the nucleus of the council that emerged as the cabinet council. On the other hand some members attended irregularly and others were seldom or never present. As at other times, analysis of attendance at the council would show a part

⁸³ Diary of the earl of Anglesey, 1675-1684: Add. MS. 18730.

⁸⁴ P. C. R., lvi, 4, 6, 8, 9, 13, 15, 18, 22, 25, 27, 29 June 1662.

⁸⁵ *Ibid.*, lx, 3, 8, 10, 15, 17, 20, 22, 24, 29, 31 January 1667-8.

⁸⁶ *Ibid.*, lxiii, 2, 4, 9 April 1673; lxiv, 11, 16, 18, 25, 30 April 1673.

⁸⁷ *Ibid.*, lxvii, 5, 7, 10, 12, 14, 19, 21, 26, 28 February 1678-9.

of the attendance each time composed of the members who came with fair or constant regularity, while the remainder, over any period of time, was composed of a larger body of those who attended occasionally or at random.

There were some small meetings and from time to time there were large ones. On the afternoon of 12 September 1660 there was a council of twelve.⁸⁸ In October there was a council of eight.⁸⁹ In the summer of 1661 the king and five of the council heard two acts of parliament read.⁹⁰ In May 1673 there was a privy council of eleven.⁹¹ In the summer of 1678 there was a council of eight.⁹² In October of that year there were meetings of ten and of seven.⁹³ On the other hand there was a meeting of the king and twenty-seven in January 1668,⁹⁴ and one of the king and twenty-nine in the following month.⁹⁵ In May 1672 there was a meeting of the king and twenty-six.⁹⁶ In April 1673 there was a council of the king and thirty,⁹⁷ and a few days after another of the king and twenty-nine.⁹⁸ In November of that year there was a meeting of the king and thirty-one.⁹⁹ In February 1675 the king presided at a council of twenty-nine.¹⁰⁰ In June he was present at a council of thirty-two.¹⁰¹ During January 1679 there were two councils of thirty-three, and three of twenty-nine, at all of which the king was present.¹⁰² Generally, though not always, attendance was larger when the king came to council. On some particular

⁸⁸ *Ibid.*, liv, 12 September 1660.

⁸⁹ *Ibid.*, lv, 31 October 1660.

⁹⁰ *Ibid.*, 28 July 1661.

⁹¹ *Ibid.*, lxiv, 16 May 1673.

⁹² *Ibid.*, lxvi, 24 July 1678.

⁹³ *Ibid.*, 10, 11 October 1678.

⁹⁴ *Ibid.*, lx, 29 January 1667-8.

⁹⁵ *Ibid.*, 12 February 1667-8.

⁹⁶ S. P. D., Charles II, cccviii, 10 May 1672.

⁹⁷ P. C. R., lxiii, 9 April 1673.

⁹⁸ *Ibid.*, lxiv, 11 April 1673.

⁹⁹ *Ibid.*, 12 November 1673.

¹⁰⁰ S. P. D., Charles II, cclxviii, 3 February 1674-5.

¹⁰¹ P. C. R., lxiv, 6 June 1675.

¹⁰² *Ibid.*, lxvii, 3, 8, 10, 22, 24 January 1678-9.

occasions, as when the king pricked the sheriffs, attendance was apt to be full.

Charles loved gaiety and pleasure, and gave himself to self-indulgence and debauchery that had in the end, perhaps, much to do with shortening his life. Accordingly he had then, and since he has had, reputation for idleness and neglect of governmental affairs. This is not borne out, however, by study of what he actually did. His more important work of administration and considering of what ought to be done was transacted with small groups of his ministers, especially in the all-important committee of foreign affairs. More and more it was coming to be that while a vast amount of administration and especially routine business, some of it necessary and weighty enough, was attended to in the privy council, yet diplomacy, state affairs, and general policy—especially first consideration of secret matters and the real decision, which must engross the head of the government—were attended to elsewhere. Nevertheless, Charles II often attended the privy council, far more frequently than had James I, and much more on the whole than his father. In 1665, Pepys, speaking of Charles says, “very constant he is at the council table on council-days; which his predecessors, it seems, very rarely did.”¹⁰³

In June and July 1660 there were twenty-four meetings of the council, to seventeen of which the king came.¹⁰⁴ He attended all but one of the nine council meetings in October that year.¹⁰⁵ In June 1662 the king was present at five out of eleven meetings.¹⁰⁶ In 1668 Charles was present at all the ten meetings in January, all the eight meetings in February, all the nine meetings in March, all of the ten meetings in April, six of the eight meetings in May—he had not missed a meeting until 22 May that

¹⁰³ *Diary*, 27 February 1664-5

¹⁰⁵ *Ibid.*, lv.

¹⁰⁴ P. C. R., liy.

¹⁰⁶ *Ibid.*, lvi.

year, seven out of the eight meetings in June, all twelve meetings in July, all the nine meetings in August, eleven out of fourteen meetings in September, three of the nine meetings in October, all of the ten meetings in November, all of the eight meetings in December; that is, he came to one hundred and three of the one hundred and fifteen meetings held that year.¹⁰⁷ In March 1673 the king came to five of the seven meetings.¹⁰⁸ In July he attended six of the nine meetings assembled.¹⁰⁹ In November and December he attended all of the eleven meetings.¹¹⁰ During 1678 he came to four of the five meetings in January, all of the six meetings in February, nine of the ten in March, six of the seven in April, all of the six meetings in May, all of the seven meetings in June, six of the seven in July, both of the meetings in August, all the seven meetings in September, five of the eight in October, all thirteen in November, and ten of the eleven in December: or altogether, eighty-one out of eighty-nine times.¹¹¹ It is probable, moreover, that the king was present somewhat more frequently than these tabulations would show, for he may sometimes have been present when his name is not given at the head of the list of those present at a meeting. At a council in August 1660, his name does not occur with the list of those mentioned as present; but in the latter part of the minutes, with respect to a complaint that had just been read, is the note: "Due consideraçon of all w^{ch} premisses being this day taken by this Board (his Ma^{tie} being present in Council) ".¹¹² When it is considered that sometimes, though not usually, Charles II was present at ordinary committees of the council, and that he usually went to meetings of the important foreign committee, it is evident that attending to council business alone engrossed no small

¹⁰⁷ *Ibid.*, lx, lxi.

¹⁰⁸ *Ibid.*, lxiv.

¹⁰⁹ *Ibid.*, lxvi.

¹⁰⁸ *Ibid.*, lxiii.

¹⁰⁹ *Ibid.*

¹¹² *Ibid.*, liv, 22 August 1660.

part of his time. It is probable, indeed, that the council generally expected his presence. "Yesterday in the afternoon & this morning", says Williamson in 1669, "were held extraordinary Councils to dispatch some businesses depending before the Board before his Majesty's departure."¹¹³ In 1673 a certain one wrote: "The King having been abroad this week on the Council days, nothing of moment hath passed there."¹¹⁴

The procedure and conduct of business in the privy council were in accordance with council regulations formerly made. At the beginning of the first volume of the council register for the reign of Charles II were prefixed the old regulations drawn up 20 February 1628, which, with some modifications had been the rules for council procedure throughout the time of Charles I, and which had, in turn, embodied the practice and tradition of the council for a long time before. In the subsequent years of Charles II's time these rules continued largely unaltered.

According to these regulations, during term time the councillors were to sit regularly on Wednesday and Friday afternoons, for the dispatch of suitors, unless more important business of state intervened. When the council was summoned, each councillor was to keep the hour of meeting, or by the time appointed send his excuse if not able to come. Outside of the regular times of assembly the lords were to be summoned to meet in council by order from the lord president or from one of the principal secretaries of state—the office of lord president was not again filled until Shaftesbury was promoted to it in 1679. When as many as three of the lords had gathered in the council chamber, all suitors and attendants were

¹¹³ Journal, 28 August 1669: S. P. D., Charles II, cclxxi.

¹¹⁴ R. Yard to Sir Joseph Williamson, Whitehall, 6 June 1673: S. P. D., Charles II, cccxxxv, part ii.

to leave the chamber or stay out, so that the lords of the council might in privacy prepare their business before the sitting of the council began. On one occasion, in 1922, the author was permitted to visit the cabinet room in Downing Street. He was at once taken out when two members of the cabinet conversing entered unexpectedly through one of the French doors from the garden. The rule about non-members in the council chamber was reinforced by an order of the king in November 1675:¹¹⁵

His Ma^{ty} was pleased this day to command,
That no Person whatsoever be permitted to
stay in the Councill Chamber, when
any three of the Lords of His Ma^{ty} Privy
Councill are there present.

And that no Person whatsoever not being
a Privy Councello^r do presume to come into
the Councill Chamber at the Door that
leads out of the said Councill Chamber
to the Privy Gallery.

Councillors were to enter the council chamber always by coming through the presence chamber, and never by the private way unless they were on particular and secret committees.

Councillors having taken their places were to keep them, particularly when outsiders were called in. When members of the council rose they were to stand uncovered. The sitting begun, the lord president or one of the principal secretaries of state was to inform the council of the reason for the meeting. If the king had sent anything to be considered, or if there was anything requiring dispatch for the public, it was always to be preferred before any private affair. If one of the secretaries had anything to deliver to the council from the king or any other intelligence he was to stand at the upper end of the board. His

¹¹⁵ P. C. R., lxxv, 24 November 1675.

explanation made he must go back to his place. If the day were of ordinary business, then after the lords were seated, all the petitioners should be admitted, each one to deliver his petition kneeling at the upper end of the board, the petition presented each one to withdraw without talking or troubling the council and not return unless called in again.

In all debates at the council secrecy and freedom. Each member to speak with respect to the others. No offence for any advice there given. When a lord spoke to the council he was to rise and stand uncovered—though if he spoke to any one not a councillor he was to be covered. As little d'scourse or repetition as possible. If a matter was decided in council by vote, the councillor lowest in place to speak first. In 1668 this was emphasized by the provision: "the old Rule is ever strictly to be Observed, That the Yongest Councillor do begine, and not to speake a second time, without Leave first Obtayned."¹¹⁶ Decision to be by majority, every councillor having equal voice. When a matter was decided, afterward there was to be no publication by any one concerning particular voices or opinions.

When causes were taken up and parties heard at the council, the lords were by questioning to inform themselves of the truth of the matter, but they were not in the course of the hearing to express an opinion. When the cause had been fully heard the parties must withdraw, and the lords debate the matter in private. If difference of opinion persisted they were to vote severally, if that were called for, the lord president, or in his absence a secretary of state, to take the votes.

When an order of the council was agreed on, the clerk should write it out and read it to the board, for correction of any mistake. Afterwards, when he had drawn up the

¹¹⁶ P. C. R., lx, 12 February 1667-8.

order at large, in a case of importance, before entering the order in the council book and before delivering it to the person concerned, he was to show the draft to the lord president or to one of the secretaries of state, who was to allow it if correct and sign it. When orders of the council went out, in the king's name or otherwise, special care must be taken to see that they were executed by calling for account of them from time to time.

Passes for noblemen or their children to go overseas were to be signed by the king. When the lords of the council granted such license to persons of meaner condition, the pass was to be signed by one of the secretaries, who must previously have made inquiry of the person seeking the pass.

With respect to petitions, the clerk of the council should make a note on each one, showing when it was presented, that the lords might afterwards know how to deal with the various petitioners in order of time and in accordance with other need for dispatch. Consideration to be had for the poorest petitioners, that they be not worn out through long attendance.

At the end of any meeting of the council, the lord president, or in his absence one of the secretaries of state, was to tell the lords what unfinished business remained, and take their resolution what business to bring up first at the next meeting, if no greater affairs intervened.¹¹⁷

In 1672 a regulation provided that five should be a quorum of the council: "And that the proceedings of Our said Council may receive noe delay or Interruption by the Absence of any of the Members thereof, Wee doe hereby declare and Ordaine, That any Five of the said Standing Council shall be a Quorum whereof the said President or Vice-President to be allwaies one." There was no lord president of the council during these years,

* ¹¹⁷ *Ibid.*, liv, fos. i, ii.

nor any vice-president specifically appointed. The regulation provided that if these officials were not present, then the quorum should be four of the council and one other of certain members of the council particularly named.¹¹⁸

The register of the council for this time, as before, contains no record of debates there, except for occasional allusion, but no little information can be had from miscellaneous sources. In June 1660 Charles in a council of twenty-one ordered a committee to prepare a proper message to be sent by him to the house of commons about expediting the act of oblivion and the proclamation to be issued by the king at their request concerning this act, "according to the Consideraçon and debate this day had in the Councell."¹¹⁹ A little later it was ordered: "That the businesse or designe of makeing farthings to be had in debate before the Councell bord on Wednesday 28. June inst."¹²⁰ A few days after, "Upon Serious debate and Consultation this day had at this board concerning the Excise & Customes in his Ma^{ties} Kingdome of Ireland", an order in council was issued to appoint persons to manage the excise and the customs there.¹²¹ According to Burnet, writing later, there was in 1662 a great debate in the council a little before St. Bartholomew's day, about whether the act of uniformity should or should not be carried out at once. Some moved for delay till the next session of parliament. Others were for executing it at once for the most part.¹²²

Probably the debates were often tedious enough. At a council in 1661, Charles and his lord chancellor present,

¹¹⁸ S. P. D., Charles II, cccxv, 27 September 1672.

¹¹⁹ *Ibid.*, iv, 15 June 1660.

¹²⁰ P. C. R., liv, 20 June 1660.

¹²¹ *Ibid.*, 27 June 1660.

¹²² Burnet (*c.d.* Osmund Airy, Oxford, 1897-1900), i. 341.

Clarendon quietly passed over to the king a note written in his usual cramped hand: ¹²³

Will you putt us to deliuer our opinions in this matter this night: it will take much tyme: my L^d Dorchester must be very longe, and my L^d Anglesey as longe, since I præsume they will differ both from ther learning they last published in this place.

Written in his easy flowing script, the king's answer came back:

If those two learned persons could be sent to supper, we might dispatch it now, but by my L^d of Dorchester's face I feare his speech will be long which will be better for a collation then a supper.

It is very probable that important matters of policy and government were generally not debated, or at least not effectively discussed, in the council: they had already been talked over or decided by the king with his more confidential councillors in the committee of foreign affairs or cabinet, and were brought before the council only for announcement and formal approval. In 1672, at a council of the king and twenty, "His Ma^{tie} haveing this day Ordered the Lords & others of his privy Council to attend him in Council, is pleased to Declare" that since the neighboring princes and states were making great preparations for war, and he was preparing to assure the safety of his people, so incurring great charges, which there was no possibility of defraying, "He was necessitated (contrary to his owne Inclinations) Upon these Emergencies, & for the publick safety, at the p^rsent to cause a stop to be made of the payment of any Moneys now being made, or to be brought into his Excheq^r for the space of one Whole yeare." It would appear from the record that there was no debate of this matter.¹²⁴ On

¹²³ *Notes Passed at Privy Council*, p. 50.

¹²⁴ P. C. R., lxiii, 5 January 1671-2.

the other hand late that year, at a meeting of the king and twenty-eight of the council, "It was this day ordered by his Ma^{tie} in Councill, that the R^t Honb^{le} the Earl of Arlington, his Ma^{ties} Principall Sec^{ry} of State, doe forthwith cause his Ma^{ties} Order and declaration, touching the farther stop of all payments of money out of the Excheq^r, untill the first day of May next ensueing, which was this day read and approved at the Board, to be forthwith printed and published."¹²⁵

During the debates, the rule seems to have been, as is the rule in the cabinet now, that there should be no private oral conversation. Evidently, then as now, the members passed written communications, when they wished. This is borne out especially by the body of notes remaining which Clarendon passed to the king during meetings of the privy council and by the notes which Charles passed to him.¹²⁶

The oath of the privy councillor pledged him to secrecy in what the council wished unrevealed; but not only did ordinary affairs not requiring any secrecy come to outsiders' knowledge, but, as formerly, those who took the trouble, especially foreign ambassadors, willing to dispense money and favors, often learned about the highest and most secret matters.

When secrecy was particularly desired the council sat close, that is clerks and all outsiders were excluded, and the councillors were supposed to reveal nothing of what took place. "The only thing that engageth men's thoughts and discourse", a correspondent wrote in 1661, "is the King's marriage, concerning which the Council sat yesterday morn; but all the clarks were commanded out, and all the councillors enjoyed secrecy by the King himself,

¹²⁵ P. C. R., lxiii, 11 December 1672.

¹²⁶ *Notes Which Passed at Meetings of the Privy Council between Charles II and the Earl of Clarendon, 1660-1667, etc.* (Roxburge Club Publications, London, 1896).

both before and after council; but tis generally believed tis concluded for Portugall.”¹²⁷ In 1667 Povey told Pepys that on the ill news of the Dutch being so near at hand, Whitehall was shut up, and the council called and sat close.¹²⁸ And a little later another one told him that the night before the privy council had sat close to determine the king’s answer about peace.¹²⁹ In the record of the meeting of a council of twenty-four in the king’s presence in 1679 is the memorandum: “That this Day the Council entring into private business the Clerks of the Council withdrew.”¹³⁰ In 1679 the earl of Anglesey wrote: “The morning in parliam^t the after noon in very secret Council.”¹³¹

It would seem that the oath of secrecy was often carelessly observed. In May 1679 Charles II is reported to have said that he decided to prorogue parliament without consulting the privy council, because “if he had called his Council to consult this matter something of it would have taken vent and occasioned some sudden rash votes, which by the secrecy were prevented.”¹³² Somewhat later that year Charles told the council he thought it very ill service done him to have the advice and even the very words of those who sat in the council told to their disadvantage, after they had counselled him, properly, as he said.¹³³

Some things were properly known, and others revealed themselves almost as a matter of course in the conduct of council business. In 1673 the vice-chancellor of Oxford writing from that place told Sir Joseph Williamson,

¹²⁷ Francis Newport to Sir Richard Leveson, 30 April 1661: *Sutherland MSS., H. M. C.*, 5th report, appendix, p. 151.

¹²⁸ Pepys, *Diary*, 24 June 1667.

¹²⁹ *Ibid.*, 11 July 1667.

¹³⁰ P. C. R., lxxviii, 29 April 1679.

¹³¹ *Diary*, 29 April 1679: Add. MS. 18730.

¹³² Sir Robert Southwell to the duke of Ormonde, 31 May 1679: *H. M. C., Ormonde MSS.*, new series, iv. 520.

¹³³ Southwell to the duke of Ormonde, 18 October 1679: *ibid.*, p. 545.

clerk of the council, that he understood the business of hackney coaches would be considered at council the following Friday: he wanted it deferred.¹³⁴ In 1680 the writer of a newsletter said, with respect to a controversy between Oxford University and various London booksellers about the printing of certain bibles, that a long debate occurred in the council, but that the business was referred to the common law.¹³⁵

There was no excuse, however, for the publication of some other matters. Pepys always seemed to know what transpired in the council, and later on French ambassadors often had full and accurate accounts. In 1665 a certain one wrote: "High words at the Council Table on Friday last; insomuch that the Lord Treasurer told the Duke of York that he lied; then the Duke told his Majesty that if he would not take my Lord's stick away, he would not come any more to Whitehall."¹³⁶ Much, perhaps, leaked out through writing that was proper enough. In 1673 one of Williamson's correspondents told him that parliament had been prorogued the day before, after a long debate in council whether it should be that or a dissolution.¹³⁷ In 1679 a certain one included in his letter account of a hot debate in the council with regard to a proclamation about parliament: Lord Essex urged the king to issue it; the lord president, the lord chancellor, and the bishop of London opposed.¹³⁸

There were times when parliament sought to obtain information about what had been done in the council. During a debate in the commons in 1674 one of the mem-

¹³⁴ S. P. D., Charles II, cccxxxii, 10 January 1672-3.

¹³⁵ *Le Fleming MSS., H. M. C.*, 12th report, appendix, vii. 165.

¹³⁶ Letter of a lady to the earl of Dorset, 27 September 1665: *De la Warr MSS., H. M. C.*, 4th report, appendix, p. 303.

¹³⁷ T. Derham to Sir Joseph Williamson, 5 November 1673: S. P. D., Charles II, cccxxxvii.

¹³⁸ Charles Hatton to Viscount Hatton, November 1679: *Hatton Correspondence* (Camden Society, new series, xxii), i. 203.

bers said that a privy councillor might be examined by the house of commons, and, without breaking his oath as a councillor, answer.¹³⁹ A little later, however, another one speaking in the house declared: "If a Privy Counsellor be asked, 'who advised the King such things at the Council Table,' he is obliged not to tell you, but generally 'how affairs stand as to the revenue in *Ireland*,' he may be asked."¹⁴⁰

During this period, as in the period preceding, the king's principal officers, like the lord chancellor or the lord keeper, the lord treasurer, the lord privy seal, the officers of the household, and the secretaries of state attended with much regularity, and were to a great extent the efficient part of the council in conciliar work. Sometimes Prince Rupert took great interest in council affairs, and came assiduously to meetings. During 1673 the speaker of the house, not a member of the council frequently attended, and in August was even added to the Irish committæ of the council.¹⁴¹ The secretaries of state, especially that one of them who for the time being was most in the confidence of the king, did a great deal of business in connection with the privy council. This was particularly so in the years from 1660 to 1679 when no lord president was appointed. Through the hands of the secretary passed numerous papers and petitions, which he delivered to the king or to the council, and concerning which he frequently gave directions under command of the king or in accordance with action of the council. Among the secretary's papers for 1666 is a long petition with endorsement on the back: "Read in Council. 3^d Augst 1666 nothing donne."¹⁴² In 1676 the secretary

¹³⁹ Anchitell Grey, *Debates of the House of Commons, from the Year 1657 to the Year 1694* (London, 1763), ii 258.

¹⁴⁰ *Ibid.*, ii. 442.

¹⁴¹ P. C. R., lxiv, 8 August 1673.

¹⁴² S. P. D., Charles II, clxvi.

communicated a certain matter to the king, who ordered that it be brought before him in the council.¹⁴³

Council records were kept much as in the time of Charles I. Notes of the proceedings or memoranda were apparently taken by those present, when and as they wished, and much miscellaneous information concerning council proceedings remains scattered in the manuscripts of various collections. Some notes and many council papers passed through the hands of the secretaries and remained there, and a great deal of information about what was done in the council or concerning what was done in consequence of decisions made in the council remains now in the letter books of the secretaries of state. The formal record of the council meetings, as before, was embodied in the register of the council. Minutes of the meetings were taken by one of the clerks of the council.¹⁴⁴ From these rough minutes was afterward written out the formal fair record now contained in the volumes of the register, a record authoritative and full with respect to attendance, business transacted, and orders or decisions thereupon, but bare with respect to debates, reasons, conflicts, and feelings, and devoid of any information about many of the higher matters, since now the more important things were not being brought before the council until after the real decision about them had been made.

During this period the main factors in the relations between king and council, and between parliament and council, were that the king was constantly giving less of his confidence about important affairs to council, and that

¹⁴³ Sir Joseph Williamson to the bailiffs of Yarmouth: S. P. D., Entry Books, xliii, 2 September 1676.

¹⁴⁴ For example, "Minutes of Privy Council, 1661-1670": Stowe MS. 489, which were taken by Sir Edward Walker, clerk of the council, during those years.

parliament, conscious of increased power, was as constantly striving for more control over executive and administrative work by obtaining more control of the ministers of the king. According to the form of the present then and the fact of the past these ministers had assisted the king largely in his privy council. It was privy council, therefore, which parliament wished more and more in some fashion to control. Parliament was aware that the state affairs were often not managed now in council, and that government was passing to a smaller body, under the king, which opponents stigmatized as "the committee," the cabal, or the cabinet. To parliament this appeared as a temporary aberration only, an abuse of the proper practice which ought to be restored and strengthened. Accordingly, during this time there was—as there was more of it later on—some attempt by parliament to insist that council business should be transacted in the privy council, and then to hold privy councillors accountable to parliament for that which they did.

Andrew Marvell in one of his poems satirized the king and his council: ¹⁴⁵

I'll have a council shall sit always still,
And give me a licence to do what I will.

But register and state papers make it evident that Charles II not only attended the council with great regularity, but spent much time working both with the select body of advisers in his cabinet or foreign committee, and in the larger body of his privy or general council. In 1667 Sir Joseph Williamson noted the petition of certain late farmers of the excise to the council "where the King is pleased now to doe all his businesse of all kineds." ¹⁴⁶

¹⁴⁵ Marvell, "Royal Resolutions", *Works* (London, 1776), iii. 343.

¹⁴⁶ Sir Joseph Williamson's Journal, 26 September 1667: S.P.D., Charles II, ccxxxi. 59.

In Clarendon's opinion, the privy council, next to the king, was the most sacred body in England, and of greatest authority. No king could so well support his own prerogative as by upholding the dignity of the council. The greatest office in the realm did not in itself entitle a man to be of the council, for by the constitution of the kingdom and by the laws and custom of the nation, every member of the council was the choice of the king, and must be sworn of the council itself.¹⁴⁷ From the first, however, it was evident that Charles II was disposed to take from the privy council much of actual management and real decision, as Charles I had done.

In 1665 Sir George Downing proposed an amendment to the bill of supply, by which parliament would make appropriation for a particular purpose. The king considered this matter secretly with a few. Then it was debated before a private gathering at Clarendon's house, where Downing was present. Here, Clarendon says, he upbraided Downing severely for presuming to propose a design that concerned the whole fabric of the exchequer, in which he was an inferior officer—one of the tellers, without first communicating it to his superiors, and receiving their advice thereupon. He told Downing "it was impossible for the king to be well served, whilst fellows of his condition were admitted to speak as much as they had a mind to; and that in the best times such presumptions had been punished with imprisonment by the lords of the council, without the king's taking notice of it." He says, however, that some of the king's advisers took this amiss saying that so the king would know nothing of his own nearest concerns but what his chief ministers thought fit to tell him.¹⁴⁸

¹⁴⁷ Clarendon, *Life and Continuation*, ii. 297.

¹⁴⁸ *Ibid.*, pp. 230, 231.

Clarendon himself had done not a little to diminish the importance of the council. Apparently he thought it right enough for the king to be advised by a small number of confidants, provided they were of the privy council, whether they sat in council or not. During much of this time it was at his house that the foreign committee, or cabinet met. Moreover, in meetings of the privy council itself Clarendon quietly did important business with the king, while sometimes he urged Charles to withhold matters of moment from the body of the council. In 1661 at a session of the council, apparently during routine to which he was paying little attention, the king passed him a note saying they must meet in private about Ireland. The lord chancellor scrawled his reply:¹⁴⁹

I thinke I shall in the businesse of Irelande tell you what is to be done as to the government: and if you please to walke one turn in the gallery after councell, you will be able the better to præpare for to morrow.
The king answered:

I will.

Next year the following notes were exchanged:¹⁵⁰

King: The secretary has a letter from my L^d Retherford which takes notice of the rumore of parting with Dunkerke, and desires to know the truth of it, What answer is to be giuen?

Chancellor: That the Secretary nether knowes or believes any such thinge—but I would be glad to speake with you upon this argument, that it may be resolued how farr to communicate it, at the next Councell, which is Friday.

¹⁴⁹ *Notes Passed at Privy Council*, p. 33.

¹⁵⁰ *Ibid.*, p. 71.

What Clarendon did with the king was done also by others. There had indeed, in the time of Charles I, of James I, even of Elizabeth, been much tendency to conduct important affairs apart from the council. During all that period the tendency had gone on increasing. James I had reserved much to himself or else deliberated upon it with a favorite or with a few most trusted councillors, while Charles I had steadily transacted his most important concerns in first instance in the committee of the privy council for foreign affairs, which men were calling *junto* or cabinet council. Now after the restoration this tendency went on apace, Charles II's own inclinations readily lending themselves to government by cabinet or cabal, and the size of the council almost requiring such a device. The privy council continued to be busied with a vast number of affairs; much of the business transacted there was necessary and important; and the important things were finally sanctioned in the council even though they had been decided in some smaller group. None the less, men noticed gradually more and more that real grasp of affairs was passing from the council, and it was said that in many cases the body of the council not only lacked power but was even ignorant of what was intended. In 1667 Thomas Povey, well informed about affairs around Whitehall, gave his impressions to Pepys: "He do assure me, from the mouth of some Privy-councillors, that at this day the Privy-council in general do know no more what the state of the kingdom as to peace and war is, than he or I; nor knows who manages it, nor upon whom it depends."¹⁵¹ In 1678 there was an angry debate in the commons on the king's cabal. One speaker declared the privy council now signified little except for examining the miscarriages of some non-conformist minister or

¹⁵¹ Pepys, *Diary*, 24 June 1667.

some justice of the peace; business of state was in the hands of three or four persons.¹⁵² The power of the privy council was also weakened, as doubtless often before, by desire of councillors to curry favor with the king. In 1663 Sir Thomas Crew told Pepys that if any of the sober councillors gave Charles good advice, and tried to persuade him to anything to his honor and good, the others, that were his councillors of pleasure, worked upon him when he was with Lady Castlemaine and in a humor of delight, and persuaded him he ought not to listen to those old dotards that were once his enemies, "when, God knows! it is they that now-a-days do most study his honour."¹⁵³

After the first rejoicing that followed the restoration of Charles II, amidst increasing discontent with the king's foreign and religious policy, and because of much obvious mismanagement of things, parliament became more and more critical of the king and his council. For some time the indignation resultant fell mostly upon the council, since the maxim was that "the King can doe noe wrong though his Counsell may."¹⁵⁴ More and more in parliament was the work of the council suspected or condemned. There was growing desire that the council should more completely manage the government and at the same time be more under parliament's control. During the debate on the king's speech, in October 1673, privy councillors were attacked in the commons with fury, "being termed villanous Councillors." It was said that they who had spoken in council in favor of the declaration of indulgence—the earl of Anglesey and the duke of Lauderdale, perhaps—had been rewarded with rich preferment after

¹⁵² *The Camden Miscellany* (i): *Diary of Dr. Edward Lake* (Camden Society, xxxix), pp. 27, 28.

¹⁵³ Pepys, *Diary*, 15 May 1663.

¹⁵⁴ S. P. D., Charles II, cccxciii, 21 May 1677.

parliament adjourned.¹⁵⁵ Councillors sheltered themselves behind the king's prerogative, and pleaded that they merely gave obedience and advice. In the house of commons in 1677 Secretary Coventry said: "he is of opinion, that the King is not obliged to follow either his Privy Council, or Parliament, if his opinion and reason be against it."¹⁵⁶

¹⁵⁵ Letter of Sir Christopher Musgrave to Sir Joseph Williamson, 3 November 1673: *Letters Addressed from London to Sir Joseph Williamson, etc.*, ii (Camden Society, new series, ix), p. 59.

¹⁵⁶ Grey, *Debates*, iv. 385.

