CHAPTER IX

THE PARLIAMENTARY EXECUTIVE DURING THE CIVIL WARS

WHEN Charles I left London in 1642 he presently gathered about him some of the members of his council, and meetings continued to be held during the three next years. With the overthrow of the king in 1645 the privy council of England actually, though not legally, ceased to exist for the time; and while after 1649 the exiled Stuart heir sometimes held meetings of a few of his faithful followers who considered him king and whom he called his privy council, there was no more of monarchy or king's council in England until he returned as Charles II and established his privy council in May 1660. Of king and privy council during the years when civil war was destroying royal power there is little to be said that has any constitutional import or importance.

Of the governmental forms that superseded royal rule in this period of confusion and in the time of the interregnum that followed, it might also be thought there was not much for the attention of students tracing the development of the executive, of the privy council, of the cabinet. The institutions set up now were revolutionary; and one followed the other in rapid succession. For the purpose of this study, however, the period has extraordinary interest. Those who have examined these years especially in respect of what the revolutionaries attempted to do and talked about doing, have seen abrupt break, a revolutionary era, large changes, then reaction to much of what had existed before. At the time, indeed, it must have appeared so to the multitude of simple folk who saw the king put to

death, monarchy abolished, house of lords destroyed, ecclesiastical organization altered, in a state called a republic and put under parliament's power. If, however, one studies the records of what was actually done to carry on the government of England during these years, he discovers that in many respects the break was not so abrupt and the government not so completely altered after all.

Previously there had been an organization in which government was mostly vested in the king. Under him it was largely carried on by his council, the members acting together as an advisory and administrative body, or working in groups or committees, or presiding singly over their peculiar administrative work. In most of the normal routine of this government parliament had scarcely any part directly, and relatively, from this point of view, parliament was unimportant. After 1642 parliament tried to carry on the government in those parts of England which it controlled. After 1645 parliament strove also to be, in effect, what king and council had been in the years preceding the trouble, thus adding executive to legislative functions—somewhat as government in the United States was attempted before the American constitution was adopted, something like what the convention attempted in France during the French Revolution. The system of carrying on executive and administrative functions by a large body essentially consultative and legislative could not be effective, and smaller councils or committees were established. Later on, executive functions were given very largely to a single executive assisted by a small council. The names were different—though in the end men were calling the protector's council *privy council*, but functions and procedure were so nearly the same as they had been under Charles I and James I that there is seen to have been no large break after the first years of civil

war and confusion were over. Perhaps this development has not hitherto attracted all the attention it deserves.

In July 1642, when Charles and his supporters were evidently assembling their forces, the commons asked the lords to join in establishing a parliamentary committee of safety. 4 July, a joint committee was appointed "to take into their Consideration whatsoever may concern the Safety of the Kingdom, the Defence of the Parliament, and the Preservation of the Peace of the Kingdom, and opposing any Force that may be raised against the Parliament." [1] It was composed of fifteen members—five lords and ten commoners, its members being some of the ablest and most conspicuous leaders in parliament. Generally speaking, this committee was a weak executive body, completely dependent on parliament and subject to parliament's orders, its principal function to bring matters to parliament's attention.[2]

As the inconclusive struggle between parliament and king dragged on the leaders of the war party, especially those who favored a vigorous contest, desired an executive body with greater energy and power. In January 1644, when the arrival of four Scots commissioners was shortly expected, a motion was made in the commons for appointment of a small committee to preserve unity and prevent discontent between the two peoples and report to parliament conclusions reached. Instead of this, Vane and St. John, at the head of the war party, now proposed the appointment of a permanent committee of seven lords and fourteen commoners to join with the Scots commissioners, not merely to report their opinions to the house but "for the better Managing the Affairs of both Nations in the common Cause." Thus the existing committee of safety would be superseded by another body or committee

[1] *C. J.*, ii. 651; *L. J.*, v. 178.

[2] Gardiner, *History of the Great Civil War*, i. 358, 360.

less entirely dependent on parliament. In February the proposed ordinance was moved in the lords, and readily accepted. They proposed that the new committee should "order and direct whatsoever doth or may concern the managing of the War . . . and whatsoever may concern the Peace of his Majesty's Dominions." [3] In the commons more opposition was encountered, so that a new ordinance was introduced, and objections met by changes in detail. The committee was "to advise, consult, order, and direct concerning the carrying on and managing of the War." [4] It was to have control of foreign relations. It would be entirely subordinate to parliament, however, in respect of the negotiations with the Scots, and the making of any treaty of peace with the king.[5] When the ordinance came again before the lords much fault was found, particularly with such control of military matters. 16 February 1644, the lords yielded, and the committee of both kingdoms was established for a period of three months.[6] A little later they objected to imposition upon the members of this committee of an oath of secrecy, declaring that parliament had right to be informed about all state affairs. To this the commons hearkened for the time, so that at first the new executive body did not have such secrecy pertaining to what it did as the privy council had had.[7]

The committee of both kingdoms, called frequently the Derby House Committee, from meeting usually at Derby House in Cannon Row, Westminster,[8] consisted of twenty-one members representing England: [9]

[3] *C. J.*, iii. 384, 504; *L. J.*, vi. 405.
[4] *L. J.*, vi. 430.
[5] *C. J.*, iii. 392.
[6] *L. J.*, vi. 418-30.
[7] *L. J.*, vi. 440; Gardiner, *History of the Great Civil War*, i. 357-60; W. Notestein, "The Establishment of the Committee of Both Kingdoms," *American Historical Review*, xvii. 477-95 (April 1912).
[8] *Calendar S. P. Dom., Charles I, 1644*, preface, p. ii.
[9] State Papers Domestic, Interregnum, E 1, about February 1643-4; *C. J.*, iii. 504; *L. J.*, vi. 564, 565.

The earl of Northumberland	
earl of Essex	lord general
earl of Warwick	lord admiral
earl of Manchester	
Lord Say and Seale	
Lord Wharton	
Lord Robarts	
Mr. Pierpoint	
Sir Henry Vane, senior	
Sir Philip Stapleton	
Sir William Waller	
Sir Gilbert Gerrard	
Sir William Armyne	
Sir Arthur Haselrig	
Sir Henry Vane, junior	
Mr. Crew	
Mr. Wollop	
Mr. Solicitor	Oliver St. John
Mr. Cromwell	
Mr. Browne	
Mr. Recorder	John Glyn

There were, in addition, four members representing the Scots.

Certain regulations were at once proposed and probably adopted. The place of meeting was to be Derby House. Three clerks were to attend the committee daily. There were to be a housekeeper and four messengers. The "Secretary for forraigne affaires" was to attend and also "the other Secretary." From among the members a chairman should be chosen, to continue in his position a fortnight at a time. The chairman was to provide some minister to pray daily at the meeting of the committee and at rising. The chairman with two other members might open any letters addressed to the committee. He was to summon the committee to meet on extraordinary

occasions, as he thought fit. Record was to be kept in books by the clerks.[10] An oath of secrecy was also proposed. In respect of secrecy a few days later it was resolved by the committee that any of the members might reveal whatsoever they were not forbidden to reveal by the major part of the committee. Any member might communicate verbally to members of the committee—doubtless those not present at the meeting in question—intelligence, debates, resolutions, not mentioning by whom particular words were spoken. A member might reveal any matter to the house of parliament of which he was a member, after he had imparted it to the major part of the committee. If one of the Scots commissioners thought himself bound in conscience to reveal something forbidden by the majority of the committee, it would be lawful for him to give it to those by whom he was commissioned after he had spoken of it to the major part of the committee.[11] Further regulations and orders were established. Members present at the committee were not to depart until the committee rose, unless leave was obtained.[12] Thursdays were reserved especially for consideration of foreign affairs.[13] Various sub-committees were appointed, equivalent to the former committees of the privy council.[14]

The committee met in various places, usually at Derby House, but also in York House and in Worcester House. It met frequently, sometimes day after day, usually twice or more a week. Attendance varied from the first—eight or ten or twelve or thirteen or more. Some of the members

[10] "Considerations for the Regulateing the Comittee of both Kingdomes": S. P. D., Interregnum, E 7, fo. 1, February 1643-4.

[11] *Ibid.*, 19 February 1643-4.

[12] *Ibid.*, 22 February 1643-4.

[13] *Ibid.*, 5 March 1643-4.

[14] *Ibid.*, 6 March 1643-4.

were often away on business, while the Scots commissioners were frequently with their army.

At a meeting of fifteen at Warwick House, 20 February 1644, a letter of advice was ordered written to the "Com[ttees] of both Kingdoms" resident with the Scots army, that certain supplies had been sent as part of the £ 50,000 intended. Two of the parliamentary leaders were asked next day to bring in a written report about what supplies of men, arms, ammunition, and money they wished, also information about the number and state of their forces and what they knew about certain other forces. The lord admiral was to report to the committee concerning the navy, and what was needed for sending out the fleet. A matter referred to the committee by the house of commons was postponed for consideration till the morrow, as were three letters left by the Lord General Essex. Three members were to go to the excise men and receive their positive answer about a certain £ 20,000. Sir Henry Vane to report to the commons at their next sitting that the earl of Lothian should be exchanged for Colonel Goring. Two messengers were appointed for the committee. Several orders were read and recommitted. The raising of necessary money to be considered next day. A meeting of the committee was appointed for the next day, at Arundel House, three o'clock.[15] Two days later, at a meeting at Worcester House, orders were considered and agreed upon, and numerous military matters were dealt with.[16]

The committee of both kingdoms busied itself especially with direction of military and naval affairs. At the beginning of March it resolved that Mr. Recorder move the commons from the committee that the fleet for the Irish

[15] *Ibid.*, 20 February 1643-4.

[16] *Ibid.*, 22 February 1643-4.

coasts be sent quickly, and that without delay the money necessary for it be despatched: "4000li will doe the Businesse." [17] A fortnight later he was to report to the house of commons as the desire of the committee that they order their committee of the revenue to pay £3,000 due to the garrison at Aylesbury, and recommend it to be done at once.[18] A little later numerous directions were being sent to commanders in the field, as to Lord Fairfax, directing him to join Sir Thomas Fairfax and march for the reduction of Yorkshire.[19] Next day the committee of both kingdoms ordered that the following answer be returned to the committee of the house of commons for the navy: [20]

> This Comttee is of opinion that the safety of the Kingdome doth require there should be set forth a fleet of as great strength this yeare as the last or greater if it might bee both to oppose that strength the King now hath of shipping and to hinder the coming over of the Irish. And of Arms and Ammunition, and in diverse other respects But because what meanes there may be found to set forth and Maintayne such a fleet is best knowne to the House The Comttee thinke it fit for them to leave the Consideration of the Number of the ships and what burthen they shall be of wholly unto their disposing.

In April a letter was sent to Sir William Waller and Sir William Balfour, that the committee wished them not to retreat, giving reasons therefor based on information obtained.[21]

The committee of both kingdoms, whatever its activities, was a committee of parliament, and its relations with the two houses were constant and numerous—so much

[17] S. P. D., Interregnum, E 7, 1 March 1643-4.
[18] *Ibid.*, 14 March 1643-4.
[19] *Ibid.*, E 18, 20 March 1643-4.
[20] *Ibid.*, E 7, 21 March 1643-4.
[21] *Ibid.*, E 18, 13 April 1644.

more so than those of the privy council previous that Gardiner and other have justly seen in it a forerunner of the cabinet, which in the later part of its history, though not in the earlier part, was essentially a committee of parliament. The committee of both kingdoms constantly made reports and recommendations to parliament, especially to the house of commons. Ordered, runs the record in February 1644, "That S^{r} Henry Vane jur doe report to the House of Comons to morrow as the opinion of this Com^{ttee} That the Com^{ttee} of the Revenue do furnish two hundred pounds for the subsistance of M^{r} Strickland [ambassador to the Netherlands], And that the Money be payd to M^{r} Weckerlin to send to M^{r} Strickland." [22] In March it was decided that a paper recently given in by the Scots commissioners be communicated to the two houses by the earl of Northumberland and Sir Henry Vane respectively, if it should please the houses to call for the information.[23]

Various matters were handled. Ordered "That the businesse of the Kings letter be first taken into Consideration to Morrow." [24] The same day it was settled that Sir Henry Vane should go to Lord Claneboy and tell him that when the committee had considered his business they would send for him.[25] There was much dealing with finance and procuring and assigning of money. At one meeting the committee reported that it considered £ 300 a week necessary for intelligence—secret service; that they desired £ 200 of it from the committee of the revenue; that the recorder speak with this committee to see whether it could furnish the entire sum which was sought; that the committee of both kingdoms believed the sum to be borrowed, in accordance with a recent order of the house of

[22] *Ibid.*, E 7, 23 February 1643-4.
[23] *Ibid.*, 9 March 1643-4.
[24] *Ibid.*, 6 March 1643-4.
[25] *Ibid.*

commons, should be £300,000; that certain ones be appointed to confer and then report the names of those whose credit might be used to procure such a loan.[26] A little later, at a meeting of twelve, it was ordered that a sub-committee be appointed to treat with some of the richest merchants and find out whether they would on their security borrow for the government £300,000 in Holland, taking counter-security for it, and to learn what security they would accept.[27]

Originally the committee of both kingdoms was established only for three months. In May that period came to an end. Meanwhile had developed between the lords and the commons a struggle increasingly acute, and this difference was manifest when the time came for a renewal, as the commons desired, of the committee's authority and powers. "I heare from London," Sir Edward Nicholas wrote from Oxford, "(the ordin̄ce for the great Counc[ll] of State there expiring on friday last) there is much division amongst them about the Choice of new Councell[ors]." [28] The lords had wished changes and increase in the size of the committee, perhaps to give the peace party larger representation.[29] The commons had rejected all amendments to the bill which they proposed; in the midst of dispute and delay the term of the committee had expired; and the government of the parts of England which parliament controlled resided solely in parliament again.

The crisis thus produced lasted only a few days, however. The commission of the committee of both kingdoms appointed in February expired 16 May. Its powers were based on an ordinance sent up from the commons and accepted by the lords. Before its passage the lords had

[26] S. P. D., Interregnum, E 7, 9 March 1643-4.
[27] *Ibid.*, 23 March 1643-4.
[28] Letter to the earl of Forth: S. P. D., Charles I, di, 12 May 1644.
[29] Gardiner, *History of the Great Civil War*, i. 403.

themselves sent an ordinance down to the commons; and that ordinance had never been rejected. 21 May, after the commons had finally refused to concur in the amendments now proposed by the lords, it was ordered that consideration be given next day to the ordinance for a committee of intelligence between the two kingdoms sent down from the lords 1 February last. Next day the ordinance that had been thus proposed was easily passed: "And this House concurred with the Lords in this Ordinance; and passed it upon Question." [30] It was sent up with the message: "To let their Lordships know, that the House of Commons do concur with this House in an Ordinance sent down to them the First of *February*, 1643, intituled 'An Ordinance for the appointing a Committee of both Houses, to join with the Committees and Commissioners of *Scotland*.'" [31]

The members were the same as before for England, but four new Scots members were named. The quorum was to be seven, but of the English members alone as few as three, of whom there must be one from each house of parliament.[32] The lords had passed their ordinance so hastily and so rashly that this new committee possessed greater powers than its predecessor had. It was not limited in duration of tenure. Originally those who promoted the ordinance and secured its passage in the lords had designed the committee to be less dependent on parliament. It was to direct whatever concerned management of the war, maintaining communication among the forces of the three kingdoms, and whatever had to do with the peace of his majesty's dominions.[33]

The committee assembling—in effect no more than some of the English members meeting again to continue their work—it was ordered that previous regulations should

[30] *C. J.*, iii. 503.
[31] *L. J.*, vi. 564.
[32] *C. J.*, iii. 504.
[33] *Ibid.*

be kept in force, and that the same officers, messengers, and servants be continued with salaries as before.[34] The ordinance had provided for an oath of secrecy.[35] After some delay this was reluctantly considered in the committee.[36]

The meetings of the new committee were usually at Derby House, though from time to time they were in other places. Often they were fairly frequent. Apparently, as a rule the time of the next meeting was arranged before a gathering broke up.[37] During the first half of June 1644 there were fifteen meetings, five of them in the afternoon. At these gatherings attendance varied from five to fourteen; nine, ten, or eleven being the most usual number.[38] As had been the case with the privy council, some of the members seldom attended, the usual presence, apparently, being about half the membership or less. At an afternoon meeting in July 1644 at which eight members were present, it was ordered: "That all the Com^ttee^ be present to Morrow morning at eight of the Clocke and that the Orders of the Com^ttee^ bee then read." To the meeting next morning came seven of those present the day preceding, and only one other.[39] "Our affaires here," wrote one of the members in 1645, "are as loose as euer, both the houses and the Committie of both Kingdomes haue for this month past beene very thinn, but will now beginn to fill againe."[40] The Scots commissioners seem generally not to have been present, but with the Scottish army. When business was transacted with them it was done by correspondence for the most part. In May 1644 it was or-

[34] S. P. D., Interregnum, E 7, 24 May 1644. [35] *C. J.*, iii. 504

[36] S. P. D., Interregnum, E 7, 19, 29 July 1644; compare *ibid.*, E 8, 25 February 1644-5.

[37] For example, *ibid.*, E 1, 1 July 1644.

[38] *Ibid.*, E 1. [39] *Ibid.*, 1 July 1644.

[40] Algernon earl of Northumberland to ——: S. P. D., Charles I, dx, 2 September 1645.

dered: "That a lre be written to the Comttee of both Kingdomes residing in the Scottish Army to acquaint them that this Comttee is now sitting and to desire they may hold correspondence wth this Comttee." [41] Often its work was done with much secrecy, as that of the privy council formerly had been. In 1645 a certain one who had a conference with its secretary referred to it as the "Close Committe." [42]

As the committee of both kingdoms was virtually a committee of the two houses of parliament, its relations with parliament were constant, numerous, and varied. It made frequent reports and communications to the two houses, but especially to the commons; it prepared business for parliament's consideration; it made frequent recommendations. From parliament it received many communications and orders to consider or to deal with particular things.

To parliament information was constantly sent. Ordered "That Sr Henry Vane's letter from Yorke of the 11o of June be reported to the House by Mr Recorder." [43] In October 1644 the committee ordered that a transcript of the letters of the lord general be reported to both houses, part being left out, also a letter of Sir William Waller, omitting a certain part likewise.[44] In 1645 it was ordered "That the Letter from Sr Thomas ffairfax from Blandford of the 3. of July be reported to both Houses and the papers enclosed." [45]

Drafts of ordinances, recommendations, requests were constantly sent to parliament or to the house of commons. "That the Ordinance concerning Irish affaires be reported

[41] S. P. D., Interregnum, E 7, 25 May 1644.

[42] Sir Edward Nicholas to the king: S. P. D., Charles I, dx, 31 August 1645.

[43] S. P. D., Interregnum, E 7, 17 June 1644.

[44] *Ibid.*, 20 October 1644.

[45] *Ibid.*, E 8, 5 July 1645.

to the House," runs the record in September 1644.[46] In February 1645 the committee ordered that an ordinance be drawn up, to be passed by parliament, commanding all soldiers on pain of death to repair to their colors. At the same meeting the record declares "That the draught of the Ordinance now read for sending the Souldiers to their Colours be reported to both Houses." [47] In the preceding December, when twelve were present, the committee ordered a report to the commons that there was some special service for the west not proper to be communicated yet, for which £ 2,000 was wanted, desiring the house immediately to provide this sum.[48] At almost every meeting matters were ordered to be reported to parliament with recommendations of what the committee wished done. There were frequent requests for necessary money or recommendations concerning appropriation.

Relations of the committee of both kingdoms with parliament were not merely with the two houses but also with various parliamentary committees within the houses, especially in the house of commons. All the powers of government had been arrogated to parliament during its struggle with the king. Executive and administrative power thus obtained it had delegated partly to a committee of its two houses associated with certain commissioners of Scotland, but care of particular kinds of business had also been more specifically delegated to certain other committees, of the houses of the parliament, which undertook the particular administration of what would later on be called the departments. There were, for example, the committee of the revenue, the committee of the navy, the committee of the army. With these groups the committee of both kingdoms had frequent meetings, and it maintained with them constant relations.

[46] S. P. D., Interregnum, E 7, 30 September 1644.
[47] *Ibid.*, E 8, 20 February 1644-5.
[48] *Ibid.*, 4 December 1644.

In May 1645, it was ordered that word be sent to the officers of the ordnance about furnishing certain cannon. The committee of both kingdoms desired that the "Comittee of the Army" with the treasurer should be present. They asked also that the "Comittee of the Admiralty" send a ship to the Isle of Wight to take the Duchess of Chevreuse to Dunkirk.[49] A few days later it was ordered "That Letters be written to the Committee of the Army to prepare the prouisions under written to be ready w^th^ all expedition for the service against Oxford." [50] In December the commons ordered that on the next Thursday the committee of both kingdoms should recount to the house the propositions from Sir Thomas Fairfax concerning the army, which had been referred to their consideration; further, that the committee of the west and the committee of the army should that day confer with the committee of both kingdoms concerning the said propositions; that on the whole matter the committee of both kingdoms should report to the house.[51] In September of the next year. "It is this day Ordered by the Comons assembled in Parlt That the Comittee of both Kingdomes doe sit this afternoone, and that the Comittee of Lords & Comons for the Admiralty and Cinque ports doe meet w^th^ them to receiue such Informacons as M^r^ Speaker shall offer unto them and haue power to doe therein as they shall see cause." [52]

Parliament relied upon the committee, sent communications through the committee, delivered to its care or consideration much business for discussion or decision, referred to it petitions, and asked for its counsel.

Important communications were transmitted from the houses through members of the committee of both king-

[49] *Ibid.*, 13 May 1645.
[50] *Ibid.*, 23 May 1645.
[51] *Ibid.*, E 14, 8 December 1645.
[52] *Ibid.*, 18 September 1646.

doms; especially were the representatives of Scotland reached through the English members of the committee. In September 1645 the house of commons ordered that the members of both houses who were of the committee of both kingdoms should that afternoon communicate to the Scots commissioners the resolutions of both houses concerning the Scots army, desire their speedy reply, then report to the house; also tell the Scots commissioners that the papers they had lately delivered were being considered by the house and that answer would soon be returned.[53] A year later the lords and the commons in parliament assembled resolved that the vote concerning disposal of the king's person should be communicated to the Scots commissioners by the members of both houses who were of the committee of both kingdoms.[54] Papers and communications from parliament to the Scots commissioners were regularly sent in this manner.[55]

Various orders and directions went from parliament to the committee. Such directions are scattered through the journals of parliament and embodied in the books of the committee itself. In January 1645 the committee resolved to consider the desire of both houses about the marching of the Scots army southward, and the entire committee was desired to be present when this was taken up.[56] A little later, the committee, asked by parliament to treat with the Swedish ambassador, reported that it had received from him papers, on which had been prepared a letter to the queen of Sweden to be sent from both houses and the commissioners of Scotland.[57] In August 1645 parliament ordered that one lord and two commons of the committee of both kingdoms joining with the Scots commissioners should for one month have power to ap-

[53] S. P. D., Interregnum, E 14, 25 September 1645.
[54] *Ibid.*, 22 September 1646.
[55] *Ibid.*, 18 December 1647.
[56] *Ibid.*, E 8, 18 January 1644-5.
[57] *Ibid.*, 19 March 1644-5.

point convoys, give and receive intelligence, and make reports to the houses.[58] About this time parliament ordered the committee to grant a commission to a certain officer.[59] Letters to parliament were referred to the committee for consideration and report.[60] In September 1645 the humble petition of George Lord Berkeley that Berkeley Castle be not demolished if taken was referred by the house of lords to the committee with recommendation that the castle should not be destroyed, Lord Berkeley having been obedient to parliament in all things. Hereupon the committee ordered that the castle be spared.[61] In October the commons bade the committee send the king of Denmark a letter formerly ordered, if that had not already been done.[62] Such recommendations and orders came at first from one house or the other, but always more from the commons than the lords. After a while they came from the commons almost entirely, so that the committee of both kingdoms came to be what the cabinet in the nineteenth century was, essentially a committee of the commons.

The committee of both kingdoms continued to occupy itself especially with military affairs, much of business of this kind being referred to it by parliament. Ordered "That the house be moved to prouide moneys for my Lo: Generalls forces & Sr William Wallers."[63] In November 1644 the committee declared: "That in regard of the many businesses of the Warre that are to be managed by this Comittee, they are not able to spare tyme for the examinacon of the Leicestershire petition for that there are many witnesses to be sent for to be examined therein

[58] *Ibid.*, E 14, 6 August 1645.
[59] *Ibid.*, 12 August 1645.
[60] *Ibid.*, 26 August 1645.
[61] *Ibid.*, 23 September 1645; E 5, 23 September 1645.
[62] *Ibid.*, E 14, 14 October 1645.
[63] *Ibid.*, E 7, 4 November 1644.

—To desire the House to resume the hearing of the same petition or to appoint a select Comittee for it." [64] In February 1645 report was ordered made to the commons, that considering the present state of affairs, the committee thought the house should not command Sir William Waller to march further westward.[65] A month later the committee urged Lord Fairfax to detach a force to Sir William Brereton's assistance.[66] In April a letter was ordered to Sir William Waller and to Lieutenant General Cromwell "to let them know this Comittee doth hold it very convenient that they stay in those parts." The committee had received only one letter from Sir William concerning their proceedings; it desired frequent accounts so as to know what assistance to send them.[67] To Sir Thomas Fairfax, "that he amuse not himselfe in takeing of Houses but hasten for a coniunction wth Vermuyden & Cromwells forces." [68] In August the commons ordered the committee to consider how a force of a thousand cavalry might best be employed for the commonwealth's service.[69] A fortnight later the house referred it to the committee of both kingdoms to consider, that afternoon, how some speedy and effectual means might be taken to prevent mischief being done by the forces of Newark, news of the increase of the forces there having arrived. The committee took up the matter at once, and sent out various directions.[70]

In August 1645 the house of commons ordered a letter signed by the speaker to be sent to Colonel Poynts concerning his marching southward. The order was passed with a blank for the place to which he should be bidden to come. "And it is referred to the Comittee of both Kingdomes to

[64] S. P. D., Interregnum, E 7, 14 November 1644.
[65] *Ibid.*, E 8, 20 February 1644-5.
[66] *Ibid.*, E 20, 17 March 1644-5.
[67] *Ibid.*, E 8, 7 April 1645.
[68] *Ibid.*, 5 June 1645.
[69] *Ibid.*, E 14, 2 August 1645.
[70] *Ibid.*, E 4, E 14, E 21, 13 August 1645.

fill up the Blancke." [71] Civilians directing movements in the field must then, as on so many other occasions, have given perplexity and despair to commanders. One day the commons ordered the earl of Warwick to send eight hundred horse for the relief of Lincolnshire; another commander of cavalry to go there also; the horse belonging to Northampton, Coventry, and Warwick at once to unite and march west. "And lastly it is Ordered that the Comittee of both Kingdomes doe meet and put these severall Orders in speedy execution." [72] In November the house learning that the king intended a plundering expedition in the adjacent counties, and that the City Brigade of horse and dragoons was then at St. Albans, ordered them to march immediately to Uxbridge, there to await the orders of the committee of both kingdoms; they were not to come to the city without command from the committee unless the movements of the enemy offered opportunity to engage. The commons promised to care for their pay as soon as might be.[73]

" Resolved &c," says an order of 1645, " That a Lre be writt to the Comittee & Comanders of the Warwickshire and Coventry Horse, to inioyne them to take Care That the Orders of the Committee of both Kingdomes by obeyed, & that those Horse that were formerly appointed to ioyne wth Colonell Generall Poynts doe forthwith march up to him for the present Service." This order is signed by the clerk of the commons and appears in the parliamentary order book, but in the margin is written: "Warwicke shire & Coventry Horse to obey the Orders of this Comittee." [74] Often, it would seem, the house of commons attempted executive work, though leaving it formally to the committee, while on the other hand the committee constantly

[71] *Ibid.*, E 14, 30 August 1645.
[72] *Ibid.*, 1 September 1645.
[73] *Ibid.*, 21 November 1645.
[74] *Ibid.*, 9 September 1645.

used the authority of parliament to strengthen its own commands. That is to say, there was much tendency for the two bodies to be merged one in the other.

Meanwhile numerous letters and communications, often addressed to the right honorable the committee of both kingdoms at Derby House, came in from officers and generals in the field, reporting in detail movements and actions of troops.[75] "I haue received yor Lre and shall as farre as in me lyes obey yor Comands," wrote the earl of Manchester, sending a report.[76]

The committee of both kingdoms was busied with many other things. It corresponded with the numerous local committees, as in Kent and elsewhere, which sprang up at this time to carry on the struggle with the king. In July 1644 the committee ordered a letter sent to the committee of Cambridge and to the several committees in the earl of Manchester's association to hasten collections for his army.[77] On another occasion a letter to the committee of Suffolk requested clothes for soldiers who had returned.[78] A great number of communications concerning a variety of matters went out.[79] In 1645 a letter was ordered drawn up to the states of Holland thanking them for the relief sent to Ireland, and asking that this relief be continued. The draft was to be viewed by the sub-committee for Ireland, and then reported to the house of commons.[80] Such sub-committees were frequently appointed for consideration of particular business. They seem generally to have been temporary, not standing, committees.

The renewed committee of both kingdoms lasted from 22 May 1644 until widening differences with the Scots brought another change. At the beginning of 1648, when

[75] S. P. D., Interregnum, E 16, E 17.
[76] *Ibid.*, E 17, 23 November 1644.
[77] *Ibid.*, E 7, 8 July 1644.
[78] *Ibid.*, E 20, 5 April 1645.
[79] *Ibid.*, E 22, E 23, E 24, E 25.
[80] *Ibid.*, E 8, 18 January 1644-5.

the independents in parliament were preparing more drastic measures with respect to the king, they resolved to set themselves free from the formal though usually ineffective connection with Scotland that existed in the committee representing both kingdoms and containing, in theory at least, members from Scotland as well as from England. 3 January 1647-8 it was resolved in the commons that the powers relating to England and to Ireland, formerly granted by both houses to the committee of both kingdoms, should now be vested only in the members of both houses of parliament who were of that committee—thus getting rid of the Scots.[81] Three Independents—Nathaniel Fiennes, Sir John Evelyn, the Earl of Kent—were added to the membership in place of three Presbyterians—Sir Philip Stapleton, the recorder, and the earl of Essex—disqualified or dead.[82] A few days later the commons proposed that the committee at Derby House should employ its own secretaries, to whom it might pay salaries up to £1000 per annum, chargeable upon the revenue; that it might communicate to its secretaries letters and papers; that the clerk of the house should deliver to these secretaries copies of the orders and records of the house.[83] The lords wished that more names be added and that the power of the committee be increased, but their wishes were only partly concurred in. The committee was established 24 January 1647-8.[84]

The new committee was styled the committee of both houses. The change of name which had been effected is significant in the history of the political changes of this time—the heightened struggle against the king, increased divergence between Scotland and England, displacement of Presbyterians by Independents, but from the point of view of the study of institutions no great alteration was

[81] *C. J.*, v. 416.
[82] S. P. D., Interregnum, E 15, 15 January 1647-8.
[83] *C. J.*, v. 427.
[84] *L. J.*, ix. 670, 675; *C. J.*, v. 440, 441.

made. When the body was the committee of both kingdoms it embraced four Scots commissioners, but they were usually not present at meetings; they took small part in business; and had no great influence in deciding what was done. When at the beginning of 1648 the council became a committee for England only and was styled the committee of both houses, it was essentially what it had been before. No particular change took place in business and methods In 1645 a report had been made "At the Committee of Lords & Commons appointed to treat with the Scotts Commissionrs." The original of this report was endorsed: "The report of the Comittee of lords and Comons for both houses wch are of the Comittee of both Kingdomes." [85]

The increasing radicalism and confusion of the times, the constant tendency for power and real government to gravitate to the army and the leaders of the army, had caused the power of the committee of both kingdoms to wane. The power of the committee of both houses was less at the start than that of its predecessor, because the authority of parliament was being diminished; just as the power of the committee of both kingdoms itself, for the same reasons, was much less after the two first years than it had been. During 1644 and 1645 the committee of both kingdoms had been the principal executive power in all parts of England where the king's control had been broken; but thereafter records are wanting for the most part, and it was apparently much less important. The records of the committee of both houses show the same thing: it spoke with less and less of authority, and its attention was given to a diminishing number of things. With these qualifications, the successive committees might be studied together, as practically the same body, so far as the development of English institutions is concerned.

[85] S. P. D., Interregnum, E 8, 26 June 1645; S. P. D., Charles I, dvii. 143.

The committee of both houses, established in January 1648, was soon made larger than its predecessor ever had been. The original nucleus was eighteen of the twenty-one members for England of the committee of both kingdoms, to whom three new independent members—the earl of Kent, Sir John Evelyn, and Nathaniel Fiennes—were added at the start. In May the lords advised the commons of their opinion that the committee was too small for dispatch of affairs; that hence they had added six members from their house, and desired the commons to add a proportionable number of their own.[86] A few days later the commons accepted the new names, and added twelve more themselves.[87] So, by the end of the month the membership was increased to thirty-nine, through the eighteen new members thus added:[88]

The earl of Pembroke and Montgomery
earl of Salisbury
earl of Denbigh
earl of Mulgrave
Dudley, Lord North
Lord Howard of Essex
General Skippon
Mr. Swynsen
Mr. Prideaux
Colonel Rosseter
Sir Harbottle Grimston
Sir John Treaver
Sir John Danvers
Lord Lisle
Lord Cranborne
Sir William Massam
Sir Richard Onslow
Mr. Rouse

[86] *L. J.*, x. 282; *C. J.*, v. 573.
[87] *C. J.*, v. 578, 579.
[88] S. P. D., Interregnum, E 15, 1 June 1648; *C. J.*, v. 578, 579.

In January 1649 the commons ordered the addition of seventeen other members:[89]

Sir Humphrey Edwards
Sir Gregory Norton
Colonel Walton
Mr. Lisle
Sir Henry Mildmay
Colonel Purefoy
Lord Gray
Mr. Love
Colonel Martyn
Lord Mounson
Colonel Ludlow
Mr. Blagrave
Mr. Millington
Mr. Oldesworte
General Ireton
Colonel Harrison
Colonel Fry

But these additions have little importance for a study of the work of this body, since a month later the committee was entirely dissolved.

Attendance varied much. Three members met in 1648 to send a letter to the lord general informing him of an insurrection at Bury.[90] Eighteen were present to issue an order about procedure in June 1648.[91] Other gatherings contained six or seven or more. As before, most of the meetings were held at Derby House which frequently gave its name to the committee.[92] In March 1648 the commons ordered their members in the committee at Derby House to sit every day diligently, and they desired

[89] S. P. D., Interregnum, E 15, 6 January 1648-9.
[90] *Ibid.*, E 9, 13 May 1648.
[91] *Ibid.*, 30 June 1648.
[92] "The Committee of Lords & Comons at Derby House" is the title of the book of orders, January-July 1648: S. P. D., Interregnum, E 9.

the lords to enjoin their members so to sit also. They issued like order and expressed like desire in May. The lords replied that they too wished their members to give constant attendance.[93] Like the privy council once the committee strove to do its work in secrecy and in seclusion. In 1648 it was ordered " That when this Cōmittee is sitting the lower dore is to be locked up. & noe person suffered to come in that way and the key brought up into the Cōmittee boord." [94]

This committee of both houses, like its predecessor, was a committee of parliament, essentially of the commons, and to it parliament delegated authority along with the tasks expected to be done. In January 1648, the lords and the commons ordered that the committee at Derby House should have power to suppress all insurrections and tumults in England and in Wales, for which it might give orders to the military forces.[95] Often, however, it seemed to have little authority and power. In July the commons ordered that the committee proceed to apprehend and seize all persons who were suspected, whether lords or others, and secure them until further command.[96] In 1648 it resolved to recommend earnestly to the committee of the revenue the petition of the messengers in its service, and to recommend also that the committee of the revenue provide it with some present money for carrying on its own work.[97] The committee of both kingdoms had been compelled formerly to make urgent requests for money, but generally in less humble manner. It would seem also that the directions given by the committee of both houses were spoken with less authority than those which its predecessor had sent forth; and while in its later months

[93] *C. J.*, v. 506, 571; *L. J.*, x. 282.
[94] S. P. D., Interregnum, E 9, 30 June 1648.
[95] *Ibid.*, E 15, 24 January 1647-8.
[96] *C. J.*, v. 624.
[97] S. P. D., Interregnum, E 9, 15 May 1648.

there may have been increase in decision, it cannot be certain that this resulted from the committee's real power and prestige.

Like the committee of both kingdoms the committee of both houses dealt with many different affairs. In May 1648, a meeting of seven did the following: directed that a letter from a certain one referred to the committee by parliament should be answered, namely, about leaving the management of certain affairs in Kent to the lord general; sent a letter to the lord general, that the houses had left to him management of the business of Kent, and that parliament had made the earl of Warwick lord admiral following upon the defection of the navy; sent a warrant to the officers of the ordnance to furnish the fort at Tilbury with arms and ammunition; wrote to Colonel Temple, remonstrating at his resentment, and telling him that order had been given to the officers of the ordnance for men and provisions; wrote to certain ones to procure thirty men for the fort at Tilbury; represented to the house of commons it was necessary for Colonel Weldon to be at Plymouth, and desired that money formerly voted be paid soon so that he could go down; despatched a letter to Major-General Skippon with information about a plot; another letter to him directing that he appoint a guard for the house of commons; sent a report to the house about some ordnance and works still at Whitehall, asking what was the pleasure of the house about keeping them guarded.[98]

Directions and recommendations were sent out to other committees, such as the committee of the navy, the committee of the revenue, the committee of the army.[99] Conferences were held and information transmitted: "That the Comittee of the Army be desired to be here tomorrow

[98] S. P. D., Interregnum, E 9, 29 May 1648.
[99] *Ibid.*, 20 June 1648; E 10, 16, 21, 24 July 1648.

in the afternoone" ;[100] "That the Com^rs of the Navy be sent for to be here tomorrow in the afternoone."[101] On one occasion an order was given to report to the two houses letters from the lord admiral and the commissioners of parliament aboard with him.[102] At another time: "That so much of the Lord Admiralls letter as concernes the Duke of Lorraine be transcribed & sent to the Comittee for forreigne affaires."[103]

The committee of both houses sent out numerous letters; it gave information; it issued warrants. In former days a vast number of petitions had been wont to come before the privy council, but few came now before the committee. Its principal business was dealing with matters delivered by parliament for consideration or action. Constantly it referred or reported matters to the houses—sometimes to the lords,[104] but usually to the commons.

The work of the committee with respect to military and naval affairs was much less than that of the committee of both kingdoms had been at first, for neither parliament nor its executive committee now had much control over these things, they having come into the firm grasp of Cromwell and Cromwell's fellows. In 1648 the commons referred it to the committee at Derby House to take care, along with the lord admiral and the lord general, for measures to blockade Scarborough and press the siege of that place.[105] A little later is was ordered "That the whole dispatch from Lieuten^t Gen^ll Cromwell be reported to both Houses, they consisting of eight papers."[106]

The committee of both houses or the committee at Derby House, established in January 1648, lasted little

[100] *Ibid.*, E 10, 12 October 1648. [101] *Ibid.*, 17 October 1648.
[102] *Ibid.*, 6 September 1648.
[103] *Ibid.*, 11 September 1648.
[104] For example, *ibid.*, E 9, 1 July 1648.
[105] *Ibid.*, E 15, 4 September 1648. [106] *Ibid.*, E 10, 26 September 1648.

more than a year. In January 1649 the army was completely master; a considerable part of the house of commons had been expelled; there was talk of abolishing the house of lords; extremists were in power; the king was brought to trial and put to death; his conquerors resolved to remake the government and inaugurate a new era. 7 February 1649 the commons ordered that the second committee of safety, established in June 1647 and the committee of both houses should have their power utterly taken away and that they be dissolved.[107] Thus ended the efforts of parliament to govern England through its own work and by means of a council that was formally a mere committee of some of its members.

[107] *C. J.*, vi. 133.