

## CHAPTER XVI

### THE CRISIS IN THE HISTORY OF THE PRIVY COUNCIL

THE history of the privy council during the seventeenth century, and afterwards throughout the eighteenth, is a record of decline and diminution of power. In the time of Elizabeth the government of England, under the sovereign, was mostly in the privy council. This continued under James I, though that monarch often withheld for himself or for consideration by a favorite or a few confidants the more important affairs of the state, as, indeed, Elizabeth and others sometimes had done. Furthermore, increasingly apparent was a new tendency for the more weighty affairs to be dealt with effectively in an important committee of the council, so that in reality a few of the members or a smaller body began largely to supersede the privy council. What was only beginning in the latter part of the reign of James I continued steadily during the reign of his son. In the time of Charles I a committee of the privy council so far superseded the council in real direction of policy and high state affairs, that this is truly the period of the origin of the cabinet council.

After 1640 the privy council and all its committees declined along with the crown. The privy council, first shorn of some of its powers and deprived of Star Chamber, through which councillors had been wont to enforce decrees which they issued in council, disintegrated, and disappeared about 1645. Thereafter, until 1660, there was no privy council of the king in England. Almost at once parliament set up a conciliar body, which was followed by various others, to replace privy council. All of

the new bodies were made as thoroughly dependent on parliament as could be done. After a while, though no king could yet be accepted, the executive was made more as in the earlier times, and, presently, under the protectorate there was a privy council again. The fall of the protectorate brought back councils of state, as under the commonwealth preceding; and one of these councils was the only government of England in the weeks between the final dissolution of Long Parliament and the assembling of the Convention Parliament that called back the king. The restoration of Charles II brought the king's privy council again.

The privy council of 1660 had the position of the council in 1641, when the Long Parliament had lessened its power. Except for the diminution of its functions then made by statute, it might seem to hold now the high estate of Elizabeth or James I's council. It was the council of the sovereign, to many people the most august and useful body in England, less important, indeed, than parliament had come to be, but actually carrying on far more of the business of government than parliament did, and more constantly affecting the people of England.

Actually, however, the council did not regain its old high position, and after events would prove that it could not. What Charles I had begun Charles II readily carried on farther. The generality of men might believe that the king's privy council was the instrument through which the monarch governed his kingdom, and they might give it reverence as a most august body in the realm. To the well-informed and to those about court it was evident, however, that the council had imposing exterior and the shadow of greatness rather than reality of power. Men knew that Charles's greater affairs were considered first of all with some few of his most trusted councillors, and often decided before ever they were brought before the

body of the council. Some thought this desirable or not to be avoided, since the council was too large for the ready handling of important matters and for certain preservation of secrecy in managing foreign affairs. Some, perhaps, saw in the development no more than growth, out of the large privy council, of a small new effective council, even as the privy council—so antiquaries said—had emerged from councils preceding.

Most men, perhaps, who knew of the decay of the privy council had regret. Often they ascribed the mismanagement and failures of the period to the king not managing his government in the good old way, with the help of his council. The new, smaller, secret body, of which they were darkly aware, they stigmatized with names of dislike or contempt, and they believed that supersession of privy council by cabinet or cabal made possible intrigues and machinations by evil councillors at court.

All through the latter half of the seventeenth century parliament was attempting to enlarge the victory it had gained through the fall of Charles I and the triumphs of Cromwell. Too radical revolution and subsequent oppression of the majority had, indeed, been followed by large revulsion. Wild enthusiasm welcomed Charles II. The parliament, which was shortly called by royal proclamation, expressed boundless loyalty and wish to gratify the monarch restored. But it was from the first evident that conditions were not as they had been. King was less powerful than in 1638, and parliament far greater than it had been before the civil wars. After a brief time admiration and affection were cooler, and tendency to be critical and observant came with failures and maladministration. So, the contest between parliament and king was shortly resumed, and fought out steadily year after year. Parliament strove to win more than had been ob-

tained; after a while the king sought to regain some of what had been taken from the crown.

There were many vicissitudes. Opposition, sometimes sullen, sometimes violent, increased. In 1681 the supporters of the king and parliament's faction were again at the brink of civil war. The king felt it safer to call the parliament to assemble in Oxford, and then he suddenly dissolved it. For a while there was great reaction in favor of the king, and Charles II, after able and unscrupulous management, died with much regained of that which his father had lost. Then the rash but honest James II flung aside the crown's advantage, rousing his subjects to the support of parliament in the only way that this was possible, by entangling Protestant England, so it seemed, in the last great effort of the Catholic Counter-Reformation. Again the king was overthrown and the triumph of parliament was finally and surely complete. After the Revolution of 1688, the ascendancy of parliament was confirmed by the Bill of Rights (1689) and afterwards by the Act of Settlement (1701), and effectiveness was given to the ascendancy acknowledged thus by statutes and procedures immediately put into effect. By the end of the seventeenth century parliament was as certainly the foremost power in the realm, as the crown had been when that century began.

During the process of this struggle, in the second half of the seventeenth century, parliament attacked not so much the king as the king's council. In 1688, as in 1640, evil counsellors were blamed, and in the time intervening it was wrongful or malign counsel given to the crown that was censured. During this time, as so often before when parliament's pretensions waxed high and leaders of parliament sought larger control, it was the council which they would make more obedient and answerable to them. After 1660, when all power of taxation was under con-

trol of parliament, it was increasingly necessary for the king through ministers or members of his council to try to please parliament or answer parliament's complaints. When things went wrong ministers were attacked for advice they had given to the king. Sometimes they were impugned for what had been done in privy council; but the commons were more and more aware that what they condemned most was apt to have taken place in that committee of the king's most trusted councillors which outsiders called cabinet or cabal. Relatively speaking, the privy council was well understood, and parliament might, perhaps, hope for increasing authority over its members. The cabinet or committee of foreign affairs, seemed as yet a mysterious but powerful body, too elusive and too much removed for parliament to make its authority felt. Hence, in the course of its further rise, parliament trying to assert ascendancy or control over the privy council, at the same time strove to retard the evident decline of the council resultant from transference of power to the foreign committee. Parliament wished to restore the council's earlier greatness, make certain that council business, however important, would be transacted in the privy council, compel the privy councillors to sign all their orders, then hold the privy council responsible to parliament itself.

In the second half of the seventeenth century parliament was striving to accomplish with the privy council something of what it finally brought about in the case of the cabinet council. In this effort it failed because the means were not yet clearly understood and the devices not fully worked out—political parties were thought of as factions, and "government" in parliament and council offset by "opposition" in parliament scarcely yet comprehended. It failed also because it could not maintain the real power of the council, and so by controlling the

council win indirect control and ascendancy over the executive organs. During the eighteenth century much, though not all, of this control was obtained in respect of the cabinet council.

A crisis came in 1679, when parliament's leaders were able to wring from Charles II a reform of the privy council which appeared very thorough then, and which might have restored the power of the council had that been possible by any reform. In 1679 Charles remade his privy council partly in accordance with what he thought were the wishes of the majority in the house of commons; he promised to limit the number of the council thereafter to what was considered the proper size; he promised that council business would be done in his privy council; and he promised that he would not have cabinet councils in the future.

The importance of this change has seldom been enough understood, as the importance of the Revolution of 1688 has sometimes been rated too high. That revolution was successful, its results, important enough, were celebrated again and again, and rendered more brilliant and enduringly famous by one who made his story an epic. But the attempt to reform the privy council was followed by failure speedy and complete. It soon ceased to recall the attention of those who had seen the experiment made; and afterwards it was remembered only as an incident by historians of the contest between Charles II and those who opposed him.

Yet, had success attended the reform of the privy council as it seemed to be planned and as Charles II announced it, there might have been no revolution of 1688, and the whole course of English constitutional development might have been anticipated and sooner carried forward. It was not, indeed, important whether a privy council, which had once handled so much of the executive business

of the kingdom, should be brought in close association and coöperation with parliament, or whether, as actually happened, this same thing should come about in respect of parliament and a cabinet council that had largely superseded the privy council. What was slowly worked out in Great Britain after 1714, however—taking over from the crown administration and execution by a group of ministers forming a council, they rendered more and more the servants of parliament, and acting largely in coöperation with parliament—that might have been developed in the latter part of the seventeenth century, had Charles II needed to keep his promise thereafter to transact government in the privy council which should to some extent represent the wishes of parliament's leaders and important interests in the kingdom.

Account of this episode makes an intricate and difficult story, some aspects of which may never be settled completely. It is not that evidence is scanty; a store of information remains. Yet in the midst of this abundance nothing appears to answer some of the most crucial questions. One cannot do more than state approximately and with some conjecture who were the authors of the plan and what were the authors' intentions. The constitutional development is entangled with political machinations and courtiers' intrigues.

For many years after the waning of the first great joy that followed the restoration, Charles II declined in the estimation of many who were interested in government affairs. This was partly from increase of difficulties for which Charles was not entirely to blame. It came partly from his carelessness and love of pleasure. It arose more from his cherishing a foreign policy which many of his subjects instinctively opposed. It followed also because so far as he could he supported a religious policy which the mass of his subjects hated and feared.

In 1667, after the disasters of the Second Dutch War Pepys noted the unpopularity of the king: "Here a prince, come in with all the love and prayers and good liking of his people, who have given greater signs of loyalty and willingness to serve him with their estates than ever was done by any people, hath lost all so soon, that it is a miracle what way a man could devise to lose so much in so little time."<sup>1</sup> In 1670 the king and a small group of his most trusted councillors entered into the secret treaty of Dover with France, and two years later England began to assist France in an attempt to crush the Dutch Netherlands. From this contest, the Third Dutch War, after great efforts and small success, Charles was forced to withdraw by rising fear of France among his subjects, and increasing dread among them that danger threatened their Protestant religion. Meanwhile, in 1672, Charles acknowledged his bankruptcy by resorting to the stop of the exchequer. Thereafter he sought to eke out insufficient income by beseeching an unruly house of commons to grant him supplies or else by persuading Louis XIV to give him secret subsidy, while Louis was secretly paying members of parliament to maintain opposition to their monarch. In 1669 Charles had revealed to his brother and a few of his councillors that he wished to embrace Catholicism and set it up again in England. In 1672, after making decision in the committee of foreign affairs, he issued from his privy council the declaration of indulgence, which his subjects regarded mostly as an attempt to favor the Roman Catholics in England, and which he had to rescind a few months later. The victorious opposition now proceeded to pass the Test Act, designed to make it impossible for one not of the Church of England to hold any office in the government save that of the king—which was to be the object of

<sup>1</sup> *Diary*, 12 July 1667.



later, more bitter attacks. Charles did, indeed, change his religious policy then, at least for the time, and such policy was not resumed until in the next reign it cost his brother the throne. But a vast amount of prejudice and fanatical opposition had now been aroused, and for some years opposition to the king increased. In 1678 Titus Oates and Dr. Tongue declared that a monstrous "Popish Plot" threatened the safety of king and of church. A wave of fury and religious prejudice now bade fair to engulf the throne. Charles yielded fully and completely until the storm passed, but for a moment the crisis seemed desperate. Afterwards a supporter wrote: "It is very certain that never was a Court seen of such a composition, and a melancholy sight for a true good subject to see, and even in the bed chamber of Lords and Grooms there were but very few that the King could confide in." <sup>2</sup>

For some time parliament had been attacking the king's policy and actions through his councillors. This culminated in the impeachment and threatened attainder of Danby, lord treasurer, in 1678-9. Thence it proceeded to attack ministers who transacted privately with the king business which, as was said, should have been done in privy council, where councillors should be responsible for it. In May 1678, during a debate in the house of commons, members asserted that the difficulties of the kingdom arose from the king acting on the advice of private ministers, that a cabinet had brought the nation into trouble, that a cabal was not established by law, that evil ministers should be removed.<sup>3</sup> In December of that year, during the debate about the choice of a speaker, a member said: "I have observed that, of late, those things of the greatest moment are done without any Council at all;

<sup>2</sup> *Memoirs of Thomas, Earl of Ailesbury* (Roxburghe Club, 1895), i. 37, 38.

<sup>3</sup> S. P. D., Charles II, ccccciii, 7 May 1678.

done in a corner. As for the Prorogation and the Dissolution of the last Parliament, there was not one word of the advice of the Privy Council in it. I fear no advice was asked." <sup>4</sup>

For some years there had been talk of so changing the administration that parliament and the nation might trust it, and discontent be allayed. At a meeting of the council in 1665, gossip said, there were high words: "there was some others spoke, and desired the Treasury might be divided into 3 parts, and that 3 should manage it, one Lord and two Commoners; and if it might be so, when the Parliament sits they would raise the King what money he pleased." <sup>5</sup> In 1668 Pepys heard that there had been a scheme for putting out some of the council to make room for some members of the house of commons opposed to the king, and so please them; but that the project had been abandoned, since it might displease others not provided for and so raise up new opponents. <sup>6</sup> About this time, however, various standing committees of the council were appointed, and regulation made of their work along with that of the council. <sup>7</sup>

At this time opposition to the king was very great, his position was difficult, and his reliance on his council less than it had been. "The great Intrest that is now driven on in this Kingdome is by the Duke of Buckingham, who heads the Fanaticks and guided by their Councells, the K: complies w<sup>th</sup> him out of feare . . . In the meane time the K: destitute of Councell is iealous of all men that speake to him of businesse." <sup>8</sup> In 1673 Charles being in

<sup>4</sup> Grey, *Debates*, vi. 408.

<sup>5</sup> Letter of a lady to the earl of Dorset, 27 September 1665: *De la Warr MSS., H. M. C.*, 4th report, appendix, p. 303.

<sup>6</sup> *Diary*, 5 January 1667-8.

<sup>7</sup> S. P. D., Charles II, ccliii, 31 January 1667-8.

<sup>8</sup> Viscount Conway to Sir J. Finch, February (?) 1668: *ibid.*, ccxxxv. 222.

further perplexity because of the Third Dutch War and the storm over his Declaration of Indulgence, a correspondent wrote: "The town talkes of great changes to bee amongst Our Ministers and in the Councill, but noe considerable reasons occurre to mee to make mee to give much credit to these discourses."<sup>9</sup> Opposition and confusion increased. In 1675, according to the account which Sir William Temple afterwards wrote, Shaftesbury, angry because of his fall from the high position he had had at court, ceased not, in parliament and in the city, to condemn the conduct of the ministry, and to censure the court, blaming its partiality for France. Lord Arlington was jealous of the growth of the influence of the lord treasurer, Danby, and the decline of his own. He encouraged the commons not to give the king money while the lord treasurer remained in power. He was urging the king to recall the English troops in French service, though a greater number were abroad in the service of the Dutch.<sup>10</sup>

With many vicissitudes opposition continued and increased. In 1678 came the "Popish Plot," then the dissolution of the Cavalier or second Long Parliament, then in 1679 the fall of Danby under the attacks of the new parliament. Early in January 1679 Barillon wrote back to his master that the king of England had begged for assistance from France, saying that he would refuse no conditions.<sup>11</sup> About this time Sir William Temple, who had been negotiating the Treaty of Nymwegen, was recalled by Charles. "I never," he says, "saw any man

<sup>9</sup> William Bridgman to Sir Joseph Williamson, 11 July 1673: *ibid.*, ccxxxvi, part i.

<sup>10</sup> Sir William Temple, *Memoirs, Works* (London, 1814), ii. 316, 317.

<sup>11</sup> "Il m'assura que Vostre Majesté pouvoit luy prescrire telles conditions quil luy plairroit, et quil ne refuseroit riens de ce quelle croiroit raisonnable." Barillon to Louis XIV, London, 12 January 1679 (N. S.): Transcripts from Paris (Baschet), xl.

more sensible of the miserable condition of his affairs, than I found his Majesty upon many discourses with him . . . he told me, he had none left, with whom he could so much as speak of them in confidence, since my Lord Treasurer's being gone. And this gave, I suppose, his Majesty the occasion of entering into more confidence with me, than I could deserve or expect."<sup>12</sup> The preceding parliament had been dissolved after negotiations in which Charles and Danby had tried to come to an understanding with the dissenters.<sup>13</sup> Yet in the newly elected parliament the court could count certainly on no more than thirty members, so sweeping was the opposition's triumph. Temple says that from the disposition that appeared in both electors and elected it was easy to presage in what temper the houses would probably meet.<sup>14</sup> The worst anticipations were confirmed when parliament assembled. Each day it grew more violent, and it soon seemed that the king must dissolve this parliament also. However, so little authority now remained in the crown that it appeared too dangerous to dissolve it and try to get on without parliament until "the present humours might cool."<sup>15</sup>

For the moment Charles bowed to the storm completely, humbling himself before the opposition and striving to attach some of the most dangerous opponents to his cause. On Danby's advice the duke of York was sent abroad, where he watched the succeeding events in an agony of fear and suspicion. Shaftesbury was the greatest and most feared of the king's opponent's and him it was

<sup>12</sup> *Memoirs*, pp. 506, 507.

<sup>13</sup> "La Cassation du Parlement a esté une suite de la negociation que Mr le grand Tresorier avoit commancée avec les presbiteriens. Milord Hollis m'a consulté et m'a fait sçavoir toutes les offres que la cour leur faisoit." Barillon to the king of France, 9 February 1679 (N. S.): Transcripts from Paris (Baschet), xl.

<sup>14</sup> *Memoirs*, p. 491.

<sup>15</sup> *Ibid.*, pp. 507, 508.

hard to appease. But some of the more moderate of the opposition and their connections were won, and through them the way was paved for larger changes to follow. The earl of Sunderland, nephew of Lady Shaftesbury, who liked Shaftesbury and held him in awe, was recalled from the embassy in Paris and made secretary of state in Sir Joseph Williamson's place. The earl of Essex, not irreconcilable, yet one of Shaftesbury's best friends, was made first commissioner of the treasury, from which Danby had been cast down.<sup>16</sup> Thus by the beginning of 1679, Charles II was trying to make concessions in time, and king and leaders of the opposition were drawing a little together.<sup>17</sup> In March 1679 the duke of York, then in Brussels, already knew that further action was intended. Writing to the earl of Dartmouth about the efforts of his friends to bring him back to England, he says: "but of this I shall say no more till I hear how things go where you are upon the Alteration you tell me is like to be."<sup>18</sup>

Temple, whose account of all these transactions is the most pretentious, says that Shaftesbury, Essex, and Halifax had entered into close understanding with the duke of Monmouth, resolving to make use of his credit—which was still large with the king—and to support it by their own in parliament.<sup>19</sup> According to him, Danby was removed by the influence of the Duchess of Portsmouth, Monmouth, and Essex who was then greatly in the

<sup>16</sup> "The King certainly inclines not to be so stiff as formerly in advancing only those that exalt *Prerogative*; but the Earl of Essex, and some others that are coming into play thereupon, cannot avoid being suspected of having intentions different from what they have hitherto professed." Algernon Sydney to Henry Savile, 7/17 April 1679: *Letters* (London, 1742), pp. 24, 25.

<sup>17</sup> W. D. Christie, *Life of Shaftesbury* (London, 1871), ii. 320; Richard Lodge, *The History of England from the Restoration to the Death of William III. (1660-1702)* (London 1910), p. 159.

<sup>18</sup> Letter of 28 March 1679: Add. MS. 18447, fo. 2.

<sup>19</sup> *Memoirs*, p. 491.

confidence of Sunderland and Monmouth. The four of them, thereupon, resolved to bring Shaftesbury again to the court.<sup>20</sup> Much about what then took place will, in all probability, never be known. It appears that Charles II presently determined to attach Shaftesbury and others to his side for the time being by making any sacrifices that were required. He would reorganize his ministry and council to include the leaders of the opposition—and thus try to end their attacks for the moment; and he would reorganize his council and change the methods of conducting business so as to meet his opponents' wishes.<sup>21</sup> It was of this impending reform of the privy council, probably, that James had heard in his exile.

In April 1679 the French ambassador wrote back to his government that Shaftesbury, Halifax, and the other opposition leaders were beginning to show good intentions to the king, who was also making advances, and appeared willing to follow their advice. What the outcome would be those best informed professed not to know.<sup>22</sup> He also said, however: "I am informed that a secret negotiation has been going on for some days between the principal chiefs of the parliamentary debates and the King of England, as to an entire change in the Privy Council and the direction of finance, and as to placing the highest offices and administration of affairs in the hands of those who have been hitherto the most

<sup>20</sup> *Memoirs*, p. 507.

<sup>21</sup> The comments of two of the older critics are interesting. "At last the king was prevailed on to dismiss the whole council, which was all made up of lord Danby's creatures, and the chief men of both houses were brought into it." Burnet (ed. Airy), ii. 209. "The king, hoping to gain a better humour, had done some considerable things, as sending away the Duke of York, offering expedients and, with others, reforming the privy council." Roger North, *Lives of the Norths* (ed. Augustus Jessopp, London, 1890), i. 234.

<sup>22</sup> Letter of 17 April 1679: Transcripts from Paris (Baschet), xl.

opposed to the Court. These promise that the King shall have enough money for the needs of state and for his private wants . . . I think I know that this business is apparently in the way of settlement.<sup>23</sup>

A few days after, the privy council which, with some alterations and additions, had served Charles II since his restoration, was called together for a meeting as often before. The king and eighteen were present. Ordinary business was transacted. A petition of William Penn was read, asking for return of certain of his papers: ordered that this be done. On petition passes were granted to a man and a woman to go into Germany, they to enter into bond of £500 each not to go to Rome and to enter no seminary abroad. A petition asking leave to begin suit at law against one of the king's officers was read and referred. Other passes were granted. A petition of the inhabitants of Jersey concerning decay of trade there was ordered to be heard at the first council meeting in May. Recommendations in a report from the committee of trade about certain negro slaves of Tobago were accepted, and ordered carried out. The petition of a certain one to be a maundy man: granted. The committee of trade reported it had prepared Lord Culpepper's commission, his majesty's instructions, and certain acts: the secretary of state ordered to dispatch them. On report of the committee of trade and plantations the king ordered a hundred and fifty barrels of gunpowder to be sent to Virginia.<sup>24</sup> Many of those present knew it not, perhaps, but this was the last meeting of that privy council to be held. With this record the volume of the register abruptly ends.

<sup>23</sup> Despatch of 17 April 1679, as translated in Christie, *Life of Shaftesbury*, ii. 326, 327.

<sup>24</sup> P. C. R., lxxvii, 16 April 1679.

In January 1679 the privy council had contained forty-seven members, including the two princes of the blood:

The duke of York

Prince Rupert

The archbishop of Canterbury

lord chancellor

lord high treasurer

lord privy seal

duke of Albemarle

duke of Monmouth

duke of Newcastle

duke of Lauderdale

lord steward

lord president of Wales

Lord Finch

earl of Danby

earl of Anglesey

duke of Ormonde

marquis of Worcester

marquis of Dorchester

earl of Ossory

lord chamberlain

earl of Lindsey

lord chamberlain of the  
household

earl of Arlington

earl of Oxford

earl of Salisbury

earl of Bridgewater

earl of Northampton

earl of Peterborough

earl of Strafford

earl of Sunderland

earl of St. Albans

earl of Clarendon

earl of Essex

earl of Bath

earl of Carlisle

earl of Craven

earl of Aylesbury



chancellor of Scotland	earl of Rothes
earl of Carbery	
earl of Orrery	
earl of Fauconberg	
treasurer of the king's household	Viscount Newport
bishop of London	
bishop of Winchester	
bishop of Durham	
Lord Berkeley	
comptroller of the king's household	Lord Maynard
vice chamberlain of the king's household	Sir George Carteret
secretary of state	Henry Coventry
secretary of state	Sir Joseph William- son
chancellor of the exchequer	Sir John Ernle
master of the ordnance	Sir Thomas Chiche- ley
Sir John Duncombe	
Edward Seymour <sup>25</sup>	

The next day, 20 April, Easter Sunday, the earl of Anglesey, according to his diary, attended the king at Whitehall, where Charles received the sacrament. That afternoon all the councillors being summoned, the privy council was dissolved and a new one constituted.<sup>26</sup> The new volume of the privy council register begins: "His Ma<sup>ty</sup> haveing Caused the Privy Council to meete Yesterday Extraord: was then pleased to Order the Lord Chan-

<sup>25</sup> P. C. R., lxvii, fos. i, ii.

<sup>26</sup> Diary of the earl of Anglesey, 20 April 1679: Add. MS. 18730. "The King on Easter Day dissolved his Privy Council." Sir Cyril Wyche to the duke of Ormonde, London, 22 April 1679: *H. M. C., Ormonde MSS.*, new series, v. 58.

cellour of England to Read to them the following Declaration." 27

The king had called them together to communicate "a Resolution Hee hath taken in a matter of Great Importance to His Crowne & Government." He hoped it would give greatest satisfaction to his kingdom in all matters domestic and foreign. He did not doubt their approbation, however they themselves might be concerned. He thanked them for past service and advice. But the large number of the council had made it unfit for the secrecy and the despatch that were needed in great affairs.

This forced Him to use a smaller Number of You in a forreigne Committee, and sometimes the Advices of some few among them, (upon such occations) for many yeares past. Hee is sorry for the ill success he has found in this Course, and sensible of the ill posture of affaires from that, and, some unhappy accidents w<sup>ch</sup> have raised great jealousyes & dissatisfaction among His Good Subjects, & thereby left the Crowne & Government in a Condition too weake for those dangers, wee have reason to feare both at home & abroad.

The king hoped that wise and steady councils might prevent all this for the future. Therefore he would lay aside small and secret bodies, and would constitute such a privy council as might by its numbers be fit for all business, foreign and domestic. He would choose the members of this council from the several parts of the state: those best informed about it, and so best able to counsel him in matters affecting the crown. By the constant advice of this council his majesty would govern his kingdom, along with the frequent use of parliaments, "w<sup>ch</sup> he takes to be the true Auncient Constitution of this State & Government."

<sup>27</sup> P. C. R., lxxviii, 21 April 1679.

For the larger dignity of the council the number would with a few exceptions, be limited to thirty. For their greater authority fifteen members should be chief officers of the king, "who shall be Privy Councillours by their Places." Ten members were to be chosen from the several ranks of the nobility. Five were to be commoners of the realm "whose knowne Abilities, Interest, and Esteeme in the Nation, shall render them without all suspicion of either mistakeing, or betraying the True Interests of the Kingdome, and consequently of Adviseing Him ill."<sup>28</sup>

To some extent—and this seemed evident to contemporaries—members of the new council were to be grouped in pairs.<sup>29</sup> As the lord chancellor read the plan there were to be two for the church—the archbishop of Canterbury and the bishop of London: two to inform the king well about what concerned the law—the lord chancellor and one of the chief justices; for the navy and the stores, the admiral and the master of the ordnance; for the treasury, the lord treasurer and the chancellor of the exchequer. The other officers of the king in the council were to be lord privy seal, master of the horse, lord steward, lord chamberlain, groom of the stole, and the two secretaries of

<sup>28</sup> *Ibid.*

<sup>29</sup> "The K Made a New Model of his Councill, & took in all the discontents. Shaftsbury was p<sup>r</sup>sident, & the rest were by two's. viz: 2. of the Comons. 1<sup>d</sup> Russel. & H. powel. 2. peers 2. lawyers. &c. whereof the 1<sup>d</sup> ch. Just. North was one." Lord Keeper Guilford, "Memoranda Historica", Add. MS. 32520, fo. 251. "Fifteen of these are to be as many of the great officers of the Crown; ten noblemen (two of each order) and five commoners." The members were to be lord president, lord chancellor, lord treasurer, lord steward, lord privy seal, lord chamberlain, groom of the stole, chancellor of the exchequer, master of the ordnance, master of the horse, two secretaries of state, archbishop of Canterbury, bishop of London, one of the lord chief justices, and the secretary of Scotland—if the king pleased; two dukes, two marquises, two earls, two viscounts, two barons; and five commoners. Sir Cyril Wyche to the duke of Ormonde, London, 22 April 1679: *Ormonde MSS.*, new series, v. 58.

state. To these offices "the Dignity of a Privy councillor, shall be annexed."

The other members of the council the king had chosen as he wished: he hoped not ill. There were to be, furthermore, such princes of the blood, being at court, as the king should at any time call to the board, a president of the council, and a secretary of Scotland, when one should be at hand. These latter the king did not reckon as of the number prescribed for his council. In any other respect the number of thirty would not be exceeded.

Accordingly, the present council, which had heard the king's pleasure, was dissolved. Let those present who were named of the new council attend the king at nine o'clock next morning. To members not present, letters already signed would be sent.<sup>30</sup>

The members of the new council were: <sup>31</sup>

- |                               |                     |
|-------------------------------|---------------------|
| *Prince Rupert                |                     |
| *The archbishop of Canterbury |                     |
| *lord chancellor              | Lord Finch          |
| lord president                | earl of Shaftesbury |
| *lord privy seal              | earl of Anglesey    |
| *duke of Albemarle            |                     |
| *master of the horse          | duke of Mormouth    |
| *duke of Newcastle            |                     |

<sup>30</sup> P. C. R., lxviii, 21 April 1679. The summons to Temple was preserved among his political papers: "Whereas wee have found it Necessary for the Secrecy Dispatch and better conduct of all our Affairs both at Home and abroad, to be attended by a Select Number of Privy councillors, consisting of some of our Principall Officers, and of such other Persons of Eminent Worth and Ability, whom wee by our Letters to them Directed shall think fitt to call to this Service" therefore by command Sir William Temple was to attend and be sworn "of that Number upon whose Industry and faythfull Counsell Wee shall very much, and next to the Advice of our Great Councell in Parliament wholly, Rely, in all our Weighty and Important Concerns": Add. MS. 9800, fo. 146.

<sup>31</sup> P. C. R., lxviii, 21 April 1679. Those marked with an asterisk had been in the previous privy council.

*secretary of state for Scotland	duke of Lauderdale
*lord steward marquis of Winchester	duke of Ormonde
*marquis of Worcester	
*lord chamberlain of the household	earl of Arlington
*earl of Salisbury	
*earl of Bridgewater	
*earl of Sunderland	secretary of state
*first commissioner of the treasury	earl of Essex
*groom of the stole	earl of Bath
*Viscount Fauconberg	
Viscount Halifax	
*bishop of London	
Lord Roberts	
Lord Holles	
Lord Russell	
Lord Cavendish	
*Henry Coventry	secretary of state
lord chief justice of the common pleas	Sir Francis North
first commissioner of the admiralty	Sir Henry Capel
*chancellor of the exchequer	Sir John Ernle
*master of the ordnance	Sir Thomas Chiche- ley
Sir William Temple	
*Edward Seymour	
Henry Powle	

That is, the total number of the new council was to be thirty-three—thirty besides Prince Rupert, the lord president, and the secretary of state for Scotland. Of these

members twenty-two had been in the privy council preceding, though some had been recently admitted.<sup>32</sup>

The king promised that thereafter all letters summoning new members to the council would be signed in the council, "so that Nothing may be done unadvisedly in the Choice of any person to a charge of so great Dignity & importance to the Kingdome." "His Ma<sup>ty</sup>" was also pleased to declare that he would have all his affaires here debated freely, of what kind soever they were, and therefore absolutely Secrecy."<sup>33</sup>

Next day Charles went to parliament and in the presence of the lords with the commons attending.

His Majesty made this short Speech following:

My Lords and Gentlemen,

I thought it requisite to acquaint you with what I have done now this Day; which is, that I have established a new Privy Council, the constant Number of which shall never exceed Thirty.

I have made Choice of such Persons as are worthy and able to advise Me; and am resolved, in all My weighty and important Affairs, next to the Advice of My Great Council in Parliament (which I shall very often consult with), to be advised by this Privy Council.

I could not make so great a Change, without acquainting both Houses of Parliament.

\* \* \* \*

This being done, His Majesty withdrew.<sup>34</sup>

<sup>32</sup> For a "list of such of the former Privy Council as are left out of the new one," twenty-four names—it omits the duke of York, see a letter of R. Wentworth to J. Wentworth, 24 April 1679: *H.M.C., MSS. in Various Collections*, ii. 394.

<sup>33</sup> P. C. R., lxxviii, 21 April 1679.

<sup>34</sup> *Lords' Journals*, xiii. 530. "The new Council was sworn, and the King came into the Lords' House in his robes, and having sent for the Commons to the bar, gave an account of what he had done and what he resolved to do; that he had dissolved one Council and chose another."

At this time, as at others, news concerning the privy council, changes in its membership, examinations before it, and other matters, were regularly published in the official journal, *The London Gazette*. In the issue of this same Monday, with respect to news of things about Whitehall the day before, appeared the notice: <sup>35</sup>

His Majesty having caused the Lords of His Privy Council to meet extraordinarily this afternoon, was pleased to declare to them, That He had thought fit, for weighty Reasons, to dissolve the same, and to appoint another, to be composed of Thirty persons, who will accordingly meet to morrow. Of which, a farther and more particular Account will be given to the Publick.

Three days later the *Gazette* contained the notice: "His Majesties Declaration for the Dissolution of His late Privy Council, and for Constituting a New one, is made Publick by His Majesties Command." It was followed by a brief outline of the new scheme, and a list of the members of the reformed council.<sup>36</sup> The declaration was printed also as a broadside.<sup>37</sup>

Probably no event in the history of the privy council attracted more attention at the time than this. Except among the few in the secret before the announcement

who next his Great Council, who he resolved chiefly to be guided by, he resolved to consult; and therefore hastened them to consider of and despatch the public affairs depending before them." Thereupon the houses proceeded with their business—which had nothing to with the king's announcement. Colonel Edward Cooke to the duke of Ormonde, London, 22 April 1679: *H. M. C., Ormonde MSS.*, new series, v. 56.

<sup>35</sup> *The London Gazette*, 21 April 1679.

<sup>36</sup> *Ibid.*, 24 April 1679.

<sup>37</sup> *His Majesties Declaration for the Dissolution of His late Privy-Council, and for Constituting a New one, Made in the Council-Chamber at Whitehall, April the Twentieth, 1679. By His Majesties special Command. London, Printed by John Bill, Thomas Newcomb, and Henry Hills, Printers to the Kings most Excellent Majesty, 1679.*

there was much surprise. At first there was considerable gratification, since many believed that the scheme promised well. Others considered the outcome uncertain; some expected no good.

Probably the best informed man in England then, with respect to political affairs, was Barillon, the sagacious French ambassador. He was in constant and close communication with the duchess of Portsmouth, Charles's French mistress; and through his pensions, payments, and lavish use of secret service money, he had constant and excellent intelligence about all kinds of political happenings, from members of the king's court and from the opposition, from the king's enemies and from the king's servants and friends. Concerning this episode Barillon sent particular accounts to Paris, as, indeed, he was doing in respect of all other matters of importance.

In January and in February he related the miserable condition of Charles II's affairs, and in four several despatches reported that the king of England begged for assistance from the king of France.<sup>38</sup> Ten days before the change was announced to the council, the ambassador wrote that the duchess of Portsmouth and Sunderland seemed to have more credit than others, and more of the confidence of their master; that Shaftesbury and other leaders of the opposition were having secret negotiations with both of them, seeking through their influence to enter into office and favor; that Arlington had no part in the business.<sup>39</sup> Shortly after he wrote that a secret negotiation was going on about an entire change of the privy council and direction of the finances, putting into important offices of the administration the leaders of the opposition, they promising to give the king sufficient

<sup>38</sup> Transcripts from Paris (Baschet), xl, 9, 12, 30 January, 16 February 1679 (N. S.).

<sup>39</sup> Barillon to the king of France, London, 20 April 1679 (N. S.): Transcripts from Paris, cxlii. 219.



money—something, it may be added, that France had just refused to do.<sup>40</sup>

On the day when the change was made he wrote that Shaftesbury had been received back into the administration. Not without great repugnance had Charles brought himself to this resolution. He had been counselled that only so could he avoid losing all; that Strafford long ago, and more recently Danby, had been won to be ardent supporters of the crown after strongly opposing the court. The new council was to have cognizance of all affairs, domestic and foreign: there was to be no other council of the king—that which had been called council of the cabinet would be abolished entirely. Scarcely could a greater change take place in any government than that which the king of England had resolved on. Government was to be in the hands of those who for some years had striven against all his designs.<sup>41</sup> Several days before the duchess of Portsmouth had told him of the plan, of which he now gave details. She had expressed grief and apprehension that the king was reduced to put himself thus in the hands of his foes, and conduct his most important affairs through those who had so long oppugned him. She had not opposed the negotiations, of which she had been cognizant, through fear of attack in parliament. Sunderland also had joined in the plan through fear of being attacked there, and because he could not bear the weight of affairs alone. Monmouth was closely bound to

<sup>40</sup> Barillon to the king of France, 27 April 1679 (N. S.): Transcripts from Paris (Baschet), xl.

<sup>41</sup> “Il est difficile quil puisse arriver un plus grand changement dans le gouvernement d'un Estat, que celuy auquel le Roy d'Angleterre s'est déterminé. Les affaires vont estre entre les mains de ceux qui ont depuis quelques années tesmoigné ouvertement s'opposer a tous les desseins de la cour, et a toutes les volontés de sa Majesté Britanique.” Barillon to the king of France, 1 May 1679 (N. S.): *ibid.*

Shaftesbury, and he had exerted himself with the king to bring Shaftesbury back into affairs. In Barillon's opinion the establishment of the new ministers must be followed by utter ruin of the duke of York. What Charles had done had been done as the only means that remained for avoiding ruin, and because he hoped that in the satisfaction resulting he could obtain from the house of commons revenue necessary for the expenses of state, and even money for his own use.<sup>42</sup>

A few days later Barillon reported that Charles seemed well pleased with what he had done, and was treating with much confidence and familiarity those who had entered again into favor. He declared, however, that the demonstrations of public rejoicing had not been as great as were hoped for. The lord mayor of London had ordered bonfires the day public announcement was made. His orders had been carried out, but there was little zeal, and no large concourse of people. The house of commons, however, had declared that his majesty's resolution would be of great advantage to the kingdom.<sup>43</sup> A week after the change he reported that the outlook was dark, that confusion prevailed. Sunderland was asserting that the king's affairs would now take a better course; and that with time all would be well. Shaftesbury and Halifax intended to go further and propose to Charles measures that would destroy his authority altogether. They would replace all officials suspected by the nation, that is to say, those supporting the king.<sup>44</sup> The ambassador's most im-

<sup>42</sup> "Ce Prince a crû qui c'estoit le seul moyen qui luy restoit pour éviter une ruine entiere, et que la satisfaction qu'il donne a ses peuples fera prendre a la chambre basse tous les expediens necessaires pour soutenir les despenses de l'Estat, on luy fait mesme esperer qu'il aura de l'argent en son particulier." Barillon to the king of France, London, 1 May 1679 (N. S.): Transcripts from Paris (Baschet), xl.

<sup>43</sup> Despatch of 4 May 1679 (N. S.): *ibid.*

<sup>44</sup> "Le dessein de Milord Schafbery et de Milord Halifax et des autres, qui sont entrés depuis peu dans le conseil, est de proposer dans peu de

portant criticism was made in conversation with Temple: "Monsieur Barillon said it was making *des Etats* [States] and not *des conseils* [councils]." <sup>45</sup>

James, duke of York, in temporary exile in the Netherlands when the change was made, had less opportunity to know the causes and details of the event than some others, but no one was more interested in them. Many letters remain sent to him by well informed friends in London together with his replies. James was not in the confidence of his brother when he left England. From Brussels in March he wrote that the decision to send him away had been taken "without my Knowledge or Consent . . . I long to hear by whose Means this Resolution has been taken." <sup>46</sup> When the news of the change reached Brussels, he wrote back at once that it was a great surprise to everybody there, the Spaniards as well as the English. He was prepared to hear of Shaftesbury coming to court and in favor again, but he did not expect so total a change, and could not believe so many loyal and worthy men should be laid aside.<sup>47</sup> Apparently friends urged him to effect an understanding with Shaftesbury, and he so far bent himself as to consent that others try to do it for him.<sup>48</sup>

jours beaucoup de choses a sa Majesté Britanique qui iront toutes a l'entier ancantissement de son autorité." Barillon to the king of France, London, 8 May 1679 (N. S.): Transcripts from Paris, cxlii, 233.

<sup>45</sup> Temple, *Memoirs*, p. 511.

<sup>46</sup> Duke of York to Lord Dartmouth, 28 March 1679 (N. S.): Add. MS. 18447, fo. 2.

<sup>47</sup> Duke of York to Lord Dartmouth, Brussels, 8 May 1679 (N. S.): Add. MS. 18447, fo. 6. See also *Dartmouth MSS., H. M. C.*, 11th report, appendix, v. 32.

<sup>48</sup> "As to what are advised concerning L<sup>d</sup> Shaftesbury, I confess, I cannot bring myself to it, to write as was proposed, but if you speak to L<sup>d</sup> Townsend, as from yourself, to sound L<sup>d</sup> Shaftesbury, and to represent to him that he believes it may be in his Power to be well again with the Duke by doing any Thing to oblige him, for that now L<sup>d</sup> Shaftesbury being well with the King, the Duke will easily be brought to live well

To the same effect he wrote to the prince of Orange, his son-in-law: the news of the new council, and Shaftesbury being the president of it had surprised not only himself but the rulers of the Spanish Netherlands, they not understanding any more than he why the king had displaced so many of his truest servants, and put all his affairs into the hands of persistent opponents. He dreaded the consequences, but hoped that his brother's affairs might be bettered: a short time would show.<sup>49</sup> Three days later, in another letter to the prince, who was also surprised and doubtful, he said he feared the change would have no good effect, for the last letters from England reported all the members of the commons advanced by the change had already lost their credit in that house, while new cabals and parties were arising among those not preferred, "so that, to tell you freely my thoughts, in my mind all things tend to a Republike. For you see all things tend towards the lessning of the King's authority, and the new moddell things are put in<sup>to</sup> is the very same it was in the tyme of the Commonwealth, and I feare that hardly any that are new of the Councelle have courage enough to advise or stand by any vigorous resolution."<sup>50</sup> Shortly after he was still more depressed. His enemies were attacking him in parliament. Monarchy was in danger from the commonwealth party and some of

with him, his chief Exception to him being upon the King's Account: he may remember that the new E. of Danby, when Tres: of the Navy, was as ill with me as any one could be, having been brought into that Office whether I would or no: that so soon as I saw and believed he served his Majesty well I was Friends with him, and a good Friend to him too. Something of this Kind may be said but not as from me." The duke of York to Lord Dartmouth, 8 May 1679 (N. S.): Add. MS. 18447, fo. 6.

<sup>49</sup>The duke of York to the prince of Orange, Brussels, 8 May 1679 (N. S.): *Foljambe MSS., H. M. C.*, 15th report, appendix, v. 129.

<sup>50</sup>The duke of York to the prince of Orange, 11 May 1679 (N. S.): *ibid.*, p. 129.

those who had lately been admitted to the council, who governed the duke of Monmouth and were using him to ruin the king and the king's brother. "You see they would not fall upon me till the Councill was new modelled."<sup>51</sup> In July, when he was still in Brussels, he wrote to another that the king was yielding to James's enemies, that the new privy council "have already began and will absolutely make him a Duke of Venice."<sup>52</sup>

In England there were various comments and judgments. On the day when announcement was made Algernon Sydney wrote that all with whom he had spoken were pleased, though it might have been wished that some left out had been chosen to the council.<sup>53</sup> One of the duke of Ormonde's correspondents wrote: "There is great expectation of great advantage from this new change."<sup>54</sup> Another wrote that the reformation was sudden and great, that to be well heard at court and well spoken of in parliament would be a great good fortune for the ministers to have.<sup>55</sup> In Holland there was some enthusiasm. Van Beunigen, the Dutch ambassador in London, is said to have declared that the shares of the East India Company of Amsterdam had risen fifteen per cent. since the king had resolved to change his council.<sup>56</sup> He had already written to the states general that the change was received with some uncertainty in England.<sup>57</sup>

<sup>51</sup> The duke of York to the prince of Orange, 14 May 1679 (N. S.): *ibid.*, pp. 129, 130.

<sup>52</sup> The duke of York to Lord Dartmouth, 22 July 1679 (N. S.): Add. MS. 18447, fo. 11.

<sup>53</sup> Algernon Sydney to Henry Savile, London, 21 April 1679: *Letters*, p. 34.

<sup>54</sup> Colonel Edward Cooke to the duke of Ormonde, London, 22 April 1679: *Ormonde MSS.*, new series, v. 56.

<sup>55</sup> Henry Coventry to the duke of Ormonde, Whitehall, 22 April 1679: *ibid.*, p. 57.

<sup>56</sup> Barillon to the king of France, 11 May 1679 (N. S.): Transcripts from Paris (Baschet), xl.

<sup>57</sup> Letter of 5 May 1679 (N. S.): Add. MS. 17677 EE, fo. 111.

In parliament no great encouragement was given. There was apparently some suspicion, and resolve to wait and observe. Coventry wrote to Ormonde that although the newly preferred members of the council had done neither good nor evil yet, some of them were suspect merely from having been preferred.<sup>56</sup> A few days after the change, during a debate in the commons, Colonel Birch said: "Are we come here to give Money, for some few new men being put into the Privy Council: and shall we do such things as we have done before? I hope the King will not leave one of the Council that was at the giving such advice as we have had . . . It must not be the addition of four or five persons to the Council that will do it; it must be thoroughly done."<sup>57</sup> A few days later another member said that the duke of Lauderdale and others being in the new council he could not but think it a project to save those who made it, and not something for the benefit of the nation. "What good can we expect from it? It is to put new wine into old bottles, and new cloth to piece up an old garment."<sup>58</sup> An address was proposed in the commons to remove Lauderdale. Another member said "I feare this change of the Council has done us no great good; the old leaven is there still."<sup>59</sup> Three weeks after the change Powle, one of the council members recently taken from the opposition in the commons, in the absence of Secretary Coventry, delivered a message from the king, asking money for the fleet. In debate ensuing it was evident that the commons distrusted the council: there were dangerous members in it; the good ones might be dismissed.<sup>62</sup>

<sup>56</sup> Letter of 22 April 1679: *Ormonde MSS.*, new series, v. 57.

<sup>57</sup> Grey, *Debates*, vii. 144, 145. Apparently this is the first notice by a member of the house of commons of the change of the council.

<sup>58</sup> *Ibid.*, p. 189.

<sup>59</sup> *Ibid.*, p. 197.

<sup>62</sup> *Ibid.*, pp. 265-78.

There was at the time, and there has been more of it since, no little interest in knowing who was responsible for the change and who was the author of the plan by which it seemed to be made. In course of time it was asserted that the alteration was made in emergency and stress, but based none the less on a carefully conceived plan for conciliar reform. This idea came principally from the account written by Sir William Temple, in which he took credit to himself. The account is embodied in his *Memoirs*, written in retirement, the original preserved now in the British Museum.<sup>63</sup> An unauthorized edition was printed in 1691, but the first regular publication was in 1709. In his own day Sir William's style was renowned, and he still has an honorable place among writers of second rank. Accordingly, his account of the events of 1679, one of the most interesting parts of the narrative, obtained wide attention. It became still better known when Macaulay in 1838 wrote his essay on Sir William Temple, one of the most brilliant and interesting pieces that he ever composed. In admirable exposition, with some excellent comments of his own, Macaulay followed the account which Sir William Temple had written long before. The simple and brilliant narrative of Macaulay and Temple will doubtless long hold its own.<sup>64</sup>

Temple says that on being called back to England early in 1679, he found parliament every day growing more violent, so that the king might have to dissolve it, but

<sup>63</sup> Add. MS. 9804.

<sup>64</sup> The author has never chanced upon any information concerning Macaulay's method in writing this essay nor anything about the sources which he consulted. It is probable that Macaulay was led to his conclusions by the book he was then reviewing: T. P. Courtenay, *Memoirs of the Life, Works, and Correspondence of Sir William Temple, Bart.*, etc. (London 1836). Courtenay ascribes authorship of the plan entirely to Temple (ii. 34-44), but he bases his account almost altogether on Temple's works.

so little authority remained in the crown that it might be dangerous for Charles to do this or attempt to get on without another. He says, in effect, that a new dangerous "Ministry" had appeared, composed of Monmouth, Essex, and Sunderland, to which possibly Shaftesbury was about to be added. It was very desirable to check the growth of the power of this combination. Accordingly, he conceived the scheme of a new council constituted so as to gain credit with parliament, by including the foremost members, and thus give peace to the king and the people. With such a council the king might more easily dissolve parliament if that had to be done. For this purpose it would be necessary to take into the council "some Lords and Commoners who were of most appearing credit and sway in both Houses, without being thought either principled or interested against the government." With them were to be mingled others of the king's more general choice, so making up half of the council. The other members were ever to be the present chief officers of the king's crown and household, "who being all of his Majesty's known trust, as well as choice, would be sure to keep the council steady to the true interest of his Majesty and the Crown."<sup>65</sup> According to this plan the total number of the council would be thirty.<sup>66</sup>

He says that "one chief regard, necessary to this constitution, was that of the personal riches of this new council: which, in revenues of land or offices, was found to amount to about three hundred thousand pounds a year, whereas those of a House of Commons are seldom found to have exceeded four hundred thousand pounds. And authority is observed much to follow land: and at the worst, such a council might, out of their own stock, and

<sup>65</sup> Temple, *Memoirs*, pp. 507, 508.

<sup>66</sup> "The other half, being fifteen" . . . *ibid.*, p. 508.



upon a pinch, furnish the King so far as to relieve some great necessity of the Crown." <sup>67</sup>

Temple says that this whole matter was consulted and deduced upon paper only between the king and himself, discussion and consideration lasting nearly a month. He then suggested that it be imparted to a few of the king's confidants, whereupon Charles bade him speak about it to the Lord Chancellor Finch, to Sunderland, and to Essex, they to keep it secret.<sup>68</sup> "When I acquainted them with it," he says, "they all received it with equal amazement and pleasure. My Lord Chancellor said, it looked like a thing from heaven, fallen into his Majesty's breast: Lord Essex, that it would leave the Parliament and the nation in the same dispositions to the King which he found at his coming in: and Lord Sunderland approved it as much as any."<sup>69</sup> At a secret meeting of the king, Temple, Finch, Sunderland, and Essex, Charles suddenly, to the great surprise of Temple, suggested that Shaftesbury be added as president of the council. Temple strongly objected; the others supported the king. Temple said it would ruin his plan, and asked them to remember that he had no part in this.<sup>70</sup>

He goes on to say that Monmouth's vanity and garrulity first made the scheme generally known; that when it was announced it was received with general applause in the country and with bonfires in the city; it was liked in Ireland; the actions of the East India Company rose; the states appointed one of their best men as minister to England; France alone was not satisfied with it. He adds, however, that the commons received it coldly, as, perhaps, merely a new court juggle.<sup>71</sup>

<sup>67</sup> *Ibid.*, pp. 508, 509.

<sup>68</sup> *Ibid.*

<sup>71</sup> *Ibid.*, p. 511.

<sup>68</sup> *Ibid.*, p. 509.

<sup>70</sup> *Ibid.*, p. 510.

Temple is an excellent authority and here his evidence might seem to be the best. Afterwards a scheme of reform in 1679 was very generally credited to him, but for the most part contemporaries did not do this. Certain of them did, indeed, ascribe something of a plan to Temple. Sir Robert Southwell, clerk of the privy council, wrote to the duke of Ormonde the day after the change was made: "My Lord Sunderland seems to be in great trust, and Sir William Temple close in with him. The declaration, I am told, was of his drawing."<sup>72</sup> Another contemporary, writing about four years later, declared that the project was by some ascribed to Temple by others to the lord chancellor, Finch.<sup>73</sup> The earl of Ailesbury, a member of the new council appointed, but writing his memoirs more than a half a century afterwards, said: "My good friend Sir William Temple was truly in the interest of the Crown and the lawful succession . . . 'twas he that contrived a means to stop a breach of an old house ready to fall, and that was, by advising the king to dissolve his privy council . . . and to bring in a certain number of both houses, with a very few of the old ones."<sup>74</sup> At a later time the earl of Dartmouth noted in his copy of Burnet: "This sudden short-lived turn always went by the name of sir William Temple's scheme."<sup>75</sup> Later still, Speaker Onslow made annotation in his copy of the same

<sup>72</sup> *Ormonde MSS.*, new series, iv. 505.

<sup>73</sup> "His Majestie discharged and dissolved his whole Priue Councill, and the next day made a new choice; he left out manie that had served him faithfully, and tooke in some that had behaved themselves frowardly in the House of Commons. So that the whole thinge was really a proiect that some bodie putt into his head, tearing it a meeting with the affections and desires of his people. Some layd the proiection on Sir William Temple, some on the Lord Chancellor Finch." *The Autobiography of Sir John Bramston* (Camden Society, xxxii), p. 31.

<sup>74</sup> *Memoirs of Thomas, Earl of Ailesbury* (Roxburghe Club, 1895), i. 34.

<sup>75</sup> Quoted in Burnet, *History of His Own Time* (Oxford, 1833), ii. 203, note.

work: "See sir W. Temple's Memoirs, part 3. This change was his work, except the bringing in of the lord Shaftsbury. That part of his Memoirs is the most excellent picture of courts and courtiers, and of faction and its leaders."<sup>76</sup> Burnet himself, in his account of the matter, does not mention Temple.

For the most part however, such credit was not assigned to Temple by those well-informed at the time. Barillon, in the numerous despatches which he was sending to the French court, says nothing about the scheme being Temple's, though with Temple, it should be remembered, he was probably not in close association, considering him in the Dutch interest. Writing on the day of the assembling of the new council, he merely ascribed the change to Holles and the Presbyterians.<sup>77</sup> In the despatch which he sent shortly after the change was announced, he said that he had learned of negotiations between Charles and the principal leaders of the opposition in parliament that tended towards an entire change in the council.<sup>78</sup> Van Beunigen, writing to the Dutch government a few days later, ascribed the plan to Holles and the carrying it through especially to Shaftesbury, Monmouth, and the duchess of Portsmouth.<sup>79</sup>

<sup>76</sup> Quoted *ibid.*

<sup>77</sup> "J'ay esté adverty par Milord Hollis de ce qui a esté traité avec luy. Il a eu beaucoup de part a tout et c'est principalement avec les presbyteriens (dont il est le chef) que la cour a pris des mesures." Barillon to the king of France, 1 May 1676 (N. S.): Transcripts from Paris (Baschet), xl.

<sup>78</sup> "Je suis informé qu'il y a une negociation secrette depuis quelques jours entre les principaux chefs des caballes du Parlement et le Roy d'Angleterre; ce qui se traite iroit a changer entierement le conseil privé et la direction des finances et a metre dans les premieres charges et dans l'administration des affaires les gens qui ont esté jusques a present les plus opposés a la cour." Barillon to the king of France, 27 April 1679 (N. S.): *ibid.*

<sup>79</sup> "Deze notabele veranderinghe in het maniemment van de zacchen van Staet werdt geseigt te weezen, voor zooweel de forme aenſaet een con-

Algernon Sydney, writing on the day when the new council assembled, says: "A friend of yours and mine is, as far as I understand, the author of all this." In another letter three weeks later he explains, apparently, that it was Halifax to whom he was referring.<sup>80</sup> The duke of York in Brussels understood that the change had been resolved on by the king, the duchess of Portsmouth, Monmouth, Sunderland, and Shaftesbury.<sup>81</sup> According to Lord Keeper Guilford, writing somewhat later, "a chang was made as at the Nomination of a faction."<sup>82</sup> Sir John Resesby, also writing his account later on, believed that Monmouth had the leading part in bringing about the change.<sup>83</sup> The writer of a political pamphlet about four score years afterward, giving a fairly full and good ac-

cept van mylord Holles, ende dat het by dese gelegendheid meest levendigh is gemaecht door den grave van Shaftsbury, ende dat myn heer den hertog van Monmouth, ende ooch mevrouwe de hertoginne van Portsmouth (zoo veele seggen zeccherlyck te weeten) gecontribueert hebben omme det jmaechelych te macchen." Van Beunigen to the greffier of the states general, Westminster, 5 May 1679 (N. S.): Add. MS. 17677 SSS, fo. 247.

<sup>80</sup> "If he and two more can well agree amongst themselves, I believe they will have the management of almost all businesses, and may bring much honour to themselves, and good to our nation." Letter to Henry Savile, 21 April/1 May 1679: *Letters*, pp. 34, 35. "The three that I meant in my Letter, that you would have me explain, were the Earls of Sunderland, Essex, and Halifax, and I am still of the same mind, so far as the power of the Court goes." Letter to Savile, 12 May 1679: *ibid.*, p. 61.

<sup>81</sup> "I have been informed that all this great alteration was resolved on at Lord Sunderland's, none attending his Majesty there but Duke of Monmouth and Lord Shafsbury. The Dutchesse is sayd to brage she helped to perswade his Majesty to do it." The duke of York to the prince of Orange, 8 May 1679 (N. S.): *Foljambe MSS., H. M. C.*, 15th report, v. 129.

<sup>82</sup> Add. MS. 32523, fo. 26.

<sup>83</sup> "The Duke of Monmouth was believed to be at the bottom of these councils, and it was certainly here that he began to set up for himself." *The Memoirs of Sir John Resesby* (London, 1875), p. 167.

count of the reform of the council, said nothing at all about Temple.<sup>84</sup>

In fine, the testimony of Temple is corroborated by that of no contemporary except Sir Robert Southwell, whose corroboration is, indeed, weighty enough, though he may have got his information from Temple. On the other hand, the two ambassadors who for particular reasons followed with closest attention everything that transpired at the court then, who had such admirable facilities for obtaining information that the scholar now seeks data otherwise unobtainable in the collections of their despatches, do not speak of Sir William Temple and specifically mention others as responsible for a change that they fully described. In addition, certain others writing at the time, refer the work entirely to the efforts of various courtiers and politicians.

Temple's testimony is explicit; his honesty and good faith are not to be impugned. It is very possible, however, that he overestimated the part that he played, not knowing all of what was going on, and that he may have misunderstood much of the meaning of the change. Though able and resolute enough, he was very simple and honest.<sup>85</sup>

<sup>84</sup> *The Fatal Consequences Which May Arise from the Want of System*, etc., (London (?), 1756), pp. 43-50.

<sup>85</sup> He speaks plaintively of having "to engage men that were more dexterous than I in such pursuits" in order to collect part of his expenses incurred in negotiating the Treaty of Nymwegen. Some of what he claimed he never obtained: a "mark upon me how unfit I am for a Court." *Memoirs*, p. 487. Onslow says: "Temple was too honest for those times. He was made only for such a prince as king William: but he would take no public employment even under him": quoted in Burnet, ii. 203, note. "A very superficial critic in history may see from both parts of Sir William Temple's memoirs, that he was not let into many of the secrets of his master . . . Charles II. was the deepest dissembler that ever sat on the English throne . . . The Dutchess of Portsmouth was the only person in his kingdom in whom he confided, and even her he sometimes duped, in order to dupe others." Sir John Dalrymple, *Memoirs of Great Britain and Ireland*, etc. (Edinburgh, 1771), i. 38, note.

From other sources it is known that during this very month when the change was planned and carried through Temple was gravely preoccupied, perhaps almost to the exclusion of business. At the end of March a correspondent writing from the Hague knew that his daughter had just died of the smallpox.<sup>86</sup> A month later Sir William wrote from his country seat at Shene "For God sake lay none of my faults or neglects to my charge, that I have been guilty of to yo<sup>r</sup> Lsp since my coming over. I know there have come severall of yo<sup>r</sup> letters that I never answerd . . . The truth is my heart is so broken with a blow I received in the most sensible parte of it, that I have done nothing since as I should doe, and I fear never shall againe."<sup>87</sup> Accordingly, it may be Temple flattered himself that his part was more important than actually it was, he being in ignorance of secret negotiations between the king's friends and leaders of the opposition, especially while distracted by domestic sorrow.

Temple seemed to regard the scheme as political rather than constitutional, yet most of the information of the time mentions him in this connection less than others. He declares that he conceived his plan on observing that with the council Charles had it was impossible to oppose parliament's outrageous behavior; but Charles and others must have known all this before Temple told them. Evidently the king and some of his particular councillors at the moment went further than Temple in seeking the support of opposition leaders by giving them places in the council, for this purpose carrying on negotiations without Temple's knowledge. After the Long Parliament assembled Charles I had sought such support. Temple seems to have believed that a new council would make matters better, but the result was merely to bring

<sup>86</sup> S. P. Foreign, Holland, ccxv, 10 April 1679 (N. S.).

<sup>87</sup> Sir William Temple to ?, 2 May 1679: *ibid.*

into the council some of the king's opponents, two thirds of the new council being composed of members who had been in the old one. Temple stressed the idea of having in the privy council men of great property, so that they might in need give financial assistance to the king; but always there had been in the council wealthy members. Such members had never been able to give much help in the days when James I and Charles I needed it so badly: and this part of the plan attracted almost no attention in 1679, except that the French ambassador called the reformed council an assembly of estates. Temple says nothing about the cabinet or much condemned foreign committee of the privy council, though it is known certainly that such a body had done much to arouse antagonism in the house of commons. Temple does not mention the limitation of the number of the privy council as an important part of the scheme, and only incidentally makes reference to it. This, however, along with such ideas as having different services represented by pairs of councillors, and including men of wealth, is exactly what the critic, resorting to conjecture, would be apt to assign to Temple, since everything known would lead to the conclusion that his part in the alteration was drawing up some formal scheme in set terms rather than carrying on the political negotiations that underlay the change made.

The day before the announcement to the privy council, Sir Robert Southwell knew that the number of the council was to be reduced so that a cabinet council would not be needed again.<sup>58</sup> When Barillon wrote two days later he told Louis XIV that the new council was to take cognizance of all affairs, interior as well as foreign, that Charles

<sup>58</sup> "That the Council be reduced to such a number and so composed as not to need any Cabinet of such model as hath been before." "Memorandum on Public Affairs, By Sir Robert Southwell": *Ormonde MSS.*, new series, iv, p. xx.

would have no other council, that what had been known as the cabinet council was to be entirely abolished.<sup>89</sup>

Often in the past observers had thought the council too large. Now in his declaration Charles II asserted that the members were too numerous, so that he had been forced to use a smaller body, such as the committee of foreign affairs. In future the council was to be limited to thirty members, besides the lord president, the princes of the blood, and one of the secretaries of state from Scotland. Such limitation of the council had been thought of before. About 1470 Sir John Fortescue suggested a similar plan. Before the civil wars some had thought the council too large, and after the Restoration Clarendon had protested against continued increase. Charles now limited the number to about what experience had shown to be the maximum number that ever attended. This limitation was maintained during the rest of his reign.

It is of interest to note that there was also some idea of limiting the number of the privy council of Ireland. A little after the change in England, Sir Robert Southwell wrote to the duke of Ormonde, lord lieutenant of Ireland: "whether this great example of the dissolution and revival of the Council will be matter of precedent in Ireland I cannot tell."<sup>90</sup> A few days later Coventry, one of the secretaries of state, wrote to Ormonde that Charles proposed to reduce the number of the Irish council, and was considering twenty as the number.<sup>91</sup> Shortly after

<sup>89</sup> "Le conseil doit prendre connoissance de toutes les affaires du dedans et de celles du dehors, il ne s'en tiendra point d'autre, et ce qui s'appelloit le conseil du cabinet sera entierement aboly." Barillon to the king of France, 1 May 1679 (N. S.): Transcripts from Paris (Baschet), xl; Christie, *Life of Shaftesbury*, ii, appendix, p. cix.

<sup>90</sup> Letter to the duke of Ormonde, 22 April 1679: *Ormonde MSS.*, new series, iv. 504.

<sup>91</sup> "I suppose your Grace did, upon the news of the reduction made in the Council of England, foresee that something of that nature would follow in Ir. land. His Majesty hath commanded me to signify to your



Sir William Temple himself wrote to Ormonde: "I remember it was once mentioned to make a reduction of the great numbers of Councillors there, or some new constitution like what has been done here; and this being then fresh, the King and several of his Privy Council seemed inclined to it." Afterwards parliament engrossed all attention. Temple himself had not been convinced that lessening the number of the Irish council was important, since in any event weighty matters were dealt with in the English privy council.<sup>92</sup> A month after the new council was established in England Ormonde wrote to Temple that command had come for him to send over a list of the members of the Irish council; and that he had done so at once. He had long thought entrance into the body too easy, lowering authority and esteem. Yet numerous as the council was, there were times when a number sufficient for business could not be assembled.<sup>93</sup> It happened that on the day of this writing in Dublin, Charles and a council of twenty-four meeting at Whitehall ordered Coventry to inform the lord lieutenant "that his Majesty intends to reduce the Number of the Privy Council in that Kingdom to Thirty, and to know what great officers his

Grace that he will proceed in the same method there; and therefore doth expect from your Grace a list of the present Councillors, and likewise what those officers are that you judge fitting should be Privy Councillors by their places. His Majesty proposed the reducing the number of Privy Councillors in Ireland to twenty. I humbly offered my opinion that would be too little in respect several occasions did draw some members of them into this town always, which would leave few to supply the several Committees of Council the affairs of that kingdom require. However, I suppose there will be no resolution taken till His Majesty hath heard from your Grace." Coventry to Ormonde, Whitehall, 26 April 1679: *ibid.*, v. 65.

<sup>92</sup> Sir William Temple to the duke of Ormonde, London 10 May 1679: *ibid.*, pp. 91, 92.

<sup>93</sup> The duke of Ormonde to Sir William Temple, Dublin, 21 May 1679: *ibid.*, pp. 108, 109.

Grace thinks fit to be comprehended in that Number.”<sup>94</sup> Apparently nothing was done, but it would seem that the king considered this part of the reform of 1679 important.

At the very end of the reign of Charles II Ormonde wrote: “In the mean time I humbly offer, as my opinion, that there are too many privy-councillors, and that all of them are not of quality equal to the dignity, and others not very useful.” At that time was being discussed a plan to dismiss those who had borne arms against Charles or his father.<sup>95</sup> James II, shortly after his accession, directed the lords justices of Ireland to dissolve the Irish privy council, and he appointed a new council of twenty-nine members there. “He has not taken that resolution upon any dissatisfaction with any of them, but because he thought it requisite for his Service to lessen the number of the Council.”<sup>96</sup>

<sup>94</sup> P. C. R., lxxviii, 21 May 1679.

<sup>95</sup> Letter to the earl of Rochester, 3 January 1684-5: *The Correspondence of Henry Hyde*, etc. (London, 1828), i. 104.

<sup>96</sup> The earl of Sunderland to the lords justices of Ireland: S. P. D., Ireland, ccxl, 28 February 1684-5.

