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THE COUNCIL OF THE PROTECTORATE.

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by

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The Instrument of Government and the Council.

Chap. I. 14 pages.

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The title of this dissertation, "The Council of the Protectorate", is in itself unfortunate. For the term "Protectorate" is most apt to switch the reader's attention from any constitutional consideration, brought to mind by a council, to the striking personality of Oliver Cromwell. His name undoubtedly reflects a lustre over the period to the student of general history, but to a person interested in the constitutional side some more direct interest should be aroused. The Council is capable of just this. While Oliver, to be sure, towered above the individual councillors; he felt nevertheless that he was one of them. They were his friends, his associates, as well as his helpmates. They were not puppets in his hands but men of independence and as such were worthy of his respect if not affection. Indeed to their contemporaries the Council probably appeared to be the preponderant power in the state—a conception not entirely unbased. But the centuries which have elapsed bring a colossal Cromwell to us and relegate to oblivion his marshals, much as has been the case with Napoleon. With this idea in view, it is well worth while to clear away the time-clouded idea and see the Council for what it was—independent to a remarkable degree and powerful in proportion. The

scientific historian will be fascinated by its study for further reasons. He will see that it is something more than an arch in the bridge that spans the abyss of sects, parties, parliaments, and anarchy, which characterized the period between the Barebones and the re-generated Rump Parliaments. His purpose will be to attempt to discover its position in that elusive chain which joins the Curia Regis, or even the Saxon Witan, to the modern English Cabinet. He will note its marked contrast to the subservient Stuart cabals, even while he recognizes its encroachments on Parliament. Is the Council an advance over the Stuart Privy Council? This is the question which arises. A thorough study will result in an affirmative answer. Hence a good understanding of this Council is of great value in tracing the evolution of cabinet government.

On December 12, 1653, Oliver Cromwell's Parliament of nominees, or to call it by its more familiar appellation the "Praise-God Barebones" Parliament, declared itself dissolved.^{1.} No reason for its action was ever made apparent, though we see Oliver's friends^{2.} among the foremost in bringing it about. He was not unwilling to accept their resignation of the powers which he had bestowed on them, though there is no reasonable proof that he brought about

1. Old Parl. Hist. XX: 244; Clarendon, VI: 270; Masson, IV.
2. House, Lambert, Cooper, Sydenham- see Firth's "Cromwell" 339.

their "suicide".^{1.} This experiment of a nominated assembly proved a failure. The legislation of this coterie of civilians^{of} pronounced Independent views, and of Olivemians proved inimical to church and army. With this situation, the need of a strongly centralized government was amply demonstrated. This need was evidenced too by the growing dissensions religious as well as political, which, were becoming so noticeable and clear cut that they may serve to mark divisions in the Parliamentary party.^{2.} Therefore it was perfectly natural that Cromwell, as Captain-General of the army, should consult the Council of Officers, concerning the affairs of state in this present crisis- all the more natural because to him the army meant the "pays legal". To what other organized body could he have applied? There was no other in the state; for the "Little Parliament's Council ended its existence, with that of its patron.

This same Council of Officers had much to do with the form the new government was to take on. To quote from the Perfect Diurnal-, "His Excellency thereupon called a Council of Officers and advised with other persons of interest³ in the nation; how this great burden of governing England, Scotland, and Ireland, with the armies therein, and

1. Old Parl. Hist. XX: 244. Oliver feigned surprise which was felt by many to be only hypocrisy to hide his contriving.
2. Into Levellers, Republicans, and Cromwellians.
3. Doubtlessly the men who were later to form the civilian group of the Council, possibly some of London-Common Council, as Chris Pack, and other leaders in Parliament itself.

the navy at sea, should be borne and by whom; who after several days seeking of God, and advising therein, it was resolved that a Council of godlyable, and discreet persons should be named, consisting of twenty-one, and that his Excellency should be chosen Lord Protector of the three nations."^{1.} That Oliver was at the bottom of this new scheme can neither be proved or disproved.^{2.} His speech to his second Parliament is sometimes cited as; positive evidence, that he was in no manner responsible for the Instrument of Government.^{3.} But the fact that he shouted, with emphatic repetitions that, "I called not myself to this place!"^{4.} carries little weight; for owing to its rhetorical character it cannot be taken as a denial, on Cromwell's part of his direct connection with the framers of the government. That the Little Parliament had little to do with the creation of the Instrument is pretty certain; but even here a controversy might arise. "Level-ling Ludlow"^{5.} points out that those, particularly prominent in causing the late Parliament to dissolve itself, were the ones to find seats in the Council.^{6.} While this does not mean that Parliament as an official body played a part, it does however tend to show, that individual members of it were behind the movement. It is of some interest to note

1. Cromwelliana 130, same account in, Old Parl. Hist. XX:247 White Locke IV: 55.
2. Gardiner "Cromwell's Place in History" 86. "was not Oliver's work."
3. See Jenks "Constitutional Experiments". 76
4. Carlyle IV: 53; Old Parl. XX: 350
5. Somers Tracts VI: 520.
6. Ludlow I: 371-2; see also Old Parl. Hist. XX: 247

what the pragmatic Walker says- "Like good boyes and well taught, having drawn up formally an Instrument under their hands and seals, they repair to Cromwell and (according as the design was laid) together with the said Instrument delivered and resigned the government to him and his Council"^{1.}; but little reliance can be put in him. Whatever may have been the role of Parliament or "Machiavelian Cromwell"^{2.} in its production, the consensus of authorities designates the Council of Officers as the creator of the Instrument of Government.^{3.} Clarendon aptly calls it a declaration of the Council of Officers.^{4.} Seated amidst these officers was John Lambert who was second in the command of the army and thought to be first in its affections.^{5.} To this man more than any other may be attributed the responsibility for the coup d'etat of December, 1653. In the early spring Lambert had opposed Major-General Harrison's plan of a Magnum Concilium, and advised that in its stead a council of ten or twelve choice spirits be formed.^{6.} Hence, when the "Good Parliament" failed and shattered Harrison's hopes, nothing could be more probable than that a man of Lambert's tenacity would reappear with his solution. This was just about what took place. Lambert prepared his draft of the constitution, presented it to the officers, and

1. Walker, "History of Independency" Part IV: 27

2. Walker, IV: 28

3. Somers VI: 528; Calendar 1653, 301; Whitelocke IV: 552; Clarendon VI: 2701.

4. Clarendon VI: 2701.

5. Clarendon VI: 2761.

6. Firth's, "Cromwell" 328.

imposed it on them as their work.^{1.} Whether their acceptance of it was due to a recognition of the draft's worth, or the author's popularity is not known, nor is it of vital importance. Aside from this its origin is hidden. Our judgment tells us, however, that the plan must have been pretty well outlined when Speaker Rouse resigned the mace to Oliver at Whitehall. For four days later, the Instrument^{2.} was made public and the Protectorate was inaugurated.

It may be well now to describe, at least in a general way, the Council of Officer's constitutional handiwork. The Instrument of Government was a written constitution of defined powers- the only written one England has ever had. By it the government of England, Scotland, and Ireland was settled in the hands of an executive, consisting of the Lord Protector and Council, and the Parliament of the nation.^{3.} It provided for a triennial Parliament, which once summoned by the Protector's writ, could neither be dissolved or prorogued save by its own consent.^{4.} The Great Reform Act of 1832 was anticipated by the reapportionment of seats and rectifying of the already conspicuous 'pocket boroughs'. Ireland and Scotland were given representatives, sixty out of the four hundred and sixty who were to sit in Parliament.^{5.} While the suffrage can not be said to have

1.Thurloe I: 610,754; Ludlow I:476.

2.Dec. 16, '53 new gov't. established.

3.Articles I, II.

4.Articles IX, VII.

5.Articles IX, X.

been broadened, it was at least for once succinctly defined. Any male, twenty-one years of age who fulfilled the property qualification of £200 ~~£~~, and who was neither a Catholic nor an active supporter of the Royalist party, was an elector.^{1.} Deputies were to be "God-fearing men of good conversation"^{2.}— a qualification whose interpretation was to arouse much strife in the second of Oliver's Parliaments. Another remarkable feature of the document is its guarantee of religious toleration to all sects save Papists and Prelatists,^{3.}— a provision pointing to a Cromwellian influence. The Instrument, then, goes on to define the powers of its three great institutions, the Lord Protectorship, the Council and Parliament, following a plan quite similar to that in the United States constitution. The provisions concerning the Council which are more vitally important in this discussion must now be considered at length.

The Instrument adopted a check and balance system, instead of following the theory of separation of powers, which Montesquieu^U was later to make so famous. For this reason, it is a matter of some difficulty to point out just what powers the Council had alone, in conjunction with the Protector, or in the presence or absence of Parliament.

1. Arts. XIV, XV, XVIII.

2. Art. XVII⁴

3. Arts. XXXV, XXXVI, XXXVII.

The Instrument of Government, - see, Somers Tracts VI:284; Old Parl. Hist. XX: 248-63; Whitelocke IV: 56; Gardiner pp 314-25; Masson IV: 542.

The Council was defined as an advisory body, of not less than thirteen members nor to exceed twenty-one, which was to aid the Protector in his exercise of the chief magistracy over these nations.^{1.} It may be well to discuss first those provisions which delegate powers to be held in union with the Chief Magistrate. "The Lord Protector with the advice and consent of the major part of the Council, shall dispose and order the militia and forces land or sea for the ends aforesaid in the intervals of Parliament."^{2.} The importance of this clause is only realized, when we recall to mind that the Cromwellian army, from the standpoint of political power, held somewhat the same position in the state that the praetorian guard had in Imperial Rome. Now full control over the army was lodged in the executive for two years seven months, out of every three years.^{3.} With the army on their side and subject to them Oliver and his Council would be as impregnable as Gibraltar. They were to advise in "the holding of a good correspondency with foreign kings, princes, and states."^{4.} Their consent was required in declarations of war and in ratifying treaties of peace.^{4.} In case of a future war, however, a Parliament was to be called to advise there in.^{5.} With the advice and consent of a majority of his Council the Protector could

1. Article II.

2. Article IV.

3. Parliament met for at least 5 mos., triennially.

4. Article V.

5. Article XXIII.

summon extra sessions of Parliament when the exigencies of state should require it.^{1.} This gives some idea of the extent of executive control over Parliament, but more important still was the provision in Article XXI. According to this, the clerk of Chancery for the three Parliaments was to certify to the Council the names of those returned. The Council, then, after perusing these returns and examining the eligibility of the members-elect according to the constitutional qualification, had the right to refuse to honor their indentures, if they pleased. A power so large over the legislature was exceedingly dangerous to representative government and carried to its conclusion came near being fatal to it.^{2.} The right of interpreting the ambiguous qualifications of members gave the Council a lever by which^J might control Parliament by refusing to seat government opponents, and which they turned out to be willing enough to use. A sort of civil list was provided for. This was a permanent annual fund, sufficient to support 20,000 foot and 10,000 horse and a suitable navy, besides £200,000 for the necessary government expenses, which was to be raised by customs duties and in such other ways as the Protector and Council should agree upon.^{3.} Taken together with the temporary power of levying taxes by ordinance until

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1. Article XXIII.
 2. See, exclusion of members.
 3. Article XXVII.

the meeting of the next Parliament (September 3, 1653), this^{1.}
gave them a by no means negligible power over taxation.

All of those monies not used were to be banked in Parlia-^{2.}
mentary interims subject to the disposal of Protector and
Council. When Parliament was not sitting their approbation
was necessary in the appointments of Chancellor, Commission-
ers of the Great Seal, Treasurers, Admiral, Governors of
Ireland and Scotland, and Chief Justice of both Benches.^{3.}

As only fifteen councillors were named in the
Instrument a method of completing their quota was the sub-
ject of an article. The Protector and the fifteen were
given the privilege of electing before the meeting of
Parliament the additional members until the maximum member-
ship of fifteen was reached.^{4.} In filling vacancies in
the Council, caused by death or removal, the scheme adopted
was unique for its indirection.^{5.} If Parliament was in
session, it was to propose six names from which the
Council might choose two, one of whom would finally be
nominated by Cromwell. But in intervals between Parliaments,
the Council submitted three names from which the councillor
was ultimately chosen. However it is important to note
that if Parliament neglected for twenty days to draw up
their list the Council might act without them so that the

1. Art. XXX.

2. Art. XXIX.

3. Art. XXXIV. (anticipates modern Parliamentary control over
men included in the Ministry.)

4. Art. XXVI. (three were actually added, Mackworth, Fiennes,
and Mulgrave.) Art. XXV names the fifteen councillors.

5. Art. XXV - method of election and trial.

control over their membership amounted to little if anything. A councillorship was a life berth but subject to removal. "In cases of corruption or other miscarriage in any of the Council of their trust" a commission, consisting, of seven men elected by Parliament for the purpose, plus six chosen councillors, together with Lord Chancellor, Lord Keeper, or Commissioners of the Seal, was to act as a trial bureau. They were given the power to adjudicate and inflict punishment as the nature of the case demanded—a sentence which the Protector could neither pardon or remit. In case Parliament was not sitting when the breach of trust was committed, the Council was empowered to suspend a member pending a final decision by this bureau. This plan was certainly more workable than an impeachment proceeding would have been, but attention need scarcely be called to the fact, that unless the Council and Protector desired the removal, Parliament was helpless.

A still more extraordinary power was conferred on this closed aristocratic body. The Lord Protectorship was to be an elective not an hereditary office. Therefore it was necessary to designate some method of electing succeeding Protectors. This duty devolved on the Council who

1. See Art. XXVII.

on the demise of the present^v Lord Protector were immediately^{1.}
to assemble at their usual chambers, and when thirteen were^{2.}
present, elect his successor. The only restriction on
their choice was the one, that he should not be a member of
the late king's family—a quite usual stipulation in revo-
lutionary constitutions. According to his oath, the
counciller was sworn in addition to his being true to his
trust, that in the election of succeeding Lord Protectors^{3.}
he would, "proceed therein impartially" and do nothing
therein for any promise, fear, favour or reward. After
his impartial election, the Council was to proclaim his
accession to the three nations; and after his inauguration
they were to surrender back that part of his executive
power which they exercised during the inter-regnum.
However before entering on his trust, it was provided that
he swear in the presence of the Council that he should,
"seek the Peace, Quiet, and Welfare of these Nations, cause
Law and Justice to be equally administered and that he will
not violate or infringe the Matters and Things contained
in this Writing; and in all other Things will, to his
Power, and to the best of his Understanding, govern these
nations, according to the Laws, Statutes, and Customs
thereof."^{4.} This power of appointing Oliver's successors

1. Art. XXXIII. named Cromwell Protector for life.
2. The ordinary quorum was 7 including the Lord President.-
Art. XXV.
3. Arts. XLII. .
4. Art. XLI.

made the councillors something more even than Cromwell's description of them would imply. Their position in the state was more exalted than that of "trustees of the Commonwealth, in the intervals of Parliament."^{1.} But this would have been an impolitic admission on the part of a Parliamentary government.

Surrounded by his councillors, Oliver journeyed from Whitehall the Chamber of Chancery at Westminster. There it was that the simple inauguration ceremony and the formal installation of the new government was to take place. In the midst of his Council, the Commissioners of the Seal,^{2.} the Lord Mayor, Common Council of London, and the leading army officers, Cromwell alone remained covered while Clerk Jessop read the Instrument. Then with his hand on the Bible, he took the oath to observe the Instrument and laws of the land, as administered by Commissioner Lisle.^{3.} The Lord Protector seated himself in the canopied chair of state and went through the formality of receiving and returning the Purse and Seal of the Lord Commissioners and Mayor Vyner's cap and sword. Lambert then escorted him to his coach, carrying a naked sword before him, probably in order to give a militant tone to "this newly invented ceremony."^{4.} The cavalcade made way back to the

1. Firth "Oliver Cromwell", 343.
Old Parl. Hist. XX: 364- Olver discussing Fundamentals.
2. Keble, Lisle, and Whitelocke.
3. Account based on Clarendon 2701-3; Old Parl. XX 247,8; 264,5. Whitelocke IV: 55,73, Cromwelliana 131.
4. Clarendon VI: 2702.

palace of Whitehall where the bared company was dismissed with a salute of three volleys of shot. Thus ended December 16, 1653, the day which saw the establishment of the Protectorate. In the course of the next few days heralds proclaimed the new government in divers parts of London and the mayors, jurats, and sheriffs in obedience to the Council's orders saw that the proclamation was made known in their respective jurisdictions.^{1.} In this way the news of the coup d'état became disseminated throughout all England.^{2.}

1. Cal. S. P. Dom. 1653-4: 298-9- Cromwelliana 133. Whitelocke IV: 72.

2. Does not mean that Instrument was published; for it was not completed by Thurloe and enrolled in Chancery until Feb. 22, 1654. See 1653-4 Cal. S. P. Dom: 301, 413. (This account gives an idea of the Council's place in the court life of the Protectorate, and what their position must have meant to contemporaries.)

PERSONNEL --- ORGANIZATION --- PROCEDURE IN COUNCIL.

CHAPTER II. 23 pages.

It is now necessary to describe the personnel of this most important Council.

The Instrument appointed, as we have seen, fifteen councillors in the same way that it designated that Oliver^{1.} should be Protector. The list comprised the following:

Henry Lawrence
 Major-General John Lambert
 Major-General John Desborough
 Major-General Philip Skippon
 Col. Philip Jones
 Col. John Sydenham
 Philip Lord Viscount Lisle
 Sir Gilbert Pickering
 Sir Chas. Wolseley
 Sir Anthony Ashley Cooper
 Francis Rouse
 Walter Strickland
 Richard Major (Mayor)
 Edward Montague
 Chas. Fleetwood.

Looking over the names, one recognizes many of them as old acquaintances, and small wonder.^{2.} For these men, the elite of the successful party, had been making history for the past

1. Art. XXV.

2. See appendix.-- Three were added before Parliament met.

Nathaniel Fiennes Apr. 26. Cal. S.P. DOM. 1654:119

Colonel Mackworth

Earl of Mulgrave- June 19. Cal. S.P. Dom. 1654:214

See Gardiner III: 171. (None of these were well known but *all* were strong Oliverians.)

ten years. They were at Nottingham; Marston Moor, or
 Naseby;^{1.} they sat in the Long or Little Parliaments; and
 they had served in advisory capacities in the army councils
 or the various executive councils. Cromwell realized their
 worth; for he had seen them tried in testing situations, in
 which they were not found wanting. They had grown up with
 him and had forged ^{away} from their middle-class position to ^{one} that
 in the van-guard of the revolution-- even as he had done.
 They were men of the type, that profits by great revolutionary
 upheavals--² ambitious, strong, courageous, and generally
 speaking not overly scrupulous men. Had they been men of
 deep-seated principles religious or political, they would
 never have allowed their selfish ambitions to alienate them
 from the old principles of the party of Parliament. Nor
 would they have ever suffered the existence of a Cromwellian
 party, not to speak of anchoring their fortunes to it. As
 soldiers of fortune, they were cold, practically efficient
 men, who cared not a whit for any governmental theory, nor
 for any party save as it could insure the fulfillment of
 their desires. But they were not men of the highest
 principles. They were not patriotic leaders of the people
 in their uphill fight, as a Hampden or Pym.

1. Par example- Desborough, Lambert, Sydenham, Skippon.
 2. See Gardiner III: 2, 3.

These fifteen men may at a glance be divided into two well defined groups, the one composed of civilians and the other of military men. Six of them held high positions in the army, which we have noticed gained them their councillors' seats. Lambert, now the head of the army, was indisputably the leader of this group, up to the time of his fall in 1657.

Among the civilians Lawrence and Cooper were the leaders. This grouping is based on professional position rather than on any party issues which might naturally have been expected.

It may be well now to look over the list of available men of prominence who were not given councillorships. The bidable Lenthal, quondam speaker of the Long Parliament, for some reason or other first comes to mind. He was, however, in the language of Tammany, "taken care of", appearing satisfied with his office of Master of the Polls and a seat in both Parliaments. Harrison, the republican of republicans, fell from grace because of his stubborn resistance to the overthrow of the rule of saints, which the congregation-elected Little Parliament meant to him. So poor Harrison languished in prison or under detention, where his opposition to the government was as harmless, as of the rashly obstinate Ludlow in Ireland. Admiral Blake felt more at home on the

waves and billows, contending with Van Tromp and de Ruyton

1. Lambert, Fleetwood, Skippon, Desborough, Montague, Sydenham.
 2. Henry Lawrence 1600-64- Oliver's landlord at St. Ives for a few years; a member of the Long Parliament but not a regicide; Cromwell objected to his neutrality saying that a "neutral spirit was more to be abhorred than a cavalier spirit, and that such men were not to be used in such a day as that when God was cutting down kingship root and branch." (Saxton's Notes.) Found useful again when a single head of state was desired, because of his non-Republican principles.
 3. Cooper 1621-83- Earl of Shaftesbury- at first a Royalist joined popular cause in 1643 when he was given a colonelcy in the Parl. army- Became a strong Oliverian in the Little Parliament. Left Oliver's party in Dec. '54 when gov't. became a tyranny- An excluded member in Second Parliament- A vigorous

for the sovereignty of the seas, than at a council-board.

It might be added that his relations with Oliver were not of such a nature to assure him a seat, even if he had

7. wished it. General Monk, too, served the new government just as well, at first as an admiral and later as commander-in-chief of the Scotch forces, as if he had been in the

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3. opponent of the dynasty, leading a coalition of Presbyterians and Republicans. (See previous page.)
 4. Firth II:272; declares that they had different views on the raising of needed money, the military favoring violent method of the sword and the civilians favoring the parliamentary methods. (See previous page)
 5. Old Parl. Hist. XXI, 12 (See previous page)
 6. 1653-4 Cal. S.P. Dom.- 387. (" " ")
 7. Church, "Cromwell" 406- Well known that Oliver gave Monk a commission as chief of fleet reducing Blake to second Admiral.
 8. Superseded Col. John Lilburne as head of Scotch forces April, 1654. Masson IV: 552.

Council. Lord Broghill served the Council, with as much ardor as any of its members, by presiding over the Scotch Council. Whitelocke, famed for his embassy to Sweden, accounted for his absence by the fact that he was a lawyer, a profession which was apparently not held in the highest
 1. repute; but the wily Bulstrode certainly had no reason to
 2. be dissatisfied. Edward Prideaux, if his vote in favor of the kingship signified anything, was contented with the Attorney-Generalship, which between fines and pardons paid
 3. him some £6000 per year. Thurloe, while not a member, was closely connected with the Council in his capacity of secretary. Of Oliver's sons, Henry was shortly to supplant the inefficient Fleetwood as commander of the Irish forces, and Richard was leading the simple life of a Lancashire country gentleman. Hence it is pretty safe to say that all the leaders in the new Cromwellian movement were either on the Council or in thorough accord with the new government.

In the study of a council by which such a man as Oliver Cromwell was surrounded one question immediately arises. Was it an independent body? Now in discussing this, it is necessary to take note of the kinship between the Protector and several of his Council. Pickering and
 4. Montague were both distant relatives; Desborough was his

1. Fleetwood informed Whitelocke in '56 that he was opposed because of his legal profession by some of the Council who said, "they would show that the counsels might be carried on without the wisdom of lawyers, which would but trouble and interrupt the proceedings, by telling them what was law upon every occasion." Whitelocke IV: 255.

2. ~~Bulstrode~~ was Commissioner of Seal, resigned and made Lord of Treasury. Old Parl. Hist. XXI: 4.

3. Old Parl. Hist. XXI: 6.

4. Gardiner III: 3.

Whitelocke

aunt's husband; ^{1.} Major was the father-in-law of his ^{Richard} son; ^{2.}
 and Fleetwood was the husband of his daughter Bridget. ^{3.} All
 that this signifies, however, is that while a blood or
 marriage connection did not disbar a man from a seat, it was
 by no means a qualification. Had it been, or had he been
 oblivious of the fatality of such a policy, several other
 relatives, ^{4.} for he had plenty, would have included in the list
 of councillors. Oliver was so cognizant of the weakness of
 such a body, that he did not admit his own son Richard until
 the Council itself requested it of him. ^{5.} This in itself
 should have been enough to repel any charges in the eyes of
 his contemporaries which "discontents" might make as to the
 dependent status of the Council on account of the number
 of members related to the Protector. Instead, ability,
 power, and efficient worth were the requisites of a
 councillor, if we may judge from our knowledge of those
 chosen. In the cases of Desborough and Fleetwood these
 qualities, which helped them on to the Council, made pos-
 sible their intermarriages with the Oliverian family. The
 argument of dependence on this ground may be discharged by
 the statement, that they were relatives because they were
 capable of being councillors, and not councillors because
 they were relatives.

1. Whitelocke IV: 343- Gardiner III: 3 says brother-in-law.
2. Oliver had relatives in public service and in Parliaments. Old Parl. Hist. XXI: 8 and on.
3. Old Parl. Hist. XXI: 11- Whitelocke IV: 343 erroneously has brother-in-law.
4. Col. Henry Cromwell, Capt. Nichols, Capt. Blake, were nephews. Clapole (son-in-law), Col. Jones (brother-in-law), and Pryde.
5. See—Reorganized Council.

If the Council was not an independent body, it was not the fault of the framers of the Instrument. It is not too much to say that they intended it to be co-ordinate with the Protector in his exercise of the executive powers.^{1.} The consent of a major part of its members, we have seen, was required in all important cases,- viz; foreign affairs, extra sessions of Parliament, in declaring war or ratifying treaties of peace, disposal of forces, in money matters, and so forth. Life terms and established salaries made for their independence. Furthermore, the method of filling their ranks made it impossible for Protector or Parliament to overrule their opposition by the creation of new councillors. Then again, the Council had a voice in the trial bureau which, conducted, what might be called, the impeachment proceedings against a councillor. The confidence which the makers of the constitution reposed in them was exemplified in the method of electing succeeding Protectors. Therefore taking all in all one plainly sees that the Instrument was intended to and did guarantee the independence of the Council. Nothing in it can be pointed out, by virtue of which this body could, in any way, be defined as a dependency of Oliver's.

But aside from the constitutional guarantee of freedom of action on its part, some doubt must have arisen in the minds of the Commonwealth supporters as to its independence.^{2.} Such

1. Oliver says that the Council has an absolute negative over him in intervals of Parl. as the Parliament has when sitting- Discussion of Fundamentals. Old Parl Hist. XX: 364,5- he well recognizes its powerful position.

2. Not uncommon. Burton Intro. I:16. "The Protector had ruled for seven months by a Council, which emanated from his will, and was little more than a register of his edicts."- see Whitelocke IV:164 "some of Council were not backward to promote what they conceived he was inclined to have done."

a doubt arises in the mind of the modern student, as well. Could a man of Cromwell's stamp brook a free Council? One can safely add that he did. But there is another side. Of what mould were the councillors? Were they the men who would tamely submit? Were they men apt to be subservient? We know that as a rule Oliver and his advisors worked in perfect accord, or as Masson well puts it, were the one ^{1.} "persistent and unflinching core of the Commonwealth."

Looking over the daily records we find no instances of ordinances advised by the Council, which the Protector refused to sanction. The omission to shew any examples of the veto presupposes that the veto was not used, to any extent at least. On the other hand cases can be cited where the councillors disagreed with him and were successful in maintaining their position. The most notable of these occasions was in connection with the kingship question when, after dallying with the crown in a Caesarian fashion, he suddenly refused it in accordance with the views of the strong councillors. ^{2.} Such an incident goes a long way to prove that Oliver desired to rule and act in conformity with the Council. And why not. He knew their strength as they knew his. He was rightly advised that Lambert, Desborough and Fleetwood were not the men to be forced,

1. Masson IV: 545

2. See pp.3,4, Chap.VII.

~~White Locke and his fellow Commissioners of the Seal strongly opposed the form of government. Thurloe III:400; White Locke IV: 150, 191, 200.~~

even had he considered such an action. When a Whitelocke^{1.} could brave him in the reformation of Chancery business, what action might not be expected from Lambert in a more vital affair. That the Council was comparatively independent there can be no doubt. They were by no means puppets in the hands of Oliver.^{2.}

That the Protector exerted a strong moral influence over his councillors cannot be doubted.^{3.} That he did this is probably as true as the statement that he brought no force to bear on them. If they were dependent at times, which some authorities declare they were, it was due to a personal attachment alone.⁴ Their intimate personal relation made closer by his kinship with some of them, and the magnetism of the man may have drawn them to his side. But there is no reason to believe that the views of the Council and Oliver were often opposed; for the original fifteen were Oliverians, if they were anything.^{5.} No point ever arose on which the whole body was ranged against the Protector. The same differences which split the Council into divisions, no doubt, saw Oliver take a stand, but these differences were not vital. They were just the expressions of individual opinions on the questions at issue and as such are lost to the world in the secrecy of this Privy

1. Whitelocke and his fellow Commissioners of the Seal strongly opposed the Council's measures for reforming the Chancery expediting business there and equalizing fees. Their opposition amounted to naught and the Chancery was reorganized by a detailed ordinance correcting many of its abuses. While Whitelocke's opposition cost him his office, he was later made Commissioner of the Treasury, as Oliver did not desire to alienate him from the government. Thurloe III:408; Whitelocke IV: 158, 191-200.

2. Gardiner. "Cromwell's Place in Hist." 86. We know councillors were far from being puppets. "Oliver was bound to do nothing without the consent of his Council."

3. Gardiner's "Cromwell" 86 "in dealing with them he had to rely on influence, not authority."

6. Council. Nevertheless it is a safe conjecture that the personal influence of Oliver counted for much. This is better realized when we note the divisions which broke out in the Council, on the removal of his guiding hand. The weaker Richard could not prevent these dissensions, he could not smooth over the differences. Nothing better than this shows Oliver's relation to his Council. Without him their unity was gone. While under his leadership they were steered safely around the rocks of kingship which had threatened destruction. Love and respect for Cromwell and what he stood for was the unifying force, which enabled this independent group to stand together and made them stand for the Commonwealth.

Cromwell would not submit to the opposition of individual councillors, when that opposition became personal, any more than as a general he would submit to an act of insubordination. The sudden withdrawal of Cooper in 1654 from the Council-table is an example of this. Cooper's action was a mystery, though Ludlow explains it as the result of a personal disagreement with Oliver. However it is a safe conjecture that his action as an advisor had nothing to do with his unaccountable disappearance from meetings. Lambert's fall was ascribed to

4. Oliver rode with them and dined with them (sitting at the same table) Cromwelliana 137, 141. (See previous page)
 5. Masson IV: 545 (See previous page)
 6. Records of debates were not kept, only the record of bills passed and brief statements of what was done. (See above)
 7. Dictionary of National Biography, Masson V 305
 8. ibid.

his growing discontent with the whole regime. His rash opposition to the kingship disgraced him in the eyes of the man whom he did much to keep from being crowned.^{1.} But the direct cause of his dismissal, even though it was not the real one, was his refusal to abide by the new constitution. No doubt his opposition in the Council started the landslide, which was to deprive him of his position of priority in the nation and make him a political nonentity. At any rate it made Oliver willing to seize as a pretext, the refusal to take the councillor's oath, for ridding the service of him. We are able to say then that while Oliver desired an independent Council, he would not let that independence inaugurate a "fillibustering" movement against the government. The Council in other words would be made to feel the "big stick", as well as Parliament the moment it should attempt to violate the "four fundamentals of government."

The first meeting of the Council took place on December 16, 1653 with an attendance of thirteen besides the Lord Protector.^{2.} By the twentieth of the month, all the councillors, present in England, had taken the oath of fidelity to their trust and to the government and the Council can now be said to have been duly organized for business. Henry Lawrence was elected president for a term

1. See pp4-ChapVII.

2. Cal. S.P. Dom. 1653-4 pp 298- Fleetwood still in Ireland.

1.
of one month; but before the month had expired Oliver appointed him permanent presiding officer, with the title of Lord President.^{2.} We have no information as to his precise powers, other than those usually accompanying the office. It might be added, however, that he sometimes acted in the capacity of the Council's agent to see that their ordinances and proclamations were carried into effect by mayors or sheriffs, as the case might be. As far as emoluments went, he was no better provided for than the rest of the councillors each of whom received £ 1000 from the contingency fund.^{3.} This salary was not at all bad, especially as it was generally supplemented by fees or stipends accruing from other offices which the Councillors managed to hold.^{4.} However the amount was not large enough to warrant the charge that it was anything but a legitimate salary or in other words that it was a corruption fund.^{5.} Compared, for instance, with the Lord Protector's household allowance of £ 16000 quarterly,⁶ it does not appear to have been an unwarranted sum.

Among the rather large staff of officers and aides, which attended the Council and carried out its mandates, John Thurloe occupied the chief position. As chief secretary- a position he had held in the last five councils- his work

1. Cal. S.P. Dom. 1653-4: 299

2. Masson IV: 545, Gard. III: 4. Oliver's part.- According to "Sarcastic Narrative of Long Parl." "Lawrence was made President to keep the Baptists quiet." see Dictionary of Nat. Biography.

3. Thurloe III: 581, VI: 591; Cal. S.P. Dom. 1657-8, 113.

4. This is one place where Oliver had a leverage on his Council, and the one that argues strongly that they were not independent. see Old Parl. Hist. XXI. List of members in 1656 with its short sketches showing just what positions each man held under the government, and salaries he collected.

5. The dissatisfied Ludlow say, "Because nothing of honor or conscience could be presumed to oblige them to be faithful to

was most important. He carried on most of the correspondence with local bodies, with the Major-Generals, with foreign courts, with diplomatic agents, and with the subsidiary Councils.⁷ The nation's chief secretary, the Council's chief clerk, and Cromwell's chief of the intelligence department were all combined in the energetic "trucking"⁸ Thurloe.⁹ To his secret service and system of espionage¹⁰ the government owed much; for to its efficiency¹¹ is due in all probability the failure of several plots. That Thurloe was appreciated cannot be gain said, for¹² Oliver, of his own initiative, nominated him councillor and under Richard he became chief advisor.¹³ Posterity, too, is his debtor, for without his "State Papers" our knowledge of the Inter-regnum would be far from complete. Only one¹⁴ other of the staff need be mentioned, although their positions as assistants to Thurloe brought all of them, prestige among their fellow beings. But the name of this one, the humble drudging Latin secretary, will be on men's lips when Oliver's shall have been forgotten. Poor blind¹⁵ John Milton served in this capacity, unappreciated and poorly paid.¹⁶ One is surprised, to say the least, that they did not retain on their staff a minister to act as their regular chaplain, instead of attending in a body London or

5. Cromwell, tho they took an oath to that purpose, he as a public robber distributed £ 1000 to each of his Council." I: 371-2. (See previous page)
6. Cal. S.P. Dom. 1654 pp 14. warrant for amt. Cal. S.P. Dom. 1657-8 pp 51 (£ 18000 desired). (12000 given as regular) pp 113 Council. (See previous page)
7. National Dictionary of Biography; also pp 17, Chap. VI.
8. A study of the man brings out this characteristic.
9. See Ludlow. efficiency of this branch made plots impossible- only spent about £ 2000 per annum on it. Thurloe VII: 483-4, 785. Cal. S.P. Dom. 1653-4, 454, 458. (See p 28 N 9)
10. C. H. F. in Nat. Diet. points out his control over the post office enabling him to intercept letters as a great aid.

17.

Westminster churches.

The sessions of the Council were arranged by an ordinance passed at one of its first meetings, in accordance with which the Council was to sit from 9:00 A.M. to 1:00 P.M. on every Monday, Tuesday, Wednesday, and Thursday, all day on

11. For instance:- Gerrard affair, Salisbury uprising. (Prev.)
 12. Cal. S. P. Dom. 1657-8 pp 26.- nominated by Highness and Council assented. (See Previous page)
 13. Nat. Dictionary article by Firth IV 257
 14. Whitelocke gives an amusing incident. The Swedish ambassador found fault with the Council's handling of the treaty which he charged was "sent to one Milton, a blind man, to put into Latin and who, he said, must use an amanuensis to read it to him, and that an amanuensis might publish the matter of the articles as he pleased; and that it seemed strange to him that there should be none but a blind man capable of putting a few articles into Latin. "Whitelocke adds that the "employment of Milton was excused to him, because several other servants of the Council, fit for that employment, were then absent."
 15. The staff- Thurloe VII, 591; Cal. S.P. Dom 1653-4, X; idem. 386,7. Masson IV: 548-6.
 Thurloe L 800, Jessop L 1 per day. Next to Thurloe- often utilized as agent to local bodies or as army paymaster for government officials- examiner of 'disaffected' (Thurloe VI: 256) Frost L 400- treasurer of Council's contingency fund— a fund amounting to about L 4000 per month- bet. 11/6/57 and 9/8/58 for example it amounted to 34,295. Thurloe VII: 480.
 16.
 17. Because such notices as this are not uncommon.
 "Kept by the Lord Protector and his Council a solemn day of humiliation, and they had three sermons at Whitehall."
 Whitelocke IV: 91.
 9. (See previous page)
 Milton 288 18 6 (15£ 10½ a day)
 Meadows 200 (Milton's assistant)
 Scobell
 Sergeant at Arms L 365 (20£ a day)
 Seven clerks L 851. 13. 4 (6 s 8 d a day)
 Eleven messengers £ 1003 15 s (5 s a day)
 Nine sergeant at arms deputies £ 486. 13. 4
 Cleaners etc. £ 328 10 s (a year)
 A petition of clerks for arrears throws considerable light on this work. They set forth their grievances.-
 "One was drowned, another dies from bleeding in their hazardous journeys, a third lingers in a sad condition; and the rest have spent much money in the service, have received nothing in the last nine months." Cal. S.P. Dom. 1654: 183.

Friday, and not at all on Saturday unless in case of special business.^{1.} This schedule was pretty closely followed, though the meetings were frequently changed, by orders, both as to day and hour. In order to encourage attendance, Jessop was authorized to collect a half crown from all unexcused absentees which furnished a relief^{2.} fund.^{1.} The frequency of sessions^{2.} and the large proportion present are to be noted as evidence of the Council's strict attendance to the governmental routine.^{3.} By referring to the roll sheets as edited by Mrs. Green in the Domestic Calendars, the exact number of sessions each month can be found as well as the list of individual attendances. It will be seen that the number of sessions per month varies considerably, seldom falling below ten and reaching twenty-nine but once.^{2.} As a rule, whenever Oliver attended his presence was noted in the minutes of the official record.^{4.} ~~It is not too much to say, that his~~^H attendance depended on the exigencies of the time. For example during the later half of 1655, that year of difficulties, he attended about two-thirds of the time, while^{5.} during the year 1658 he seldom took the pains to come. This does not mean at all that his attendances and the needs of the time can be tabulated in a mathematical curve.

1. Cal. S.P. Dom. 1653 pp 315- Masson IV: 546

2. See appendix sheet- Oliver's attendance record-

3. In case of urgent business Pres. Lawrence would notify members outside of the city that they might attend- to Mulgrave, Fiennes, Wolseley, Desborough. 56-7 Cal. S.P. Dom.31.

4. The Council Records are of five kinds:- '58-9 Cal. S.P. Dom. preface pp 16.

1. Council of State Order Books

2. Indices to above

3. Council of State Letter Books

4. Council of State Warrant Books (general)

5. Council of State Warrants (for payment of money)

5. Appendix. Thurloe to Henry illustrates result of Oliver's

Meetings were declared secret by an order of the Council, "that none but councillors, officers, and persons sent for shall be admitted to come into Council Chamber and door keepers are to observe the same." Yet this does not seem to have been sufficient to stem the onrush of curious retainers, and petitioners. It was at length found necessary to pass an edict forbidding all to come into either the Councils' Chambers or lobbies unless expressly sent for.¹ As a further precaution, to keep information from leaking out, the clerks and secretaries were obliged to take an oath not to divulge any of the proceedings unless licensed to do so by the Protector or Lord President.² We may say then, that aside from keeping official records, which were certainly not published, their procedure was as hidden from the nation as that of the Cabinet is today. This comparison can be carried a step further. Their records did not show divisions in the Council, the debates for instance which must have taken place, but only the finished work of the councillors taken collectively. This meant nothing more or less than that the major part of the body favored the policy which was to be carried out. As has been hinted at, outsiders were brought in as expert witnesses to give information on

1. '55 Cal. S.P. Dom. pp 107

2. '58-9 Cal. S.P. DOM. 203

3. Cal '53-4:350 Scobell, Jessop took the oath.

5. presence on the Council- "His highness is yet at Hampton court, and hath been there ever since my last; so that very little is done hereby the Council" Thurloe VI:893. (See previous page Note 5.)

some particular subject. This practice was quite general, London merchants were called to give information on trade or shipping, or ^{clergymen} ministers to give advice in the projected church policies. ^{1.} The most striking example of this was the calling in of numerous clerics as well as lay churchmen to advise concerning the petition of Ben Israel. ^{2.} There was one notable case when a man was officially appointed to act as a councillor for a particular business. The Parliament of 1654 furnished this unique councillor by passing this order, "Resolved that Doctor Walker be and is hereby assigned to be of the Council of the Commonwealth in the Lord Craven business." ^{3.}

The steps through which an ordinance had to go, from the time of its initiation in the Council to promulgation, are exceedingly interesting. ^{4.} A committee of investigation was usually appointed to look into matters, with which the councillors were not familiar. On this committee's report, it or another constituted for the purpose would draw up a proposition answering the requirements. From this point, the proceedings closely resembled in their various steps, those thru which a Parliamentary bill would have to pass. The project would be read a first and possibly a second time on the same day. Then the

1. '58-9 Cal. S.P. Dom. 203; "Col. Goffe, Maj. Keene and several others together with Treasurers- at war are hereby requested to attend Council at 9:00 A.M. tomorrow."

'55 Cal. S.P. Dom. 21.

2. See pp-

3. C. J. vol. VII: 407. 12/22/54- Whitelocke IV: 162

(direct following of Committee of Both Kingdoms' precedents)

4. A bill in all its stages traced in Appendix.

measure was opened up for general discussion in the chamber where it was considered in parts and, if they saw fit, amended. The next step was the third reading, which took place after its engrossment. Finally it was sent to Oliver for approval, when the Council had "resolved that it be presented to the Lord Protector as the advice of the Council." As soon as he had signified his assent it was ordered to be promulgated, printed, and published. When Cromwell was present, orders were appended with the remark, that they were "approved in person."^{1.} Otherwise the resolutions were sent to the Protector for his sanction and some such statement as this will appear on the records.- "The Lord President attended the Protector and received his approbation to four orders."^{2.} Later it was announced that henceforth the President's declaration that Oliver approved, or even his Highness' public notification to any councillor, would be sufficient for the less important orders.^{3.} It would be worth something to find a measure, which he refused to approve; but after a careful perusal of the diurnal records, I found no statement or even hint that a bill was vetoed. In order that no measure should slide through, without due consid-

1. par example Cal. S.P. Dom. '56-7: pp 15

2. Cal. S.P. Dom. '53-4 pp 365

3. Cal. S.P. Dom. '55-6 pp 155

eration the Council resolved, that, "the minutes of all orders pronounced by the Council are to be read in Council before being passed into orders."^{1.} Such a rule was an excellent preventative of any measure being "railroaded" though on a day, when its upholders were in the majority. The whole system was exceedingly fair and would have made practically impossible any attempt which an aggressive minority might make, to circumvent the majority. Under a one reading system, this would have been as possible and one might add as probable, as it was on more than one occasion in the Long Parliament.^{2.} The possibility of such a thing is made more apparent, when we recall that the quorum was only seven. On the other hand this system had not the disadvantage of retarding business; for two or three days sufficed to put a measure through all its stages. As the proof of the pudding is in its eating, so is the justification of the Council's procedure in its ordinances.^{3.}

at this point
~~Right~~ here it is well to call attention to the way the Council facilitated business by its extensive use of committees.^{4.} On June 20, 1654, we find that the whole Council were assigned to what seem to have been standing committees such as are our Congressmen.^{5.} Each member found a place on at least one of these five committees;

1. Cal. S.P. Dom. '53-4: 300

2. Even in the case of such a remarkable bill as that constituting the Committee of Both Kingdoms.

3. Refer especially to that excellent set passed during the first nine months of its life.

4. Every day can almost be said to have seen one or more committees appointed- ordinances appointed them to see to their execution.

5. Cal. S.P. Dom. '54: 215.

namely, law, foreign affairs, safety, and examinations, religion, or the treasury. Aside from these most committees appear to have been appointed or elected for a particular business rather than for any length of time. Such committees might be classified in a general way, under some such headings as these; viz; committees of investigation,^{1.} for the drawing up of an ordinance,^{1.} to see to the execution of an ordinance when they were generally designated in the said ordinance, to consider petitions, to represent the government at embassies,^{1.} or at some particular ceremony. These committees of course varied as much as to size as they did in the kind of business, which they were authorized to undertake. Further it must be noted that committees to which a certain task was delegated were often made up of not only councillors, but of non-councillors. The same was true of certain committees, which because of their importance might better be called commissions; as, the Committee on Trade, Admiralty Commissions, Irish and Scotch Commissions,^{2.} and a Committee for examining prospective preachers. On all of these men of standing and who might be said to have professional knowledge on the different subjects, were included. The thing to remember, however, is that the Council made a most general application of the Committee

1. Example, for instance, of all three in 1 day 12/21/53 Cal. S.P. Dom. '53 pp 308. It is remarkable how frequently the names of Montague, Sydenham, Wolseley, Lambert and Cooper (while a member) do appear on these various committees.

2. See pp 378

system in carrying on all manner of business which came before it. This accounted in a great measure for its efficient working and the smooth method by which it so expedited business. Committee discussions^{1.} did away with much of those which otherwise would have arisen at the Council-board. Without these committees the Council, as we shall see would have been swamped with petitions alone.

Petitions without number were sent to the Council, which turned them over to the appropriate committees. If the English people ever made use of their ancient right of petitioning, they certainly did during the Oliverian epoch. Petitions of every sort, on every subject, and from diverse persons, found their way in the steady stream which flowed into the Council's archives. Bereaved widows, whose husbands were filling Parliamentarian graves, ask for succour. Persons despoiled of their property by royalists in the Civil War clamor for restitution. Royalist suspects petition for political reinstatement. Cavaliers complain of the decimation tax. Others cry out against the injustices and tyranny of the Major-Generals. Soldiers and officers demand back pay. The ^{Cin}Argue Port merchants complain of encroachments by French or Dutch privateers. Merchantmen request letters

1. Whole days appear to have been set aside for committee meetings, "Ordered that next Tuesday be a day for committees and the Council do not sit." Cal. S.P. Dom. '54 pp 19.

of marque and reprisal. The influential ask for special rights—the privilege of raising English cotton or tobacco. Foreign envoys seek redress of grievances. Citizens ask for passports. Aliens petition that citizenship be conferred on them.[#] Parishes beseech the Council to give them preachers. Ministers petition for livings. Adventurers seek Irish land. "Hieland" men ask for pardons. Catholics and Prelatists ask for toleration—Quakers for the right to exist. One might go on indefinitely. The limit is a mathematical one. All these were turned over to committees where it was found convenient to let most of them "sleep". However this great flood of petitions was natural. Abuses were rife, conditions could certainly be bettered, and the Council was the only channel into which they could run.

[#]|See Cal. S.P. Doc. 1654:220. ordinance passed to naturalize Joachim Hane of Frankfort.

THE CHURCH POLICY OF THE COUNCIL.

CHAP. III.

pages.

The church policy of the Council is a big subject in itself and one which deeply interested the councillors. They were not tolerant, but they were religious-- a natural combination, in those days of religious orthodoxy. As Independents, they did not want an established state church, but they did want an established clergy controlled by the state. The difference lies in the fact that this clergy would be made up of all those sects, which, as we have noticed, the constitution recognized.^{1.} Moreover they desired a ministry who would be not only efficient but worthy of respect on every ground. The accomplishment of this ideal might very well be pointed out as the best work of the Council,^{2.} to whom the propagation of religion meant so much. The first step was an ordinance of March 20, 1654 by virtue of which a commission, consisting of Dr. Owen,^{3.} Dr. Goodwin³ and thirty six other divines and laymen, was established to examine all candidates for benefices.^{4.} Candidates must first be certified to by at least three godly men, as a preliminary to the rigid examination by this commission of triers. The proceedings of the triers are hinted at in the ordinance defining their powers, that is, "to examine and approve all who are appointed to any benefice with cure of souls or lectureship, as to holy

1. Excluding Catholics, Deists, Socinians, Fifth Monarchists, Antinomians, Quakers- Neal II: 623.

2. "To give them their due, they did abundance of good to the church. They saved many a congregation from ignorant, ungodly, drunken teachers, that sort of men who intend no more in the ministry than to say a sermon, and all the rest of the week go with the people, to the ale house, and harden them in sin. Baxter's Life. 72 'Neal II: 629)

3. Eminent Independent divines. Masson IV:566- among the 36 were some nine laymen and the rest ministers representing Independents, Baptists and Presbyterians. (See list in Ordinance. Scobell. Masson IV: 570-1; Neal II: 609.

4. Cal. S.P. Dem. '54 pp 40- Scobell II: 570-1 (Ordinance in 1654)

conversation, knowledge, and utterance, and none are to be admitted without their approval under seal." Such a system of nomination did away with the abuses so rife in the old way of appointment to livings. Preachers must be men not only competent to preach the Gospel but men of unquestionable character, whose manner of living was such that it could be pointed to as a practical example of Christianity. They must, in other words, practice as well as preach the doctrines of the Scripture. But this ordinance in itself would have been insufficient, consequently one for weeding out the unworthy already in the fold was put into smooth working order.^{1.} The purpose of this last was well set forth in the preface in these words, "Whereas by the continuance of divers scandalous and insufficient ministers and school masters in many churches, chappels, and public schools within this nation, the more effectual propogation of the Gospel and settlement of a godly and painful ministry is much obstructed, and no authority being now in force for removing such ministers and schoolmasters; be it ordained etc."^{2.} Going on the ordinance named commissions, for each county, composed of a varying number of gentlemen, squires, etc. who were to associate with a smaller body selected of divines.^{3.} These committees were to be local

1. Scobell II: 335-47- in full- Aug. 29, 1654. Vide .

Cal. S.P. Dom '54: 76

2. Scobell II: 335.

3. Names given in ordinance, varied from 15 to 30 in number.

bodies not as the commission of triers, one whose jurisdiction was co-terminal with England and Wales. Strict instructions followed defining just how the commission shall proceed, what shall be termed scandalous living, and what judgments shall be entered. In the matter of ejection, the power of the sheriff or later the Major-General was at their call. Neal commends them as being of "great value in the raising of the standard of the clergy."^{1.} Had these bodies been composed entirely of one denomination their work would no doubt be "Inquisitional" in character but made up as they were of Presbyterians and Independents of all shades such a charge would be groundless. Furthermore the Council did not let their enthusiasm die out, with the passage of the ordinances but saw that they were strictly enforced.^{2.} Numerous references are met with in their records to the diverse commissions which were increased by the replacing defunct members or additions of new ones, from time to time. Their work was all the more the Council's work; for they were under its supervision and appeals from them are found in the Council's proceedings as well.^{3.} Indeed the Council tookon itself what might be defined as the work of a synodal congress.^{4.}

Another encroachment on a synod's jurisdiction,

1. Neal II: 630.- enthusiastic in his account of triers commission but feels that local bodies were too squeamish and prejudiced in some cases- Walker on pp 91 as usual complains. Pickering he says was, "first a Presbyterian, then an Independent, then a Brownist and afterwards an Anabaptist, he was a most furious, fiery, and implacable man; was agent in casting out most of the learned clergy."

2. It must be added that Council were greatly interested in the founding of a college at Durham, which would promote religious education in North England, and which thrived until the Restoration.

Cal. S.P. Dom. 1655-6:218, Cromwelliana 156; Also advise that godly Restoration put an end to it. Minister be put in touch with the students in the Inns. Burton II: 313.

was the reception of petitions from congregations asking for preachers, or the right to amalgamate so that the burden of titles might not fall so heavy on either parishes. Such requests were referred to the justices of peace for investigation and then acted on accordingly by the Council. Another great work was the augmentation of minister's salaries. Page

1. par example Cal. S.P. Dom. '55-4: 315- Neal II: 638.

3. Specific example. Order of 2/24/57 Committee on Approbation 'to examine' Simon Potts and if suitable appoint him to a vacancy. Cal. S.P. Dom. '56-7: 291; Cal. S.P. Dom. 1653-4:413. (See previous page)

4. Pres. Lawrence to John Wells minister of Tewkesbury- "His Highness and Council having heard that differences have arisen between you and Parson Hopkins of Evesham causing great scandal to your holy calling" admonish you to forgive and not to continue in this divided spirit or the Council will take a strict account of it. Cal. S.P. Dom. 1657-8: 302-3.

41.

after page in the Calendars is given to the lists of preachers whose allowances were to be raised from ten to one hundred pounds.^{1.} This step was necessary to encourage the class of men who could pass ^{the} "civil service"^{now necessary,} to enter the ministry, which apparently needed many recruits. However one must not conclude that the Council was uninterested in religious propagation^a outside of England and Wales. Many of the councillors were deeply interested in encouraging religion in the foreign plantations and to that end saw that a large committee headed by Richard,^{2.} and Fleetwood were appointed. Again we find them making a laudable attempt to settle the differences, which existed between the Scotch Protesters and Resolutioners,^{3.} advising them to lay aside their contentions and do the work of God in unison.

Religious toleration as exemplified under Oliver and his Council, was the toleration which the Instrument defined. It guaranteed religious liberty to all Christians, "save Papists and Prelatists or to such as under the profession of Christ, hold forth and practice licentiousness."^{4.} This marked the extent of the Councils toleration,⁵ but Oliver would have went further had the times been more propitious and had he been able to enforce his view.^{6.} Here it

1. Cal. S.P. Dom. 1655-6:71 and every few pages during this year.

2. Cal. S.P. Dom. '55:204; Cal. S.P. Dom. '57-8:306.

3. Firth II: 97-8.

4. Art. XXXVII.

5. Old Parl. Hist. XX:269. Council annuled the law of Long Parl. in 1649 for taking the Engagement which they considered "burdens and snares to tender consciences."

6. Carlyle III: 116- Neal II: 623; Harris "Cromwell" 37-

was that he proved himself far ahead of his generation. The councillors represented the feelings of the nation while he anticipated a future generation. The Council could hardly be expected to take the stand Oliver did when he remarked, "Every sect saith: Oh give me liberty! But give it him, and to his power, he will not yield to anybody else. Liberty of conscience is a natural right, and he that would have it, ought to give it."^{1.} Even so, their legislation was certainly no more, if as much, tainted with bigotry as that of the Restoration. High Churchmen do not appear to have been the object of any special legislation, except in so far as they suffered under their caption of royalist adherents. However Catholics were persecuted both on religious and political grounds, but still there is reason to believe that their condition was better than under the former government.^{2.} When not too ostentatious, they were allowed to perform their religious duties, but were not freed from the recusancy fires which they on refusal to take the oath of abjuration were subject to.^{3.} In 1655 the Council passed a resolution offering to the Protector as their advice, "that his Highness will please to pass a proclamation for putting into execution the laws against Papish^{*} priests, Jesuits, and Papish recusants."⁴ Again on receiving information of meetings of

1. Forster 584- (Verbatim copy in Church.)

2. Cromwell to Mazarine- Carlyle III:116. "The obligation and many instances of affection, which I have received from your eminency do engage one to make suitable returns to your merits. I may not at this juncture of time, answer to your call for toleration: I believe that under my government your Eminency, in behalf of Catholics, has less reason for complaint as to the rigor upon mens' consciences than under Parliament." Continuing he promises to go farther as the times will allow him.

3. Gard. IV: 20

4. Thurloe III: 405.

Papists and ill-affected persons in County Staffershire a request was sent to the sheriffs that they look into the matter and enforce the laws against such clerics.^{1.} While recusants were tacitly unmolested, they were made to feel the laws' rigor if their profession was anything but passive. The Council's action, at the Venetian embassy where thousands of London Catholics heard Mass, in arresting some four hundred on complaints of the ministers was anything but toleration or concurrence with the wishes of Oliver.^{2.} Possibly the action against Catholics would have been more lenient, had they "been absolutely free from any connection with the royalist "legitimists."^{3.} At any rate some of the ordinances were purely on political grounds, in which "discontented" and loyalists shared the burdens equally with them.^{4.}

The Council wasted no sympathy on those new sects who, in their opinion, practiced licentiousness under the guise of religion. It was this policy, which sent John Biddle, the denier of the Holy Ghost to the Scilly Isles,^{5.} as a violator of the Blasphemy Ordinance of 1648. In order that his erroneous views should be controverted Dr. Owen of Oxford was requested to answer his book.^{6.} Indeed had it not been for the humanity of the executive his sentence might

1. Cal. S.P. Dom. '54:307

2. Gard. IV: 18-19

3. In Addition the theory that English Catholics were under Spanish ^{influence} could not be prevailed against by any feelings of tolerance. Firth I:76 points out that Pickering and Strickland were in favor of Catholic toleran^{ce} in spite of their hatred of the Catholic church. ^{USA}

4. Cal. S.P. Dom. '57-8:303 Papists, Loyalists to leave London and Westminster; Cal. S.P. Dom. '57: 296.

5. Old Parl. Hist. XX: 399 et. seq.

6. Cal. S.P. Dom. '54:pp 3- "A Two fold Catechism;"

Cal. S.P. Dom. '53-4: 414.

1. have been much more severe. To prevent the writings of
 such 'heathens,'^{2.} as Oliver called them, from being scattered
 over all England an ordinance regulating printing and for-
 bidding all scandalous books was put on the statute books.
 The case of James Naylor, "the shaker that doth blaspheme and
 doth ascribe he is a son of God"^{3.}, who was so inhumanly
 punished by Parliament excited little sympathy in the Council.
 Some three years later they sent a commission of doctors to
 report on his condition of mind and body but did nothing to
 release him from what they considered a deserved fate.^{4.} We
 have already noticed the treatment meted out to the Lilburn-
 ians, Fifth Monarchists and Levellers,^{5.} who were objected to
 more on political than on religious grounds. Among the minor
 sects, however, the non-militant Quakers excited the most
 curiosity and were most troublesome.^{6.} Not a councillor
 could be lenient to an insulter of the ministry and disturber
 of religious services. As early as 1654 the Council passed a
 resolution against all tumultuous gatherings on the pretext
 of Quakers or otherwise, in order that no opportunity be given
 malcontents to concoct designs prejudicial to the status quo
 in state or religion.^{7.} This ordinance must have been pretty
 consistently enforced if we can judge from the Quaker remon-
 strances sent to the Council in 1657. These cited cases of

1. Gard. IV:5, Old Parl. Hist. XX: 402.

2. Neal II: 614

3. Harrington Mss.- Hist. Mss. Com. VI: 404

4. Cal. S.P. Dom. '57-8; pp 29.

5. Col. Rich, Harrison; Karye, Carnegie who believed "that My Lord Protector might not reign but Christ personal and such like camerows and ayrye stuff" were imprisoned. Hist. Mss.VI: 438.

6. Old Parl. Hist. XX:402 says they first appeared about this time:- John Lilburne is the best known.

7. Cal. S.P. Dom. '54 pp 210

atrocious cruelty to Quakers on the most trivial grounds and summed up their charges, saying, "We are a suffering people, under the cruelty of men in authority who disregarding the laws of God and of the land, imprison and release us at pleasure and inflict cruel things on our brethren, the people of God."^{1.} The Council took a more liberal stand here than usual ordering that, if on investigation it was found that the penalties were inflicted only because the culprit was a Quaker, they should be set aside.^{2.} Hereupon Lawrence notified his agents and sheriffs that, "though his Highness and Council are far from countenancing their mistaken principles or practices, especially in disturbing godly ministers, and affronting magistrates, yet as they mostly proceed from a spirit rather than from a malicious opposition to authority, they are to be pitied and dealt with as persons under a strong delusion."^{3.} This makes the Council's attitude quite clear, it was not toleration but in this case a kindly, paternalistic sympathy for their deluded brethren.

No religious question so stirred up England in the early days of the Commonwealth as that of the Jews. Here too the broader tolerance of Oliver delightfully contrasted itself with the Council's policy. Oliver recommended the first Jewish petition, as presented by Dornide, to the Council

1. Cal. S.P. Dom. '57-8: 156
2. Cal. S.P. Dom. '57-8: 156
3. *ibid* 157.

where it was refused any consideration whatsoever.^{1.}

Manasseh Ben Israel, an erudite and wealthy rabbi of Amsterdam, then presented a petition in behalf of his people. This petition was very modest in its requests, asking for little but the right of acquiring a legal residence with protection,^{2.} and most humbly did it end offering to "affectionately pray to God for the prosperity of your Highness and of our illustrious and sage Council."^{3.} Oliver favored their suit on religious grounds but probably recognized the economic advantages as well,^{4.} but the Council's intolerance blinded them even to the pecuniary advantages. However the Council received the petition, but were unusually wary in handling it. They appointed a committee of their own number headed by Lambert, Lawrence and Fiennes with whom they associated some twenty-nine outsiders including Lord Chief Justice Glynne and ministers of the various denominations.^{5.} Several conferences were then held to discuss the question and hear the avalanche of Biblical arguments against the sacriligious proposals.^{6.} After which, a day of fasting and prayer was declared by the Council, in the hope that in the midst of religious meditation the question would be correctly solved. At any rate the petition was set aside though later Manasseh was made a government⁷

1. Gard. IV: 11

2. Jews could not acquire this, since their Exodus in 1290. Charch's pp 400

3. Petition asked for: Old Parl. Hist. XI: 474-5. Cal. S.P. Dom. '55-6 pp 33.

(1). That Hebrews be admitted into nation and be furnished same protection citizens were.

(2). Right of worship, to have a synagogue and burial place

(3). Right to trade unobstructed.

(4). Willing to take oath of fealty on entrance into England.

(5). Right to judge disputes among themselves according to the Mosaic law, both contending parties being willing.

8. pensioner. The Council's action was narrow, but as "trustees of the Commonwealth" their action must at least be commended as representative. Popular opposition to the petition had reached great heights, the churches opposed it trading interests opposed it, the nation was prejudiced

4. XX: 477 quote Perfect Politician 288,291 and Heath's Flagellum 167.

5. Old Parl. Hist. XX: 476; Cal. S.P. Dom. '55-6: 33; Cromwelliana 154.

6. Compared by one Pyrnne in his tract with the bargain of Simon Magus. Old Parl. Hist. XX: 477

7. Old Parl. Hist. XX: 476; Gard. IV: 15.

8. Cal. S.P. Dom. '56-7:285 (May seem like a contradiction to call Manasseh wealthy on one page and a cirtual pauper on the next, but not on calling to mind that he was at the race of Shylock or Isaac of York.)

9. Cromwelliana 154;- XX 477; Cal. S.P. Dom. '55-6:33; Church 401; Gard. IV: 11-13.

10. Ward. IV: 14.

against it, therefore the Council in overruling Nol. must
 not be arraigned too severely. They did not drop the case
 summarily but ascertained the popular will and abided by.
 Their action was legal and as such compares well with the
 extra-legal admission of this oppressed people by Cromwell.²

The Council knew not tolerance nor did the seven-
 teenth century for that matter. Judged according to the
 standards of their day, they would be described not as
 bigoted but as religious. Oliver's stand would be the one
 that would most probably be considered unique. Their poli-
 cy was essentially one of propogating the faith and they
 felt its best interests could be served by crushing oppos-
 ition without as well as by purification within.

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1. Admirable illustration of the Council's power.
 2. Church "Cromwell": 401.

This chapter will be given over to a discussion of a miscellaneous set of topics, They are, however, subjects of the greatest importance. A study of Oliver's Privy Council would indeed be superficial, if the Council's relations to trade, to the army, and to the Irish and Scotch Councils were entirely omitted.

The Commonwealth marked an epoch ⁱⁿ England's commercial history, almost Elizabethan in its importance. At last England was without a rival on the high seas. Spain and Portugal were no longer to be considered and thanks to the victories of Blake, the low countries were relegated to a secondary place. The Baltic and the ^{the} Mediterranean (1) were opened to British merchantmen, as they never had been before. Even the ill-starred American expedition had its results. Jamaica was now ours, (2) and with it came a greater eagerness for West Indian and colonial trade, than had ever been seen under a Stuart. This increased interest on the part of trading England, brought the government as soon as it was settled, face to face with the questions of trade and commerce. That Oliver and his Council arose to the needs ~~of the needs~~ of the time, goes without saying.

The Council had during their first sessions appointed committees to look after various matters, which, broadly speaking, would be included among the duties of a well organized board of trade. Efficient work of the

(1) Blake had just disciplined the Algerian pirates.

(2) Gardiner IV 141.

Excise Commission was in itself bound to bring an extension of the idea of a trade board (1) As early as December 29, 1653, less than a fortnight after Cromwell's inauguration, the Council expressly declared that one of its purposes would be to "take all care to protect and encourage navigation and trade". (2) According to Andrews this was followed by the establishment of a large, if not important, committee in 1654. Although this body seems to have sat throughout the whole year their work excited little comment at the Council-table. In all probability this can be ascribed to the limited field in which it worked, hedged about, as it were, by the closely correlated commissions on Excise, Customs, Admiralty and Scotch and Irish affairs. At any rate, Desborough (3) of the Admiralty was selected, in January 1655, as chairman of a committee to consider fit merchants for the projected board of trade, but little if anything resulted from his endeavors. A very important step was taken in February when an ordinance was passed which created a rather permanent committee to look to the execution of

(1) 1655 Cal. pp44, 1653 Cal. pp. 310.

(2) C. M. Andrews on Boards & Commissions of Trade in
Vol. 26, of John Hopkins Univ. Studies.

(3) Desborough & Lambert order mayors of Cinque Ports to
lookout for unlawful fishers, "trowlers and drawers by
the water side because of the small meshes in their
nets" Hist. Mss. Com. 13, Rep. App 4. 224.

all trade edicts. (1) To be more precise, they were authorized to consider how those statutes relating to weights, measures, assize of bread and beer, beggars and vagrants, and in general all assizable goods, could be most effectually executed. They were even empowered to set the sale price on some articles, as for example wine. Within a few days, still another committee was organized, whose particular work was to encourage the transportation of such articles as corn, butter, and cheese. (2) Its importance was augmented by the fact that it was to investigate and report its results to the Council. Its personnel is noteworthy. A committee, that included Lambert, Strickland, and Wolseley among its handful of members, was admittedly meant for important things. In May, the whole business of transportation was referred to this committee, which was further authorized to offer fit propositions for its regulation, as well as to consider all those grievances, which the merchants had against the present system of customs. (3) None of these committees were boards of trade but they all mark important steps in the eva-

(1) Cal. 1655, pp37.

(2) Cal. 1655, pp44.

(3) Cal. 1655, pp189.

lution of such a board.

A great incentive to the establishment of the Board of Trade was the petition of the L^ondon merchants, Noell and Povey, outlining both the needs for such a board and a scheme for its organization. In a treatise on trade these two remarkable men would well deserve the rather full character sketches, which cannot be given here. The first one in particular was a pillar of Oliver's government, even serving in the capacity of a "Rothschild" in financing the West Indian expedition. (1) Shortly after the reception of this petition in July 1655 the first conspicuous attempt at the formation of a board of trade was made. (2) Thurloe drew up the instructions under which they were to work and under which they were to supervise the excise and customs officers, examine reports of previous committees, and to consider all those means by which traffic and navigation might be bettered. This committee was made a much more important creation, by the addition in November of some thirty other members. (3) Its number now reached the large if somewhat unwieldy proportion of seventy. Among its number, were

(1) Andrews dwells at some length on them.

(2) Cal. 1655 240, --at first consisted of three councillors and eighteen others of renown.

(3) Cal. 1655-6 ppl, 2, 54.

the names of Richard Cromwell, Montague, Sydenham, Wolseley, Pickering, Jones, Lord Chief Justice Saint-John, Whitelocke, Widdrington, Martin Noell, Lord Mayor Pack, Thuloe, & Commissioners of the Seal, and in fact most of the prominent men of the day. ^aOne noticeable thing about this body was that it represented all England, and all classes of Englishmen. Its organization too was so complete that if the Council had not created it, it might well have been termed almost a co-equal institution, with the Council. (1) While its work cannot be considered in detail, it will suffice to say that it undertook every kind of business related to trade, transportation, or manufacturers. We find the Council referring matters to their attention and decision, from time to time. (2) While this body grew to have great prominence, it never outgrew its "father's" control; for the Council retained its privilege of accepting or rejecting at pleasure any report that it should make. (3) Ridges in discussing the modern English Board of Trade in his book, entitled "Constitutional Law of England", goes so far as to point to this very committee as the origin of the modern institution. (4) This is

(1) Had its own clerks, doorkeepers and the like, sat in the old House of Lords Chamber.--Vide Andrews.

(2) Thuloe IV 376--Ordered by Highness and Council that it is hereby recommended to the committee of Trade to consider what means the statute of Elizabeth for the advancement of trade and poor relief can best be executed.

(3) Andrews.

(4) PP166.

however giving a little too much credit to the Council; for the Lo^dg Parliament in 1650 had by statute delegated similar work to a large permanent committee called the Council of Trade, with Vane as president. (1) Yet it can be said that the idea was carried a great step in advance of its precedent by the Oliverian government.

In close connection with their encouragement and regulation of trade the Council stamped with their approval all useful inventions. A petition of Joseph Wallington, for instance, on behalf of himself and others, that they be the exclusive exercise of their invention for calcining New Castle coals, was sanctioned but with the carefully worded resolve not to violate a former patent. (2) Again we find the Council enthusiastic over some improvement in the method of iron production. Or they are attempting to bring to amicable settlement the dispute over stocks in the East India Company which assumed threatening aspects. (3) It is their committee that disbursed the indemnity, which, according to the treaty, Holland was to pay the said East India Company.

Despite the fact that the Board of Trade had a

(1) Andrews points this out and he also shows that there was a fairly well organized one in 1643.

(2) Thuloe III 496.

(3) Thuloe III 575.

certain supervision over the customs officers the Council refused to give up the direct control. This control was amply demonstrated by their power of appointing these officials, who were furthermore subject to their frequent and detailed orders. (1) Again the Council retained its power over foreign plantations which might well have been turned over to the Board of Trade. They appointed a committee of their own number for the consideration of this particular phase of trade. (2) The chief work before this committee was the stamping out of the English tobacco industry, which in the words of the councillors "would work to the prejudice of husbandry in the plantations". (3) Here the councillors deserve great credit for the attempt to protect colonial industry and for the execution of this ordinance in spite of the opposition in Gloucestershire and its neighboring counties. (3) Hence while the Council turned over considerable work to their creation, the Board of Trade, they by no means let that body encroach on their powers.

The Cingue Ports came in for a good deal of the Council's attention; rightly so one might add; for their close proximity to the continent made them the strategic points

(1) See Andrews.--Vol. XXVI John Hopkins Univ. Studies.

(2) Cal. 1655-6 PP65, Cal.'54 PP212--ordinance Vs. raising tobacco.

(3) Cal. 1658-9 Cal. 55.

from which the Royalists would make their attempts. They were the rendez-vous of all malcontents and émigrés on their way back and forth to the peripatetic court of Charles Stuart. For these very reasons the Council scrutinized the work of the mayors and jurats of these ports most closely. Indeed so close were their relations, that these officers might be said to be veritable agents of the Council. (1) At one time a temporary embargo was laid on all shipping and the most stringent orders were sent to the mayors, to take care that it be executed. (2) An order of the Council might at any time close these ports to navigation and prevent travellers going to and from the continent, from embarking or landing as the case might be. Another order of this sort was issued, the apparent purpose of which was not political but to prevent the introduction of the Holland pestilence into England. Lawrence made this the subject of dictatorial commands, to the humble jurats and customs officers at the ports. (3) It might be added that Lawrence was probably well aware that the most dangerous pestilence was that caused by the "fomentings" of the Stuart Court.

Cromwell and his Council had an alarmingly great

- (1) Lawrence orders governor of Dover and others to allow no person without a special license to go beyond seas for 14 days, apprehend all enemies, inform Council. for Mayor of Rye sends list of ^{arrested} malcontents. 13, Rep. APP.4 221. Also see Lawrence's order of July 4, '54, idem PP222.
- (2) Hist. Mss. Com. 5, Rep. 571.
- (3) Hist. Mss. Com. 13, Rep. Appendix 4. 225; 1655 Cal.322. (This phase of the Council's action is by no means new; for Privy Council of Chas. I exercised a close surveillance over the Cinque Ports.)

power over the army. We have recognized the degree of this power given them by the instrument. They were made the irresponsible masters of 30,000 of the best troops the world has ever seen--troops that would compare favorably with the tried veterans of Napoleon's Old Guard. This is the power that ^e excited the resentment of the three colonels, (1) the fears of Parliament of 1654, (2) and that made possible the two or three year period of tyranny. What the Council was authorized to do and did do, was this. It advised the Protection and with his consent the number of the forces in the three kingdoms, the size of the garrisons, and in a word entirely disposed of the army. (3) Then too, the ships of war as well as the convoy ships were completely subject to its disposal. Under its orders ships of the line were sent to Scotland, were detailed to protect English shipping interests at New Foundland, and to police the narrow seas. (4) The set of instructions under which General Monk acted were drawn up by the Council, though of course submitted for Cromwell's approval. (5) This meant nothing more or less than that the Scotch army was strictly under their supervision.

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- (1) We tremble at the control of a standing army in the "hands of a single person with a Council which he can control at pleasure with a negative voice". Cal. 53-4 303-4. Petition of Saunders, Okey and Allured.
- (2) Benton, Intro. 181.
- (3) Cal. '53-4 348,9-a committee appointed to consider the establishment of the forces in the three kingdoms. Cal. 1655, PP238.
- (4) Thuroe IV 107, Cal. '54. 76,241.-last disposes of some 61 ships of the line.
- (5) Cal. 1654 PP76.

(1) In the case of the Irish forces this is made even clearer. Henry Cromwell was as completely under the domination of the Council and the Protector as Monk ever was, despite the fact that he was the "heir presumptive". He himself recognized this when he signified his intention of submitting to the Council's order to reduce his forces, just as soon as he was reasonably certain that they really understood the conditions under which he labored, even though he felt that the disbanding of any part of his troops was poor policy. (2) The exact allowance of each troop was set forth by the Council even to the smallest details as the amount which it might expend on fire wood and on candles. The pay of the individual soldier was subject to their determination as well as that of the commander-in-chief. (3) By their orders they might increase the army masters at pleasure by enlisting new regiments or by raising old ones to their full complement. (4) And this seems to have been done without any expressed approval on the part of the Lord Protector. In 1656, whether or not it was due to Astrologer Lilly's prediction (5) that the end of the Commonwealth was near at hand, we find that the Council making material ad-

- (1) '54 Cal. 258- a committee for enquiring into state of Scotch forces and Irish as to pay, provisions, men, treasures etc. '55 Cal. 261 struck the total cost of Scotch forces at £ 50. 486. '55 Cal. 238 English forces at 12954. Cal. 1655 PP261.
- (2) 1655 Cal. 256; Thurloe VI 663, 658.
- (3) 1655 Cal. 251-252-determined pay of commander in chief at £10 per day.-- Trooper 28^{3d}. Garrison soldier 8^d. man of the line 9^d
- (4) Cal. '54 PP225. --500 men added to each of 4 regiments
- (5) See Thurloe V 431--prediction--.

ditions to the army. The milita forces alone were increased by at least 18,700 men.(1) Whenever a new company or regiment was added, the Council passed an order commanding the Army Commissioners to issue the necessary warrants, on the Treasurers-at-war for their payment. (2) It might be added, that the forces were paid only by the virtue of these warrants which the Council added from time to time. On the other hand one of their orders was enough to cashier an officer or muster a regiment. In 1655 when the government was attempting to live within its slender means by economizing, it saw fit to reduce many of the regiments, — even Oliver's own regiment — and did it with as little concern as it would display in lessening the staff of a Major-General.(3) Yet in practice even the all powerful Council found itself in an awkward position when it came to disbanding any of the troops. On mustering a company, the question of arrears in the soldiers pay, came up - a question which always startled them; for money was scarce and few of the soldiers would accept Irish lands in lieu of specie. An excellent example of

(1) Given by Thurloe V 397.

(2) Cal. 1655 pp. 14, 107 - numerous other stations might be given. See Whitelocke IV 208 - description of Treasury methods.

(3) Cal. 1655 pp. 251, 252, Thurloe V, 424.

this is given by ~~Fitz~~^{Ir} in 1657, when the Council were contemplating reducing Henry's army but were prevented because of their inability to find the £18,000 due the soldiers in Ireland. (1) Nor did the Council feel any too sure of the advisability of these reductions; for by them they were well aware that they transformed staunch adherents into wavering supporters or even "malcontents".

From this it will be seen that the Council's authority over the army was quite as great in practice as by virtue of the Instrument. Its authority was to remain great until its overthrow by the army itself, while the Lord Protector's power was to be less under his successor than it was under the great Oliver. (2)

Ireland and Scotland had their councils too - councils which were in a way patterned after the English Council. This immediately calls to mind the question, did they occupy the same position in their provinces as their English counterpart did in England? The best answer that can be given this is most emphatic negative, which the reader would utter if asked whether Fleetwood

(1) ~~Fitz~~^{Ir} II, 171; see also Thuloe VI, 406 in which Council attempt to supplement the scanty assessments in both Scotland and Ireland by levees of money in England in order to pay the arrears of armies.

(2) See ~~Chapin~~ Petition and Advice.

or Monk held the same positions in Ireland and Scotland as Oliver did in England. The Scotch Council was a body of nine men who were to act in an advisory capacity to General Monk, and as a sort of branch agency of the English Council. The Whitehall body appointed them, in the form of an advisory order in which Oliver readily acquiesced.

(1) These sub-councillors were appointed for a term of three years with a salary of 600 pounds as determined by the Privy Council. (2) In addition to working under instructions drawn up by Cromwell's councillors, (3) they were so minutely under its supervision that their president and even their clerks were named. (4) With these considerations in view it is not too much to call this Council an agency of the Council. It proved a valuable aid in carrying out the English policy in Scotland and especially in the half-hostile, partly subdued Highlands. Under the guidance of Lord Broghill they did excellent service in selecting the "right" men to Westminster, in policing the Highlands, in watching the numerous Catholic clansmen, who were still true to the unhappy Stuart; in collecting ~~fin~~es and in pardoning favored

(1) Thuloe III, 423. See Firth. II, 81.

(4) Thuloe III, 701, Cal. 1655, pp. 275.

(3) Instructions sent. Thuloe V, 727, IV 407; III 97: 1655 Cal. 255; 1655 Cal. 108-10.

(2) Thuloe V 727 - quorum 5 - salaries 600 pounds - Broghill the President 1000 pounds.

rebels. (1) Indeed they did their work so well that when their term was up the Privy Council at once recommended that they be recommissioned. (2) Their proceedings were of course subject to the Councils approbation or disapprobation. (3) To summarize, the Scotch Council performed a necessary work and served the Oliverian government well even if in an obsequious capacity.

Ireland too, had her Council, which was even more completely under the Privy Council's domination, than the Scotch one. Only five in number they served practically as aides to Fleetwood and later to Henry Cromwell. (4) Indeed they might be said to be the survivals of the "four commissioners system", which in 1654 was supplanted by the Lord Deputy and Council. They do not appear to have been trusted with as much administrative authority as were the Scotch councillors, (5) nor was there need of it, for Lord Henry at least, could be trusted (6) and General Monk was just as well watched. In Ireland, in other words, there was ~~no~~ necessity for a body to serve as a check or watch on the Lord-Lieutenant. The Privy Council, as Firth says, together with the Protector, were

(1) Cal. 1654 pp. 228, Cal 55 pp. 70-110, Cal 57-8 numerous references upon pp. 25-60.

(2) Thuloe V, 727.

(3) Cal. 1656-7 pp. 119. All Scotch Councils proceedings for issuing assessments and paying of forces were approved.

(4) Thuloe II 506, 507, 508, 9, III 549 Cromwellian 142.

(5) Firth II 133-4.

(6) Henry Cromwell, an Irish councillor since 1654 superseded the inefficient Fleetwood in 1657 - Calender 1654, 328, appointed by the Council.

the governors of Ireland (the colony), rather than the parliament. (1) Their control is seen in some widely separated attempts at its colonization or settlement by unpaid soldiers or adventurers. (2) While its policy was one of intolerant oppression, such as Ireland was accustomed to, there was one attempt at revolt - at bootless revolt. There is, however, a bright side, for the Privy Council did endeavor to do something for the country's betterment. Ordinances were passed establishing the English judicial system with the Court of Bench, Baron and Pleas. The appointments to these were probably made by the local body, but it is certain that the Council's approbation was necessary. (3) Firth points out, that the Whitehall Council advised that there be reciprocity between Ireland and England, and that a mint be established in the former country. Had these two projects been carried out, much would have been done to make a prosperous Ireland. (4) We have seen that Ireland had a council of her own, but that it fell far short of a "home rule" council.

(1) Firth II, 133.

(2) Cal. 1655 p. 42; Thuloe II 250; Firth II 137, 140, 142, Gardiner.

(3) Thuloe III 549.

(4) Firth II 162-3.

CHAPTER V.

THE COUNCIL'S FOREIGN POLICY.

COUNCIL'S FOREIGN POLICY.

The Council's power was probably greater in ~~one~~ field than in that of foreign relations, and yet this is the phase of their work about which the least is known. According to the Instrument, their advice was to be sought in all foreign correspondence and their consent was necessary in concluding treaties of peace or declaring war. All this is clear enough, but in practice the Council's power over the foreign policy can not be gauged. One would like to know just what part of the foreign policy was traceable to Oliver, and what part originated at the Council-table. Was the vacillating policy in their negotiations with France and Spain due to Oliver or his advisers? Was that foolish war, which ultimately broke the balance between Spain and France and gave the latter the place of priority in European council's, (1) due to the Council or to the "Fortunate Fool" (2) as Mazarrin called Oliver? (3) Did the idea of a "Protestant Alliance," which the Gustavus-worshipping Oliver hoped for, enter as strongly into the Council's policy? All these questions and conjectures might be answered, if the Privy Council records were anything but mere statements of what

(1) Bethel. 33, 34.

(2) Bethel "The World's Mistake in Cromwell"- pp.54.

(3) Gardiner IV 171, too declares it was Cromwell's policy, that his earnestness drew over the majority to him, though Lambert stood out. See also III 127-8.

was done. The ideas of the individual councillors are hidden from our view in the policy of the majority - the policy of the government. If this knowledge was available our understanding of the Commonwealth's European policy would not be so vague.

Shortly after Cromwell's government was established treaties of peace were signed with Portugal, Denmark, Holland and Sweden. Hence England was in hostile relations with only Spain and France.(1) A hostility which in the case of the French was ended by the Treaty of Pignerol. These treaties guaranteed England's commercial supremacy and it might be added, the stability of Cromwell's power. Oliver and his Council were both in accord in the decision to ally themselves with France against Spain. (2) Such an alliance was considered advantageous from the materialistic as well as the religious stand points. The persecuted of Savoy gained the intervention of Louis XIV; in case of success, the Spanish Main still offered tempting booty and her colonies easy conquests. The war did not, however, turn out to be either as popular or successful as had been hoped.(3) The

(1) Portugal, July 1654, Sweden and Holland, April 1654, and Denmark in September.

(2) Gardiner(IV 171) feels Lambert at least was against it.

(3) Old Parl. XXI 39. Parliament sanctions it in a hopeful spirit.

failure in the American campaign of the inefficient Penn and Venables well merited the ignominious punishment meted out to these leaders by the Council. (1) Neither Council nor Oliver could match the diplomacy of Mazarin and Maridyke (2) was found to be the sole prize of the war - and a very expensive prize at that. (3) A close alliance with Sweden was a pet hope of Oliver's but Gardiner thinks the councillors were more practical in looking at such an alliance. In other words the former glamor of Sweden did not close their eyes to English interests. (4) They realized that a neutralized Baltic meant more to English commerce than a Swedish Baltic and an English-Swedish alliance. Throughout the period, however, the most friendly relations existed between England and Sweden - relations which were furthered by the Council. (5) Indeed the Council went so far as to authorize a regiment of filibustering volunteers for the Swedish service at a time when her aggressive continental policy had involved her in a deadly struggle with Poland, Holland and Denmark. (6) By this step England at least displayed her sympathies - sympathies which, if Oliver was untrammelled, we may be sure would have

(1) Thuloe IV 28-31, Gardiner IV 144, III 17. "The disgracefullest Defeat that ever this Kingdom suffered in any Age or Time"- Bethel's Mistake in Cromwell" 41.

(2) Fifth I 283 -A majority of Council disapproved of its acquisition.

(3) Council appointed a Committee for Maridyke which did much to better conditions of English troops on continent, sending provisions, arms, etc. Thuloe VII 555-6.

(4) Gardiner IV 200.- See Bethel's "Mistake in Cromwell" 35-6 for Oliver's policy.

(5) Thuloe VII 440, 496.- Answer to Swedish minister's petition to Council for a closer alliance shows them willing.

(6) Thuloe IV 561; Gardiner IV 206

been expressed in a more practical way.

In considering the Council's part in foreign affairs one must not forget that it was this body, subject to be sure to Oliver's approval, which named the ambassadors and envoys. (1) In selecting envoys or plenipotentiaries the Council frequently nominated members of their own body, thus gaining for themselves an additional power over the projected treaties. (2) As very broad instructions were given by the Council to the envoys, much was left to their discretion, though, of course, their treaties had ultimately to receive the executive ratification. (3) Again the Council received officially all foreign ambassadors, and provided for their pleasures and entertainments. All these functions (4) gave the Council an influence over foreign affairs, while so elusive that it cannot be measured yet so important that it can scarcely be over-estimated. (5) It is an influence that is seen on the death of Oliver, when the Council urged Richard to send envoys to Sweden, France and Holland. These legates, with their requests that the amicable relations between them and England be not interrupted, had the greatest effect on the continent in upholding the succession of Richard.⁶

(1) Thuloe IV 546, 688; Cal. S. P. Dom. 1656-7, 291; Cal. S. P. Dom. 1658-6 189; Cal. S.P. Dom. 1654, 258.

(2) Old. Parl. XXI 39. Thuloe IV 28-31, III 17. Cromwelliana 139 - Lambert Lisle Strickland signed first Dutch peace. Whitzecke. IV 88,9- Whitelocke (6/2855) PP.-

(3) Given by Council - see instructions to Lockhart Thuloe VII 580. See also Cromwelliana 130, Thuloe 580 VII. Cal. S. P. Dom. 54, 258; (furnished bills of exchange as well Thuloe IV 688) Cal. S.P. Dom. 55-6 183; Thuloe V 583.

(4) All these functions seem to have been exercised by the Stuart Privy Council.

The Council through its supervisory connection with the Admiralty Court was (1) kept decidedly busy. Numerous appeals from the decisions of the Admiralty judges were brought before the councillors. They received innumerable petitions ² for justice from the neutrals who were oppressed in the English-Spanish war. The embargo against Spain,³ disputes over contraband goods,⁴ and the frequent illegal seizure of prizes on the part of English privateers, nearly embroiled England in a war with Holland and Sweden. The Council did the nation a great service in preventing such a coalition by her many equitable reversals of the Admiralty and by attempting to enforce fairer dealings with neutral shipping.⁵ Again its policy was that of refusing to grant letters of marque and reprisal to injured English merchants, if there was the least chance that the foreigner would come to an amicable settlement.⁶ This was in perfect accordance with the Council's general policy in favoring peace as against a war of aggression.⁷

5. The Council's entertainment of foreign ambassadors is amusing. The precise fare is set down in the order books, the exact number of meals, dishes of fruit and sweetmeats, and in the case of the Dutch Ambassadors the definite number of hogshead of liquor. IN addition the councillors were toled off to dine at each meal with the envoys and act as honorary escorts to them. 1653-4 Cal. S. P. Dom. 414; Whitelocke IV, 208.

6. Thuloe VII 440, 410, 496.

2. Thuloe VI 735-7; VII 14, 673, 4; IV 701; II 302, 189, 101; V 870.

3. Cal. S. P. Dom. 55-6 p 1.

4. Whitelocke IV, 232.

5. Thuloe III, 101; VII 544; Cal. S. P. Dom. 56-7, 312; Thuloe II, 302.

6. Thuloe VII, 544 and Thuloe VII, 638.

7. See Cal. S. P. Dom. 1657-8, 243; and 1653 p 1 for instructions.

7. The Council in their desire for peace did not favor a "weak kneed" policy. — often quite the contrary Thuloe II 461, V 780; II 517; Cal. S. P. Dom. 1653-118. — see also Don Pantoleon affair. 149

Aside from the actual wars the Council took more interest in the persecuted Protestants of the continent, than in any other phase of the foreign policy. A body of men, who inscribed on their order books a call for a day of "prayer and humiliation throughout the whole kingdom for the seeking of God, in reference to the present affairs of the Commonwealth,"¹ were certain to be wrought up over Piedmont. This interest in the persecuted of Piedmont had, as we have seen, much to do with Oliver's determination to ally himself with the "Great Bourbon", in the hope of gaining him as a mediator in Savoy. We find them asking too, that Mazarin grant toleration to Provence and that the successful Swede² provide for the liberties of the few Polish Protestants.³ But the "slaughtered saints" of the Vaudois excited most most discussion and sympathy at the Council-board.

They appointed a large committee headed by Richard and including both councillors and non-councillors to solicit financial aid on behalf of the oppressed of Vaudois.⁴ In order to encourage the faithful, Lawrence sent instructions to all the sheriffs commanding that they take care that every

(1) "E pluribus unum" see Cal. S.P. Dom. 1655-6 p 224.

(2) Charles X.

(3) A request originating in all probability in Council, Thuloe VII 638; Cal. S. P. Dom. 1657-8 229.

(4) Cal. S. P. Dom. 1655-6 pp 99- 100; Whitelocke IV 218; Cromwelliana 155.

parish be numbered among the contributors.¹ Urged by the zealous sheriffs and by this influential commission, the diverse parishes contributed a good sum.² In addition to this financial aid, England's stand greatly bettered the actual conditions under which the Savoyards lived,³ and for that matter the Protestants of France as well. The Council's action was commendable, but its demands were hardly in harmony with its Irish and Highland policies.

While comparatively little is known concerning the foreign relations of the Commonwealth, it is pretty safe to declare that the foreign policy was not a success. Little was accomplished. France and not England gained prestige by it. A Protestant Alliance was out of the question - the peace of Westphalia ended religious alliances. Whether it was a success or not makes little difference in a study of the Council. The Council's policy might be characterized as one of moderation; one preferring peace if possible, but not at all costs. They certainly were not as enthusiastic as Oliver in undertaking the Spanish war, nor in the fortunes of Charles the Tenth. But they were just as enthusiastic in using their good offices to promote toleration on the continent.

(1) Cal. S. P. Dom. 1655, 240; a warden's report, Thuloe III 501

(2) Estimated at 30,000 pounds, Masson V 41; Oliver headed list with 2000 pounds. Futh's "Cromwell" 378; see also Masson V 311, petitions from other oppressed sects Bohemia, Poland; Cal. S.P. Dom. 1657 for Sept. 28, 1657, Nov. 25, 1657. Let us hope these sovereigns and crowns reached their destination in spite of the famous Chris. Pack, who was accused of peculation Old Parl. XXI 57, quotes "Narrative of Parliament" p 17, Heath's Chronicle 386.

(3) Government went so far as to send a remonstrating envoy to Turin. Old Parl. Hist. XXI 165.

CHAPTER VI.

THE COUNCIL'S DOMESTIC POLICY.

Before entering that large and most important field of labors in which the Council worked----the governing of England-----it will be well to consider in general its powers over domestic matters. This will give a clearer understanding of that intricate mixture of powers, which the Council had----powers executive and legislative, as well as judicial in character. They had a general supervision over local officers, justices of the peace¹, sheriffs, and the like², over the Major Generals of 1655, over the mayors and jurats of cities and ports, and even over the London Common Council³. Their appointing powers were most extensive⁴. They headed the administrative and policing departments, Their secretary, Thurloe, controlled the mail system and superintended that well organized secret service. They had the right of selling monopolies of certain articles or giving the control of them to the "farmers"⁵. Their ordinance making

1. Cal. 1657-8 pp 108- admonished justice of peace to aid excise collectors and answer for the hinderance he gave them. Cal. 1653 pp344- Council appointed a committee to regulate and nominate justices, Whitelocke IV 156. Cal. 1653-4 300-1:
2. Cal. 1655-pp 222 mayor, alderman, and sheriff answer charges before the Council Committee.
3. Calendar 1655-6 239 Commissioners including 14 aldermen appointed to secure peace of London. London had a Major Gen. Calendar 1654 pp19. Comwelliana pp 139 Council supreme over Tower of London their political Bastille
see Cal. 1654 194, 1655 pp 250.
4. Together with Oliver, they had a most extensive power Nominating Commissioners of Great Seal--Whitelocke IV 191, 200, 204- Whitelocke "Swedish Embassy" II 137 nominating Commissioners of Exchequer. Whitelocke IV 128, Appointing Custom Officers Cal 1653-4, 1655-6 pp 183, "Oyer and Turner" Commissioners, Cal. A.P. Dom 1655, 117 106; Admiralty officers 1655-6 Cal S. P. Dom 1657-8 Cal. S. P. Dom. 243; nominate and determine pay of governors of Scillis, Jersey and Guernsey.
5. Farming out of Inland and Foreign Letter Offices 1654 Cal. S. P. Dom. pp 27.

power was all inclusive, going even to the extent of repealing a Parliamentary Statute¹. In interims of Parliament, their ordinances covered the same range of subjects that statutes might constitutionally be expected to. As a judicial body they are to be found conducting examinations of suspects and disposing of culprits, who were thought to be plotting against the "status quo". They seem to have been the chief court of appeal, and to them came some of that work, which under Charles I, would have been turned over to the Star Court or Court of High Commission. In a word the Instrument had created an institution, which usurped Parliament's power during its interims, and encroached on its functions even during its sessions.

The domestic government of the Council, because of its character, adapts its self to a classification into two periods. The first of these lasted about nine months in point of time and might be fairly accurately described as a period of benevolent despotism. This is that stretch of time between the *Coup d'état* of December 1653 and the convening of Parliament on September 3, 1654. The second is a much longer period, extending from the assembling of Parliament in 1654 until well into the spring of 1657. This cannot be characterized as a benevolent despotism but could be more truthfully called a Turkish despotism. It

1. Cal S. P. Dom. 1653-4, 364

is the part of the Commonwealth, that admirers of Oliver attempt to apologize for or pass over lightly. Finally it ceased when the Petition and Advice was made law and Parliament once more was coming into its own. Each of these stages will now be considered in their turn with an attempt to emphasize the most important events in each, in so far as they throw light on the activities and importance of the Council.

It has already been seen, that during its first nine months the Council supplied England with an excellent administration. There is no better way to understand this government, than by considering some of the ordinances, which were passed.⁵ While some of these no doubt encroached on personal liberties, they were by no means tyrannical and did look toward the welfare of the Commonwealth. Ordinances were passed confirming all reliefs or indemnities given in the way of pensions to sufferers in the wars.¹ Veterans were given special privileges to engage in trade, in the coach business of London, or as adventurers in Ireland.² Relief for the poor debtors and the needy proved a popular piece of legislation.³ All old royalist manors, homes and estates, which had been sequestered, were surveyed, that they might the better be sold.⁴ To encourage trade the highways

1. Cal. S. P. Dom. March 3, 1654.

2. June 23, 1654.

3. March 31.

4. Aug. 21.

5. The whole list is given in tabulated form by Masson in his "Milton" IV 558. Also see Calendars of State, Papers Dom. for the dates given.

were ordered to be kept in repair, as well as policed¹. Ordinances of a rather stringent nature were enacted against horse racing and cock-fighting which were said to be the occasions of gathering many turbulent characters of disloyal proclivities². Others of a moral nature provided against all dissoluteness, challenges, duels, disorderly meetings, and especially against all ill conduct on the Thames, which was said to be altogether too common³. An excellent ordinance was the one incorporating all treasuries into a central one through which all state moneys should pass⁴. The councillors intended to guarantee the security of the states income which they found was difficult enough to collect, even though they were empowered to pass levying ordinances. This step was a precaution against speculation and all sorts of irregularities, which might arise under a "multiplicity" of treasury system, but it did not suffice to prevent embezzlements--and those of a wholesale nature. Without a doubt the ordinance displaying the Council's power to the greatest advantage was that by which it provided for the raising of 630,000 pounds, for government and army expenses⁵. The acts of union of 1702, and 1800, were anticipated when the council declared Ireland and Scotland both united to England, established the English judicial system

1. Mar. 25.

2 June 28- Mar.24.

3. June 30

4. June 21. First step in an endeavor to protect the treasury against frauds, which the Council later took special care not only in preventing but in punishing. Still the minutes of meetings make known gigantic frauds and counterfeiting.

Cal. S. P. Dom. 1655 pp 3-on, Cal. Sp. dom. '54 pp 216.

5. Old Parl. Hist. XX 431.

in those countries¹, and divided them up into electoral districts that they might each send the thirty members, which the Instrument allotted them in Parliament?² Scotland was completely settled by an ordinance which pardoned most of the rebels, fined others and left as outlaws only a few, who were to closely connected with the Stuart Fortunes³. They abolished the clan system---a "paper" abolition, which did not prevent a bloody one at Culloden. In addition it might be again called to mind that some of those ordinances on treason⁴, ministers' approbation boards, and so forth originated at that time. On the whole this legislation was beneficial, and commendable in that it gave England a time of peace and prosperity to recover from her late internecine war. In extent this legislation was more remarkable including some eighty-two ordinances on as many different subjects and often times in the most detailed manner. The Council, it can well be said performed a necessary work and one, whose urgency in most cases at ~~this~~ particular time would not permit of its being delayed until Parliament should meet⁵.

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1. Calendar for Apr. 12, May 16, 1654, Gardiner gives ordinance in Documents also see Cal. S. P. Dom. 1654, pp90 pp 325.
 2. June 27, 1654, Calendar 1654 PP 197-200, Gardiner Documents 329-332.
 3. As Stuarts, Lindsay, Argyle, Glencaune, Hamilton and about a dozen others--See ordinance Ap. 12, 1654 Cal. S. P. Dom. 53-4, pp 404.
 4. Whitelocke IV 81, Old Parl. Hist. XX 269. Definition of Treason no longer in doubt.
 5. By this I do not mean that there was any clear demarcation between a statute and an ordinance. Indeed there was no particular kind of legislation which the Council was not empowered to pass during Parliamentary interim. However, these ordinances were subject to the approval of Parliament and according to the interpretation of the constitution, as well as practice this approval or disapproval of Parliament gave the ordinances the effect of statutes or made them void.

The Council like the French Constituent Assembly had something else to do besides legislate, it had to govern England. And in order to govern England it must first quell the opposition which the new government excited. England as a whole, while not as enthusiastic over the new government as it had been when the Long Parliament was dissolved, did not offer any opposition. To her it mattered little whether the government was in a single head or not, so that a Parliament^{ary} government was guaranteed. As the instrument made this guarantee, there was apparently little cause for a widespread opposition. Now in order to better understand the opposition which did show its head, a few words must be said on the part alignments. Weak at just this party opposition was predestined when finally leagued together Royalists, Presbyterians and Republicans to overthrow the Cromwellian dynasty. The Royalists of 1653 were not so weak as discouraged, but the least opposition on their part, because of the surveillance they were under, was out of the question.

The Presbyterians do not seem to have become opponents of the governments until about 1655 or 1656; for even one of their staunch adherents was in the Council¹. The real point, to take cognizance of, is that the Parliamentary party had now split into the Cromwellian party and a wing of opposition including Republicans, Levellens, and Fifth Monarchy men.

1. Cooper.-- We know too that the Presbyterians were represented on the Ministers' Approbation Board.

The first of these parties which the Council found it necessary to repress was the Fifth Monarchists.¹ They were especially dangerous, because their Biblical arguments against the government and far fetched Scriptural allusions in support of their doctrines would appeal to the "new model" soldier. The Council realized this danger and acted accordingly. Powell and Feake popular Anabaptist preachers of Christ's Church, London were the boldest in their denunciations of Oliver and were the first brought before the Council by its secret emissaries. On the Sunday following the inauguration Powell had styled Oliver as the dissemblingest perjured villain in the world,"² and prophesied for him a more desperate end than had been meted out to Charles. Feake on December 20 in one of his sermons referred to Oliver Cromwell as the "Little Horn of Daniel who would meet destruction in his war on Christs saints". While such as these could be termed nothing but fanatics the Council felt that it was necessary to quell them. Their effect on the London populace, with their solicitations to support the reign of Jesus not that of Oliver, can easily be underestimated now. Thurboe had then seized and incarcerated in the Tower within a few hours after the delivery of their seditious sermons. During the next few days there offence was threshed over at the Council-table.³ However, after a few days imprisonment they were set at liberty on the promise of Stirring up no more opposition.

1. Fifth Monarchy men believed Cromwell's government must be destroyed as part of the "fourth monarchy" before the glorious "fifth monarchy" under Christ could come about.

2. Epitome of Sermons Cal. S. P. Dom. 1653-4 pp. 304 et cet.

3. Cal. S. P: Dom. '53-4, 308, 353, Thuloe I 642 - Gardiner III 7-Whitelock IV 81.

This case demonstrated to the Council that stringent preventive measures should be taken, hence they passed their Treason Ordinance,¹ which silenced all such outspoken opposition.

The Republicans, too, caused some consternation. Enough so that the Council considered it advisable to remove John Lilburne from the London "Bastile" to the island of Jersey where he was to dwell "under the closest guard."² While little danger can have been apprehended from his adherents, nevertheless it was good policy to remove him altogether from the scene of his earlier activities. Major General Harrison on refusing to serve under the new government was immediately deprived of his commission. The same course was pursued in the case of Major General Overton.³ Yet the Council was not satisfied, with this however, and passed an order requiring Harrison to repair into and remain in his native Staffordshire until further orders.⁴

Ludlow was another staunch Republican and the most decided of all in his opposition to a single headed government. He went so far as to refuse to sign the Dublin proclamation of the new government, but his opposition gained him only "disfavor" at

Whitehall and what amounted to a life of exile in Ireland without apparently injuring the government.⁵ These were the chief Republican opponents of the government, at least they were the most audacious. There was another sort of opposition in their ranks of a deep seated covert nature, which the Council

1. Cal. S. P. Dom. '53-4 304, 308, Dec. 21 ' 1653/ Gardiner III, 5-7 gives date Jan. 21, 1654 as does Old Part. XX 269- Whitelock IV 81. Among other things high treason to declare or "deny the exercise of the Magistracy and Administration of Gov't. is not in the Lord Protector assisted with a Council".

2. Cal. S. P. Dom. 53-4 pp. 46/ Bethel's "World's Mistake in Cromwell" pp45.

3. Overton's conspiracies Gardiner III 231, 232 - Jan. 1654.

4. Cal. S. P. Dom. 1653-4 pp 387.

5. Ludlow II - 10 -14- told that the air of Ireland is good

could not eradicate. There were of course numerous other instances
of opposition,¹ notably the splendid petition of the three
colonels,² but most of these were in the nature of plots or secret
cabals.

The year 1654 saw two well known Royalist attempts at
opposition. One of these was the "Salisbury uprising of March,
which ended in a miserable fiasco. So easily was it put
down and so quickly had it been discovered by the Council's agents,³
that even its existence has been doubted. The Council on
a report from Wolseley ordered that there be a commission of
oyer and terminer for Wilts, Dorset, Somerset, and Devonshire⁴
and that the Attorney General prepare for the coming trials.
Hearing a little later of Royalist mutterings in the North
the councillors passed their ordinance against mischeivous
horse races with their attendant Royalist fomenters, and
ordered that Captain Howard take precautions to secure all
Papists or suspects.⁵ In July the Council had to deal with the most
desperate of the Royalist attempts at assassination of Crom-
well and some of his Council. It is interesting to glance at the
names of these marked councillors; for in the eyes of the assas-
ins they were the chief ones _____ Lambert, Desborough, Pickering,
and Strickland.⁶ Some forty desperatos were brought before the re-
cently established High Court of Justice but only two of them,

1. Carew, Rich, Courtney see Gardiner III 267.

2. Gardiner III 211, 212.

3.

4. Thuloe III 295.

5. Cal. S. P. Dom. 1654 pp 246.

6. Old Parl. Hist. XX 295.

Gerard and Vowell, were ever executed.¹ The Council here displayed its fear of popular opinion by its refusal to allow a jury trial instead of a trial in a special court for such cases.² They even went further depriving any of the suspects,³ whom they had arrested of their rights of habeas corpus. Numerous other plots of an illusory nature bothered the Council,⁴ but for the most part these did not amount to much. They were the attempts of fanatical adherents of the fallen dynasty who believed with the pamphleteer that "killing was no murder"⁵ or who were mere hireling murderers looking for reward in preferment.

Enough has been said to show the Council's action in all cases violating their treason law. One recognizes their far reaching arm and their keen eye in quelling and discovering every little movement against the government's ~~great~~ great power.. Page after page might be given over to these plots and the Council's⁶ considerations of them, but it would not be worth while.

1. Thurloe II 416, Old Parl. Hist. XX 294.

2. Cal. S. P. Dom. 1654 pp 219, 209.

3. Cal. S. P. Dom. 1654, 208.

4. For example Thurloe III 96, 104, 107, 99 II 178, 382, 383, 416 Whitelocke IV 190, 182. Cronwelliana 152.

5. Futh I 224 Pamphlet by Serby and Titus.

6. These plots were by no means confined to 1653, 4, each year brought forth its crop of conspirators, and judging from the records the crop was a "bumper" one. The Council was the cleaning house for all these, if the conspirators themselves not summoned records of their actions affidavits were sent there. High Court of Justice adjudicated after preliminaries held in the Council, example Cal. S. P. Dom. 1658-3 ppl6.

At any rate by the time Parliament met, all open opposition was crushed out by executions, fines, or imprisonments, but of course the discontented spirit could not be reached. It was the germ which was to grow up within and sap the vitality of the state in spite of Council or Protestor.¹

It is necessary now to consider the relationship existing between the Council and the first Parliament. This Parliament, elected under the new constitution came together in response to the summoning writs, which Oliver by the advice and consent of his Council had sent out. On September 4, Oliver escorted by his son Henry and Lord Lambert headed the procession of members to the Abbey Church. After the sermon, Oliver delivered his "speech from the throne", reviewing his policy and declaring them a free Parliament.² It was a freedom that they were immediately to make use of, to his umbrage. At the close of a most acrimonious debate on whether the government should be in the hands of a single person or not, Oliver found it necessary to set forth his stand in the most verile terms.³ He forced them to sign a Recognition and absolutely forbade that they question the form of the government itself or in his words, the "four fundamentals of government."⁴ Doubtlessly the Council was heartily in accord with him, but there is no evidence

1. Not a sweeping statement. This discontent at first affected only a few, but these few grew into numbers as the years went by. The legislation of 1654-7, which had for its purpose the crushing of this opposition, was made necessary for just this, proved abortive. For, while open opposition was made impossible, the hidden "discontent" smouldered on. We see it in 1657 in the Council, in Parliament, and even in the army, and from then on we see it grow until it was finally able to depose "Richard. Lilburne had anticipated the opposition of a Lambert.
2. Old Parl. Hist. XX 318. ³ idem 349. ⁴ Old Parl. Hist. 362 "Recognition" form pp 370 - 130 members submitted among whom we find the councillors.

bearing directly on it. We do know however that all the councillors, save Lisle and Mulgrave, were members of Parliament and that they were the first to obey Olover's command, thus setting a good example. Yet, after the re-organized House met again it still continued to discuss the Instrument article by article, perfectly oblivious of the fact that by attacking Olover and his Council they were undermining their own status. They were afraid of the Council's power over the army and sought to curtail it, but after a spirited opposition the clause in the constitution remained intact.¹ Parliament was especially wary of their control over the nation's purse and for this reason enacted, that ordinances made by the Lord Protector and Council previous to this Parliament.....should remain in until end of Parliament only unless some action was taken on them.² The next blow was struck at the councillors oath to which they added that the clause by which the latter were to swear to be "faithful in following Parliament's instructions."³ This seems like an attempt to force responsibility to Parliament on them---a responsibility made more evident by a resolution of a few days later, according to which no councillor could serve as such more than forty days after the convening of Parliament, without a new vote of approval.⁴ This would be very similar to the present day system. A further attempt to restrict the Council is seen in the amendment by which the new Protector must receive eleven votes

1. C. J. VII 386; Burton Intro 84, Old Parl. XX 380.

2. C. J. VII 388.

3. C. J. VII 394.

4. C. J. VII 395, "Parliaments trustees" see Burton Intro I 106.

instead of a possible seven under the old provision.¹ After a long debate it was finally resolved that the power to make war should be in the hands of Protector and Parliament, but that the Protector and Council could with some restrictions make treaties of peace during interims of Parliament.² The powers of the Council, and the manner of selecting councillors were all fought over but finally, with the exceptions noted, the provisions in the Instrument remained about the same. But all this opposition made evident the fact that the government was built on a weak foundation___so weak that it had hardly better than a good working majority.⁴ This Parliament was energetic in nothing but its opposition. Instead of voting supplies or passing necessary bills, when it finished the "Constitutional Qmendment"⁵ it became involved in an abstruse religious questions which took up the remainder of its time.⁶ Oliver, angered and disappointed, dissolved this Parliament on February 2nd.---⁷ exactly at the end of the five month minimum.

The dissolution of Parliament in January 1654, ushered in the reign of tyranny. Ludlow, cajoled and solicited by Fleetwood and Sydenham, refused to subscribe to an engagement to a government, which he declared was, "in substance a re-establishment of that which we all engaged against and had with a great expense of blood and treasure abolished."⁸ Ludlow was right in his survey of the country's condition, but it was a condition which was to grow

1. C. J. II 397.
2. Old Parl. XX 391, Burton Int. 44, 47.
3. Burton Intro. 107, Old Parl. XX 390.
4. Opposition of 130 out of 317 lead by Hazelrig Old Parl. XX 335.
5. Given in Appendix of Gordiser's "Documents" Also C. j. VII 389, 395,
- 6,7
6. "Damnable heresies " question -- cases of Biddle and Naylor.
7. January 22, 1655.
8. Ludlow I 435, also II 10, -14.

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unbearable in the course of the next three years. England was to be little better, than what is called on the continent, in a state of siege. Local officers were to be superseded by centrally appointed ones, backed by army details. Each county was in fact to be subjected to a military occupation, even worse in its character, that with which Ireland and Scotland were saddled. This was the period which marks the Councils creation of the Major-Generals with their "tyrannical but beneficial government,"¹ the throttled press, another purging of Parliament, and taxation by executive order. Clarendons description truly depicts the state of affairs. "The taxes and impositions every day were augmented, and Cromwell, and his Council did greater acts of sovereignty than ever king and Parliament had attempted. All the goals were full of such persons as contradicted their commands and were suspected to wish well to the King."² This was the period which gave occasion for the "Petition of Advice," a document no doubt faulty, but still a "Magna Carta" of protest against the Commonwealth's tyranny.

One of the most tyrannical acts of the Council was the press law. We have seen an anticipation of this in the act against the printing scandalous or licentious books, such as they considered Biddle's. In September of 1655, the

1. Carlyle IV 32.

2. Clarendon VI 2759.

freedom of the press was destroyed by the enactment, "that no person what soever, do presume to publish in print any matter of public news or intelligence without the leave and approbation of the Secretary of State!"¹ "This was followed by one ordering "the speedy executing of orders against printing unlicensed or scandalous books and for further regulating printing."² By strictly enforcing them³ and broadly interpreting them the Council silenced the press. Out of nine newspapers, before their passage, only two existed after and both of these were edited by the same man and affiliated with the government.⁴ Gardiner hits on October 3, 1655 as the day which marked the last appearance of anything a free paper.⁵ Ana-baptists or Levellers could no longer appeal against the government in print, the petitions of Mildman could no longer be published, army remonstrances were made impossible, and even unapproved religious tracts were out of the question. These laws enforced by the Council's agents⁶ were more efficient than the French "system of warnings."

The Parliament of 1654 had made no provisions for carrying on the government by way of taxes or otherwise, though they were ready enough to declare that the ordinances of Council levying money were null and void.⁷ Therefore it was absolutely necessary for the Protector and his Council

1. Cromwelliana 153, 155, Whitelocke IV 213.
2. Cal. S. P. Dom. 1655, 318, Oct. 9 '1655, Whitelocke IV 213.
3. The enforcement was strict, in case of derogatory pamphlets stationers taken into custody, if they could not reach culprit. 1657 -8 Cal. S. P: Dom. pp 83.
4. Mercurius Politicus, Public Intelligencer Gardiner IV 27.
5. *idem.*: *ibid.*
6. One cannot help wondering if Guizot, an historian of this period, did not profit by his study of the Council's system, when he became chief minister of France.
7. Burton Intro. I. 91 -- C. J. VII 388.

to take extraordinary means to supply the exchequer. Above all the army must be paid, whether the money be raised constitutionally or not. The levy of 60,000 pounds per month was continued under the pretense of the authority delegated to the Council by the Instrument.¹ What closely approximated a forced loan was even tried, when the Council appointed Sydenham, Montague and Thurloe to treat with the East India Company for an 85,000 pound loan to the government.² Whether they were successful or not, we do not know, but their intention itself is an arraignment of their despotism. Customs and Excise duties were collected in spite of the patriotic Cony whose refusal to pay duties in which Parliament had no voice, stirred up one of the greatest difficulties the Council ever had to deal with.³ By laying the "decimation" tax of about ten per cent on incomes of those delinquents who had fought against the Parliamentary armies and heavy fines on those who treacherously opposed the government since 1653, the treasury was replenished. Yet the Council felt the money shoe pinch, even though they taxed the country as much as they dared and retrenched their expenses wherever possible.⁴ It was this that made a second Parliament necessary and proved to them that England could not be governed without one any more under an Oliver than under a Stuart.

1. Cal. S. P. Dom. 1655 pp 33 -- under threat that otherwise free quartering of soldiers.-- Cal. S.P. Dom. '56 - 7 pp 13, 14.

2. Cal. S.P. Dom. 1655 - 240.

3. Masson V 35,6, 48: Cromwelliana 153: Gardiner III 301, 2,- Cony up before Council for his refusal to pay duties, rather than pay his fine accepted imprisonment-- Council even threw his counsel into the Tower.--Cony's resistance marks an epoch in this tyrannical period.

4. By mustering troops, close watch on treasury etc. Desborough Lambert, and Sydenham were named a committee to consider how public charges can be lessened by retrenchment and how the income improved. 1655-6 Cal. S.P. Dom. pp 218. Gardiner IV 250-2 points out that Council favored mustering of troops rather than increasing taxation. (Feb. 1656) anymore, but Oliver was strongly against such a policy

A new institution, that of the Major-Generals, was created in August of 1655. The Council's idea was to improvise some instrument¹ adaptable to carrying out their wishes, which they were well aware the old local institutions could hardly be perverted to do. Only the briefest description of the Major-Generals and their work can be given here. Britain was divided into ten military districts, each ruled by a Major-General, a corps of commissioners and a troop of militia.[#] In the order naming them we find that the following councillors Lambert, Desborough, and Skippon, among the "God fearing men of wisdom and veracity"² who were chosen for these important posts. These men were virtually kings over their districts, without the slightest ties to those whom they were governing but bound to carry out the central executives wishes in all things. A military force of at least one hundred for each county gave a force to their commands which none could afford to overlook.³ Their work was drastic but it was effective. It was through their efforts that the year 1653 did not become a year of anarchy a possible 1659.

The relations between the Council and the Major-Generals could not have been closer. They were appointed and located by the Council,⁴ their instructions were drawn up by it and they made frequent reports to it direct thru Thurloe. According to the first set of instructions⁵ they were required to bond all

1. Firth I 7. thinks probability points to Lambert, but that Oliver was also enthusiastic over it.
- #. Thurloe III 701 Cal. S.P. Dom. 1655. 275. Carlyle IV 132, Names in Old Parl Hist. XX 433.
2. Carlyle IV 132.
3. Cal. S.P. Dom. 1655 - 6, 200 Thurloe IV 561.
4. Whitelocke IV 214.
5. Cal. S.P. Dom. 1655-6 103.
6. Cal. S. P. 1655-6 103.

dissolutes or vagrants, detect robbers, suppress all rendezvous or unlawful meetings, closely watch roadhouses where royalists might congregate, disarm all Catholics or "malcontents", stop cock-fighting and horse racing, aid in ejecting scandalous ministers promote all godli ess and discourage profanity, and finally to obey all further orders. Further orders kept coming in every post. The chief of these was the one commanding them to collect the decimation tax and take charge of the sequestered estates. This was an ingenious scheme to make the cavalliers pay for their own surveillance-- That is support the system of Major-Generals.¹ The idea seems to have originated with Desborough who said with much expressiveness, "let us lay the saddle on the right horse."² In the case of the bolder royalists this "intendant" was empowered to imprison them or deport them, if need be.³ Generally speaking their work consisted only in apprehending the "fire eating" royalists and in preparing the charges which were sent to the Council, to whose decision⁴ was left their ultimate disposal. At times the charges are so thin that they must have even appeared ridiculous to the suspect himself, but little did the nature of the proof matter.⁵ No jury's decision was necessary, and a writ of habeas corpus was entirely out of the question. The frequent correspondence between the Major-Generals and the Council gives the key to the

1. Decimation tax 1655 Cal. S.P. Dom. '347 - Cal. S.P. 1655 -6, 101, 200 sequestration. Firth I, 109. Thurloe VI, 485- Example of Council auditing these accounts, Major-Gens. handled too much money not to be checked up.
2. Firth I, 103. - Whitelocke IV 216 says "charge must not be put on the honest party."
3. Hist. Mss. Com. VI 438 ?
4. 1656-7 Cal. S.P. Dom. 72.
5. Maj.-Gen Haynes to Council- Notifying them of his seizure of Cleveland, a lte judge, who was suspected because of his extreme seclusion and too genteel garb for an estateless man. Thurloe IV 184.

whole local government policy. It shows the way the Council has worked itself i¹ to the intimate life of the community. In addition it affords a delicate barometer of local sentiment and opinion, for the most minute local affairs are dwelt on fully in this voluminous correspondence. Together with reports we find many requests for the Council's advice[#] on a certain matter or instructions how to act in such and such a case.² Again any information, which Thurloe might have gleaned as to local dangers was dispatched with orders to these commissioners.³ We find President Lawrence taking to task a Col. Dawkins for having allowed frequent assemblages of an illegal character, and ordering him to improve his care in suppressing these disorders.⁴ Indeed the Council's power over the locality can hardly be overestimated. Its opponents were silenced, they did not dare to aspire to a local office. To make this clearer a letter of Lawrence's is worth quoting,---"hearing a disaffected person was lately chosen alderman for Hall, desire you to learn the proceedings on his election, the quality and affection of elected,⁵ and certify. In an election at Colchester the Council ordered that they proceed to elect the usual officers, "having regard for the good government of the town," and that they present the list of elected to the Council for sanction.⁶

1. As an example of this supervision Cal. S. P. Dom. 56-7, 2191 Petition of Browne to erect and maintain a bowling green behind his house, for the recreation of gentlemen.

2. Council the only court of a peal from M)Gen's decision. Carlyle IV 132.

3. Council order Col. Jones into Shrewsbury where they heard mutterings of a cavalier uprising, to ascertain reliability and raise all loyal Cromwellians if need be. Cal. S. P. Dom. 1656-7 pp 41

4. Cal. S. P. Dom. 1656-7 pp. 17.

5. Cal. S. P. Dom. 1656-7 pp 41. Also investigated an election at Bewyick.

6. Thurloe III 745.

Over.

#. For example.- Commissioners of Southampton ask "right honorable Council for further instructions as they fear a conflict with exchequer'S agents in same work. Thurloe IV 240. See also I 411, where a too authoritative commissioner is "called off". Cal. S. P. Dom: 1656-7 87, 105 ask for greater authority and larger force.

Following this plan free local government was reduced to its lowest ebb. The great surprise is that between "undue influence" and outright intimidation, that there were any anti-Oliverians in the next Parliament.

Great was the opposition to the Major-Generals. Even Oliver felt it necessary to vindicate himself and the Council for creating this institution. 1. He pointed to its efficient work in crushing royalist plots, and referred to the uplifting the morals of the people, but sentiment could not be aroused in favor of it. The institution was beset on all sides by enemies and was doomed to fall. So intense was the approbrium in which it was held, that the "select" Parliament of approved men voted it down by 124 to 88.²

The Spanish war, which was being waged most vigorously, made liberal supplies necessary, supplies which the Council could not provide. Therefore it was decided, in July of 1656, to send out the writs for a new Parliament.³ Parliament, it was thought, would be a tower of strength, even though it was only a Parliament in name and was in reality an assemble of dependants and office holder. What was wanted was some "representative body, which would ratify the new government and put it on a constitutional basis instead of leaving it resting on the army's sword. They did not desire a repetition of 1654 and to prevent such an occurrence the Major-Generals were to use their influence with the electors in order

1. Old Parl. XX 434 -- Firth I 124 calls Oliver a neutral of the bill. Masson V 118, 119. - vote that against the renewal of the decimation tax, without which the fall of Maj-Gens. was inevitable.

Bill for continueing this tax most important as whole local government system based on it. Council divided on question, supported by Lambert, Strickland, Fiennes, Thuloe, Lisle, Pickering, Sydenham---opposed by Whitelocke. See Firth I 109.

3. Old Parl. Hist. XX 479, XXI, 1

2. Masson V 118 119. C.G. VII 483 - vote was really against the decimation tax, which was the base of whole local government system. - Council divided on question; bill supported by Lambert, Strickland, Fiennes, Thuloe, Lisle, Pickering, Sydenham. See Firth I 109.

that "safe" men might be sent to Parliament.¹ In spite of all their pains and precautions, there were about one hundred returned upon whom the Council felt that it could not depend to carry out their wishes. Ludlow says of this group that they "were known to be no favorers of the usurpation, and that it was thought well to be rid of them".² In consequence, it was determined to go a step further than in 1654,³ when all members were forced to subscribe to the Recognition for "men" who would not be frightened or flattered to betray their country,⁴ were not desired. Therefore the Council appealed to the control over members-elect of Parliament given it by the instrument. We recall that the councillors were to peruse the returns and ascertain whether the elected fulfilled the qualifications and were "persons of known integrity, fearing God and of good conversation, and in case any were found wanting, they might disapprove of their election. By a suitable interpretation of these clauses, grounds were found for disbarring about one-hundred duly elected representatives.⁵ The

1. Old Parliament XXI, 2 ft. quotes Thuloe's correspondence to show arbitrary means used to get a government majority.
2. Ludlow II, 18--See letter in Hist. Mss. Com. VI, 6,440--Your brother is admitted into Parliament "though one-hundred and forty gallants, missed of them for causes best known to his Highness"
3. Gardiner III, 183--points out that even at this time the council attempted to compel members to get certificates before being seated but set at defiance by Earl of Stamford and gave him a certificate in order to uphold their principle and then dropped their contention.
4. Whitelocke IV pp
5. Carlyle IV, 254, Ludlow II, 18 both give 100 as the number Old Parliament XXI, 36 give 98, Thuloe V, 453 lowest with 56 First I 13,14 Whitelocke IV 274 estimates 98, Journals give 75. Different figures probably accounted for by doubt as to how many ultimately were reelected. Harrington Mss VI 6, 440 highest estimate of 140 men.

indentures had been forwarded by the clerk of Chancery where the examination took place and from whence came the orders to make out the certificates of membership only for those who were approved.¹ The excluded were for the greater part unknown opponents of the government,² but the few whose names are familiar while opposed to the regime were by no means "radical" Republicans or dangerous men.³ Many of them were men whom it was as insulting to bar on moral grounds, as it was tyrannical to bar them on political grounds.⁴ They were men however who could neither be bribed nor coerced and such men are out of place in a despot's Parliament. Of the men seated, numbers of them held some office or emolument under the Commonwealth. Indeed there could have been few of the government's chief employees who did not hold seats. The members chosen by the military for Ireland and Scotland were seated without a question;⁵ for they were men after the Council's own heart. In this election the councillors could with a great degree of scientific truth, be called the electors.

1. Form of certificate Old Parl. Hist XXI 24, Carlyle IV 254. County of Bucks. These are to signify that Bulstrode Whitelocke is returned by Indenture of the Knights to serve in the present Parliament for the said county, and approved by his Highness' Council. Signed Nath. Taylor, Clerk of Chancery.

2. Benton's Intro. 36.

3. Vane, Bradshaw, Ludlow who were "Republicans of Republicans" were not elected. Gardiner IV, 270.

4. Haslerig, Maynard, Hide, and Cooper whole list in Old Parl. XXI, 3-23 with short sketch after each name showing their politics and offices held under the government by all who were seated. All councillors elected save Lisle and Mulgrave who it is thought did not contest. Gardiner IV 270.

5. Those from Ireland and Scotland who were chosen by and for the sword were admitted without a scruple. Ludlow II, 18.

The excluded members met and drew up a masterful remonstrance, which most succinctly and vigorously set forth the tyrannies of Cromwells regine.¹ When this remonstrance was read in Parliament, they drew up a resolution asking the Council to explain.² Thurloe was sent to defend the Council's action³ and Parliament accepted his defence, by passing the following bill by a majority of 125 to 29 "Agreed that the persons who have been returned from the several counties, cities, boroughs, to serve in the Parliament, and have not been approved, be referred to make their application to the Council for an approbation, and that the House do proceed with the great affairs of the nation."⁴ This resolution, which Thurloe calls a "great providence of God", closed the incident.

The Council made a mistake--a regrettable one. It aroused an opposition which presaged a coming storm. Irreconcilable enemies were made out of luke warm opponents, doubtful Cromwellians were turned into Republicans, and the Republicans now had a handle for their charges. The "Arrest of the Five Members", was recalled to men's minds together with the universal opposition it had provoked.⁵ That crime now had lost its magnitude, when compared with this tyrannical act of the Council--and it was the Council's act.⁶

1. Remonstrance. Old Parl. Hist. XXI 27-38, Whitelocke IV 274.
2. Whitelocke IV 426 (?) ③ Old. Parl. XXI 27 ④ Firth I, 15, 16.
5. Firth I 21. ⑥ Camden Mis. XI 142-4-Memoirs of Geo. Couthrop As one of the excluded he appealed to Oliver who told him that it was an act of the Council and that he did not concern himself in it. ⑦ Thurloe V 453.

The high handedness of the measure was everywhere recognized.¹
It is hardly too much to call it the "Moscow" of the Cromwellian
family's fortunes.

1. Old Parl. Hist: XXI 2. "This tyrannical project of Cromwell's being the highest infringement of the Liberties of the Nation we have met with in the whole course of these enquiries."

CHAPTER VII.

PETITION AND ADVICE---RE-ORGANIZED COUNCIL

RICHARD'S COUNCIL.

PETITION AND ADVICE - RE-ORGANIZED COUNCIL - RICHARD'S COUNCIL.

Oliver's Second Parliament, besides the aid they gave the government in the Spanish war,¹ did a great service to the Commonwealth by establishing the new constitution.² This new constitution, technically the "Humble Petition and Advice" was in reality only a revision of the Instrument.³

There is much doubt as to its author, although it is well known that Alderman Pack, a most influential Londoner, presented it in the form of an "address" to Parliament on February 23, 1657.⁴ Whitelocke favored it but was wary about presenting it⁵ and Cromwell denied knowing anything about it.⁶ Still there is reason to believe that those back of it were closely connected with the government. Broghil, Wolseley and Whitelocke immediately supported Pack, while Sydenham bitterly opposed even the reading of the "Memorial."⁷

This was only a foreshadowing of the divisions which were to be aroused in Parliament, in the Council and in the army over this revision. The article, which was to cause the difficulty was that offering Oliver the kingship, in order it was said that the succession might be protected and that the settled condition of the country be not overthrown. At

-1 Firth I 53.

2- Walker IV 28 on Petition - fear "delivered them of a strange abortion by then called the Petition and Advice."

3- Cut XVI does not mention Instrument - Declares that no previous act or ordinance shall be invalidated by this save they are conflicting with this petition.

4- Firth I 129.

5- Old Parl. Hist. XXI 57; Firth I 129; Whitelocke IV 289.

6- Firth I 135 Cromwell's speech to army officers who came to remonstrate with him. Firth in notes quotes Thuloe VI 93; Benton I 382.

7- C. J. VII; Firth I 131.

any rate the bill passed the House¹ in spite of the most strenuous opposition on the part of the "three great malcontents,"² as Fyth calls Lambert, Fleetwood and Lydenham. This bill caused a rift in the Council which was shortly to rend it asunder, for the concillors were members of Parliament where they energetically espoused either side. Lambert was the most denunciatory in his opposition, possibly because he was quite confident that if the succeeding Proctor was elected, he would be the lucky one. He was the "dauphine" or "Prince of Wales" under the Instrument, and hence there is no need to wonder at his opposition to a clause depriving of his "heritage". Fleetwood, too, had personal ends in view, as head of the army and next in importance to Lambert, he had at least the interests of an "heir apparent". The strange inconsistency of the two men is apparent, when we recall that in conjunction with the Council of Officers offered Oliver the kingship in the first draft of the Instrument.³ Lambert in 1654 went so far as to debate in favor of an hereditary proctorate in the face of a strong Parliamentary opposition.⁴ Lydenham was hardly less decided in his oppo-

1- Burton I 396,7 -presented to Oliver on March 27, 1657.

2- Fyth I 192.

3- English Historical Rev. XVII 429; ~~see Directions of Dict.~~
Natural Biography.

4- ~~Ibid.~~

-- Humble Petition and Advice - see Scobell II 378;
Gardiners Documents pp. 334; Old Parl. Hist. XXI 129;
Whitelocke IV 292.

sition , remaining long away from Parliament, when the measure was carried.¹ Led by these the party to whom kingship meant ruin numbered in the Council at least six - six of the strongest, namely Desborough, Lydenham, Strickland, Pickering, Fleetwood and Lambert.² An added strength must be accorded them, when we remember their positions in the army and in the Council of Officers. Lined up against them we find the party to whom the question appeared to, as one of kingship or ruin. This latter group of councillors was made up of Lawrence, Thuloe, Jones, Montague, Wolseley, Fennis and Skippon.³ These men were by no means weaklings, but taken as a whole they cannot be put on a par with the other six in point of character or in point of power. Had Oliver accepted the kingship, what would have happened to the Council as a "power in the State" is a matter for conjecture. He had the good sense, however, to refuse the second as well as the first offer of kingship in spite of an undoubted desire for the crown and sceptre,⁴ or what he termed a "feather in a man's hat."⁵ No wonder he refused, for the greater part of the army was against it, especially that part under Lambert's influence, the Council

1- Futh I 133.

2- Eng. Hist' Review XVII 55 - monograph by Futh "Cromwellard the Kingship" See also Masson V 125; Amer. Hist. Rev. IX 59. (caterall)

3- Idem. Eng. Hist. rev. XVII 55; Amer. Hist. Rev. IX 59.

4- Whitelocke IV 298 - evidence that Oliver desired it, many secret interviews on it with Whitelocke, Broghil, Reirepoint, Thuloe, all men of wise advice, and all favoring it. Indeed according to Futh, England as a whole was surprisèd at his refusal. I 189 - countru not unfavorable to it.

5- Masson V 125.

of officers, the strong element in his own Council, and an aggressive minority in Parliament.¹ Cromwell, it might be added, was too great a man to dote on the Title as long as he had the power, the honors,² and some hopes for his son's succession.³ However, he never forgave Lambert for his hostile opposition to the kingship, but ever after considered him an enemy to himself as well as to his dynasty. Who can blame him for this enmity after the way Lambert gloated in Parliament over his defeat - over his fallen hopes. A defeat which was Lambert's victory; for he it was who stirred up the army⁴; spurred on the somnolent Council of Officers,⁵ backed Pride's petition,⁶ and hotly contested it on the floor of the House.⁷ This refusal on Cromwell's part of the title at his Parliament's hands resulted in a compromise, for it was well known that "his conscience"⁸ did not disapprove of the Humble Petition as a whole.

1- Whitelocke IV 288.

2- As to kingly honors. Cal. S.P. Dom. 1655 pp. 43. Council determined motto for Great Seal, one side his Highness' portrait, on other "Olivarius Dei gratia Reip. Angliae, Scotiae, et Hiberniae, Protector." (odd mixture of Divine Right and Republicanism) Cal. S.P. Dom. 1656-7 pp. 49-187 - order his Highness' likeness engraved on the new money.

See too Oliver's creation of lords; princely allowance of 100,000 pounds, creation of titles; address used in speaking of him, your Highness, his Highness' palace, etc.

3- At a moment when he was on verge of accepting Lambert, Desborough and Fleetwood informed him, that in case he complied with Parliament's desire, that they would be among the officers who would resign their commissions. Vaughan II 235.

4- English Rev. XVII - Lambert's attempt to start a turmoil. Futh I 134, 135.

5- For account of Council of army see "Cromwell's army" by Futh. Come to the front only in cases; as for example 1653 December; Sept. 1656 when there was a war scare, on question of kingship, and on dissolution of Richard's Parliament.

6- Futh I 191, 2 indirectly behind it.

7- Lambert's influence in Yorkshire placed that delegation in the opposition. Futh I 133.

This compromise made it possible for Cromwell to accept the "Humble Petition and Advice of the Knights, Citizens and Burgesses in Parliament" and gave them all they had demanded but the word "king" itself. It had been complained that the term "Protector" was new and not known to England as the title of king was, but this was the only argument that could be brought against it by the radical "pro-kingship" men. This compromise was incorporated in the first article of the Humble Petition, naming Oliver as the Lord Protector of the three nations with the right of declaring his successor.¹ Was Lambert's success a victory? If so it was a theoretic one, certainly Cromwell was nothing, if he was not a constitutional king.² To England this result would have meant much, had Henry, rather than Richard been chosen, had heredity given away as in the case of Henry I.³ But the council - it had lost its great privilege, the right of choosing succeeding Protectors, the right of advancing one of its own members. Another institution was revived, an Upper House, which caused little opposition in Parliament and probably did much to assuage the ill-humor of some of the councillors,⁴ because most of them found a seat in its chamber.

8- Cromwell attributed this refusal to quavers of conscience, as he remembered his oaths vs. kingship.

1- Art I of Petition.

2- Cromwell had attained the thing he desired, regal power, supported by the people's representatives.

3- But Oliver obeyed the law of primogeniture.

4- C. J. VII 498; Clark Papers III 95; Art. II. See Appendix.

The Petition did something else, it corrected, as the Magna Carta before it had done, the tyranny which had been the immediate cause of its enunciation. Parliament was to be no longer at the mercy of the Council. It was alone to have the competency of judging the qualifications of its members.¹ There were to be no more excluded members by an order of the Council, but in order to prevent undesirables from sitting, a committee of forty-one² was to judge of their qualifications.³ Another blow was aimed at the Council, statutes were not to be suspended, abrogated, or appealed save by Parliament⁴ - a little constitutional technicality the councillors had been careless about.⁵

The power of the Council was greatly weakened by putting the control of a permanent annual fund of 1,300,000 pounds for army, navy and the support of government⁶ in the hands of the "three estates" themselves.⁷ Going on they pray in well known language "that no charge be laid, nor no person be compelled to contribute to any gift, loan, benevolence, tax, tallage, aid or other like charges without common consent by Act of Parliament."⁸ No better evidence could be adduced that the Council had done things, which they

1- Art. III Petition.

2- Committee to be elected by Parliament itself.

3- Arts. IV, V, VI.

4- Supplies still to be issued by advice of Council, but Treasury Commissioners to render accounts to every Parl. "Additional Petition" Art. VII.

5- Ante. Cal. S.P. Dom. 1654-4 p 362 - repeal acts of Parliament providing for the taking of the "engagement" 1653-4 p 364.

6- Art VI; see also Cal. S.P. Dom. 1657-8 p 13.

7- Art. VII.

8- Art VII.

ought not to have done, in their life of political irresponsibility. The Council and Protector were thus deprived of the "Bourbon" method of taxation.¹ The Council and Oliver retained their old control over the army during interims of Parliament.² However, the Council appear to have lost their right of approval of such officials as the Chancellor, Keepers of Seal, etc. which under the Instrument, they were given during Parliamentary "inter-regnums."³

The petition then dealt with the Council more directly. It advised that in the future, "none be admitted to the privy Council of your Highness or successors, but such as are of known piety, and undoubted affection to the rights of these Nations, and a just Christian liberty in matters of religion."⁴ Such a qualification would bar a Lambert.⁵ In addition to this test, new members were to be approved both by Council and Parliament. The provision was added that they were not to be removed save by consent of Parliament, though for good causes the Council and Protector might temporarily suspend a man during interims.⁶ In the "Additional Petition and Advice" which slightly modified or elucidated the original Petition,⁷ an oath to

1- Ways and means of raising money, no longer in hands of Oliver and Council. C. J. VII 502, Thuloe VI 123.

2- Indeed the Council's power over army was increased, for after Oliver's death their sanction necessary to army appointments of generals, admirals, etc. - a delicate compliment to Oliver. Cut. VIII: C. J. VII 506, Thuloe VI 94.

3- Cut. IX, C. J. VII 522, 523.

5- Never considered a stickler for religion.

4- Art VIII.

6- Art VIII.

7- June 26, 1657 - See Scobell II 450; Gardiner's Documents p 345; Whitelocke IV; Old Parl. Hist. XXI 146.

which all councillors must subscribe was appended. This was not an evidence of hostility to the Council as an institution, for the Protector and Members of Parliament were to take oaths of similar character. It may be well to give the oath, which by the way the Scotch and Irish councillors were also required to take,—"I, A. B. do in the presence, and by the name of God Almighty, promise and swear, that to the uttermost of my power, in my place, I will uphold and maintain the true reformed Protestant Christian religion, in the purity thereof, as it is contained in the Holy Scriptures of the Old and New Testament, and encourage the profession and the professors of the same; and that I will be true and faithful to his Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland and the dominions there to belonging, as the Chief Magistrate thereof; and shall not contrive, design or attempt anything against the person or lawful authority of his Highness, and shall keep secret all matters that shall be treated of in Council, and put under secrecy, and not reveal them but by command or consent of his Highness, the Parliament or the Council, and shall in

all things faithfully perform the trust committed to me as a Councillor, according to the best of my understanding in order to the good government, peace and welfare of these nations."¹ Parliament was thinking of adding to this oath that the councillors be faithful to the people, in order to impress on them their character of trustees and also because it was feared that the chief magistrate might not always be a man of integrity.² Whitelocke considered such an addition only a superfluity.³

The status of the Council was not greatly changed by the Petition and Advice, though as one will readily see by a comparison with the "Instrument", its powers were greatly curtailed. Yet the changes were quite sufficient to warrant a reorganization of the Council. The personnel remained almost the same, only two new men being added. John Thuloe, Secretary of State and of the Council, joined the Council on July 13, 1657,⁴ and Richard Cromwell became a councillor on December 31⁵ of the same year. Henry Cromwell had advocated a purging of the Council of all those whose fidelity was suspected, and that Saint John and Peirepoint be called in order that the "good and true" councillors

1- See "Additional Petition and Advice,"- or law itself, C. J. VII 572.

2- Burton Diary II 288.

3- *Ibid.*

4- Cal. S. P. Dom. 1657-8 26.

5- Claredon 2839. "After the second inaugural, Oliver sent for his eldest son, who, up to this time was a villager in Hampshire, living on his wife's fortune, brought him to court, made him a Privy Councillor and caused him to be chosen Chancellor of Oxford." See also Cal. S. P. Dom. 1657-8 pp 239, 206, 208; Old Parl. Hist. XXI 162; Cromwelliana 167.

be in the majority.¹ His "kingly" father refused ^{the} suggestion and compromised.² None of the disaffected advisers were deprived of their positions, that is none of them were cashiered. Going over the roll of the charter members we miss the names of Lambert, Cooper, Mayer and Mackworth on the revised list. Mackworth died in December of 1654, only a few months after his appointment.³

Mayor was of advanced age and his health was so poor, that he was physically unable to attend the strenuous sessions of the Council.⁴ Sir Anthony Cooper,⁵ quondam royalist, left the Council in disgust as early as December of 1654 for reasons best known to himself.⁶ His action is said to have been the result of a refusal by Mary Cromwell, when he sought her hand in marriage.⁷ At any rate this staunch Parliamentarian and later Cromwellian was after 1654 a bitter opponent of the government. This opposition, which gained him renown as one of the excluded members in the Second Parliament, was to bring him to the front rank again in the year 1659.⁸ John Lambert, too, was among the missing.

"Lord" Lambert, chief of the army, leader in the Council of Officers, major-general, Lord of Admiralty,

1- Amer. Hist. Rev. IX 45 (Caterall); Thuloe VI 404, Futh II, 6, 7.

2- Amer. Hist. Rev. IX 45.

3- Appointed on Feb. 7, 1654.

4- Masson V 308.

5- "A gentlemen too wise and honest to sit in such company" Somers VI 524.

6- Masson V 308.

7- Masson V 305; Ludlow, Defenders of Cooper declare he deserted when it became apparent that the Commonwealth was to degenerate into a tyranny. Nat. Dict. Nat. Biography.

8- Committee of Safety, "manifested his loyalty to his Prince very eminently" and was rewarded by Chas. II with a peerage. - Sarcastic Notes. -; See also Dictionary Nat. Biography

holder of two colonelcies, refuser of a commissionership in Ireland, a leader in the first Privy Council, Lord of Asgave Ports, member of the Parliament, "favorite son" of Yorkshire, and leading Cromwellian, absented himself from this re-organized Council.¹ The kingship question dampened his ardor.² He was in other words a Cromwellian, but not an Oliverian. Cromwell, the Lord Protector in his mind, was not Oliver "king by the grace of God," etc. Lambert's opposition was so bitter, so factious, that he and Oliver could never become reconciled, even when the subject of dispute had passed away.³ The last straw was the new oath.⁴

This Lambert refused to take, as did also Lydenham, Wolseley and Pickering at first.⁵ He gave as an explanation of his refusal that he "was not for any kind of oaths, I think they prove but snares." His stand did not change, he was as obstinate as Ludlow could have been. Oliver now doubted the fidelity of his former "sword bearer"⁶ and determined to be rid of him.⁷ Clarendon says, "He (Oliver) was not terrified with the opposition that Lambert gave him, whom he now looked upon as a declared and mortal enemy, and one whom he must destroy, that he might not be

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- 1- Lambert does not deserve his oblivion, all he needs is a "Boswell." Ludlow II 30f.
 - 2- Masson V 308, 309, for Lambert's fall. Catterall in Am. Hist. Rev. IX 46, 45, - Henry, Oliver, and Thuloe, all aware of Lambert's hostility.
 - 3- Lambert, a man of "buttle metal" not at all a bad characterization. Somers VI 524.
 - 4- Cal. S.P. Dom. 1757-8 p 41; Thuloe VI 427.
 - 5- Yaldedsoon. Lydenham 7/21, 1657, Wolseley 8/25, 1657, Pickering 7/28, 1657, Futh II 4, 5 - also Calendars for dates given - for Lydenham. Amer. H. Rev. IX 46f - see also Ludlow II 29, 30. Cromwelliana 167.
 - 6- Lambert performed this office at official ceremonies, as, first inauguration.

destroyed by him."¹ Lambert hereupon resigned his commission, the two colonelcies and the major-generalship, which brought him close on 6000 pounds, and "retired to his garden as unvisited and untaken notice of, as if he had never been in authority."² But he was not to remain long tilling his garden, nor is it to be supposed that he was dead to the conditions around him. He was predestined to be almost as prominent in overthrowing the Protectorate, as he had been in establishing it. As evidence that Cromwell did not desire to heighten his enmity, he gave him an annuity of 2,000 pounds,- earnest money to keep him quiet.³ The overthrow of Lambert, while it displayed a regenerated strength on the part of the Protector, was another step to ward the Restoration.⁴ Cromwell displayed a strength-a false strength which was not to be hereditary.

Oliver was inaugurated a second time on June 26, 1657, now with regal splendor.⁵ He lacked only the crown to make the ceremony seem a coronation. Seated in the chair of state, clothed in purple and ermine, he placed one hand on a jewelled Bible and took the oath of office. Westminster had once more resumed its former grandeur.

1- Cromwell.

2- Clarendon VI 2847.

3- Thuloe to Henry, "I hope his Highness sufficiently cautioned concern him, and I wish those, who think his continuance in power safe, does not feel the smart of it." Thuloe VI 404, Clarendon VI 2759 Cromwell in 1655 felt Lambert was stirring up the army against him. "This loud distemper ---- he believed was ---all conducted and inspired by the melancholic and discerning spirit."

4- National Dict. of Biography; Masson V 309, nor did he proscribe his adherents. Old Parl. XXI 206, declares that Oliver so feared the army's loyalty because of kingship dispute and Lambert's dismissal that for several nights he inspected the watch at St. James himself.

Between this and Oliver's death the Council's work was rather commonplace. Business was carried on in much the same way as under the Instrument. Lawrence still presided at the table. Meetings were held less often now, only about three times a week, and Oliver seldom attended them.¹

The Council's life between the passage of the Petition and Advice and the death of Oliver Protector was uneventful. True all the councillors save Thurloe were Lords and had the privilege of sitting in the newly created House.² This was an empty honor, for the "other House" was never held in as ill repute as at this particular time.³ Yet the conferring of this honor was a costly step for the government. In taking the councillors out of the Commons, they sapped strength of the "court party" in that body and jeopardized the majority, which with great difficulty was kept intact. It is interesting to note in passing that Cooper together with Hazelrigge led an opposition coalition of Presbyterians and Republicans against his former compatriots of the Council, which greatly embarrassed the government.⁴ The Council itself was no longer of one mind. The "kingship" factions had grown into the irreconcilable parties,⁵ calling themselves Protectoral or Republican

4(pl2)- Caterall quotes Thuloe VI 425 as proof that dismissal caused little discontent in army. Fleetwood, Desborough did not refuse to take the vacancies.

5- Coronation, see Cromwelliana 165-7; Futh 200; letter p20. Cal. S.P.Dom. 1657-8 describing ceremony; Old Parl.Hist. XXI 153-9.

1- Attendance sheet- Appendix.

2- See list Masson V 325; Whitelocke IV 668; Old Parl. XXI 167; Thuloe VI 668.

3- Masson V 333, Old Parl. Hist. XXI 196, 201, Futh "House of Lords" 254 on.

4- Came in when the "excluded" members were ordered to be re-seated by Parliament, January 1657- See Old Parl. Hist. XXI 195.

as the case might be. The division was clearly brought out in the prolonged discussions as to whether a third Parliament should be summoned or not. Those who had formerly opposed the kingship were again in the opposition, for they feared that a Parliament would offer the crown once more, and that it might not be refused. Cromwell was said to be willing and England as a whole was not opposed to monarchy but rather preferred it, because of its stable character. Fleetwood alone of the anti-monarchists desired a Parliament and his stand may well be considered unique.¹ Desborough succeeded to Lambert's place as leader of the opposition, as "minority leader," and declared himself in favor of levying an extraordinary tax on cavaliers, rather than to raise the necessary funds, by means of another Parliament.² At any rate a Parliament was decided upon and would have been convened toward the end of 1658, had not Oliver's life suddenly drawn to a close.³

4(p 13) Thuloe VII 496 - The Republicans proposed a compromise according to which Ludlow, Vane and Rich, leaders of the Long Parliament should be admitted to the Council. Nothing came of it nor could it be expected that Oliver would agree. Caterall Amer. Hist. Rev. IX 62, Firth II 274. Royalists would have excluded Lydenham, Desborough, Fleetwood or included Saint John, Peirepoint and Broghil if they could have their way. Amer. Hist. Rev. IX 60 (Caterall)

1- Caterall in Amer. History Rev. IX 59.

2- *Ibid.* Thuloe VII 38.

3- A committee consisting of Fleetwood, Desborough, Thuloe, Fionnes, Pickering and Jones of the Council had been appointed to consider what would be done in the next Parliament.- Considered too, how best to prevent the Cavalier conspiracies. either by oath of abjuration or a confiscation of one-half their property. Firth II 274, 275. See Ludlow II 48. During these discussions of Sept. and Nov. the Council came to some important decisions regarding the new Parliament. (1) Elections were to be made according to the old law, not according to the electoral districts of the Instrument. (2) Writs to members of

The Council's time was as usual taken up in the considerations of numerous plots against the government by the now energetic royalists.¹ So frequent were these that it was found advisable to establish a High Court of Justice as a permanent institution.² The former High Courts appear to have been just temporary courts to which special cases might be referred. Now we have one provided for by Parliament and organized by the Council, making it one of the "powers of government." There was one thing on which all parties agreed, on which every councillor united and that was the order giving the great Admiral Blake a public funeral somewhat in accordance to his universally recognized deserts.³ We can well imagine that a flush of pride came to every Englishman's cheek as he voted to honor the winner of may a sea fight. Party divisions were soon again to be wiped out temporarily at least, by the untimely death of Oliver.

On September 3, 1658 - a day which had marked stages in his chequered career - the worn out Parliamentarian soldier died. On the Council devolved the sad duty

3 (continued) the other House were to be issued in the same form as those formerly sent to peers. (3) Finally that members should be elected from Ireland and Scotland, but that they were not to be seated unless the consent of the English members were given.

1- Firth II 206, 274, 70. Fear of Royalists brought out by Council's treatment of Lord Buckingham who had married a daughter of the now "Passive" Fairfax. Council refused to release him or show him any favor on supplication of Fairfax even though Oliver favored his suit. Cal. S.P. Dom. 1657-8 pp 169-193. Firth II 57, Masson V 322.

2- Cromwelliana 171; Firth II 71 - of with the "Court of Star Chamber," 3- Cal. S.P. Dom. 1654 p27- Council honored in much same way. Clarendon VI 2843.

of announcing the death of their friend, their comrade in battle, and their Protector. In these sympathetic words the news was given out to an awaiting world, "His most Serene and Renowned Highness, Oliver Lord Protector, being after a sickness of about fourteen days, reduced to a very low condition of body, began early in the morning to draw near the Gate of Death; and it pleased God, about three o'clock in the afternoon to put a period to his life."¹ Immediately afterward they declared that Richard had been named by Oliver as his successor, in accordance with the Petition and Advice.² The Council's duty in regard to the successor, might well be summed up by declaring they repeated the formula, "le roi est mort, vive le roi."³ How different would have been their task under the Instrument! The destiny of England would have been in their hands.

1- Old Parl. History XXI 223.

2- There has been some doubt expressed as to whether Oliver really selected his successor, on the ground that he would have set aside the calls of primogeniture in favor of his abler son Henry. General consensus of authority uphold Council's declaration - Whitelocke IV 335. Letter of Lawrence to mayors of Cinque Ports, "in sore affliction it doth much relieve our spirits that his late Highness did appoint and declare the most noble and illustrious Lord, the Lord Richard, eldest son of his said late Highness to succeed him in the government of these nations." In Hist. Mss. Com. 13th, Rep. p 231 - Cromwelliana 175, 6 "sure knowledge that Oliver intended Richard should succeed him." Old Parl. History XXI, 226; Thuloe VII 372, 377; Clarendon VI 2898.

3- The Council took full charge of Oliver's funeral and they made it a spectacle such as England has probable never seen before or since. Close on 80,000 pounds were spent in all, Thousands of pounds were paid for mourning, to be worn by almost everyone having any official connection with the government. Ludlow can think of nothing to compare all the pageantry to but the funeral of Philip II of Spain. Cal. S.P. Dom. '58-9 - Preface - pp 131 and on; Ludlow II 47; Cromwelliana 176, 178, (Mercurius Politicus Oct. 14 -21 gives an excellent account of the ceremonies) pp 179, 180, 181.

The Council saw that the change in the succession was proclaimed throughout the three nations, to the army, the London Common-Council, and to the outside world through their London ambassadors.¹ Again the Council received the ceremonial visits of ambassadors, addresses of condolence and congratulations from foreign potentates, memorials of love from the armies and officers, even from General Mork, and letters of allegiance from diverse parts of Great Britain and England.² "Richard's inauguration was supervised by the Council and the official proclamation which was sent out broad cast, bore all the councillors' signatures."³ To an onlooker at the inauguration⁴ where citizens, soldiers and officers vied with the very cannon-salutes in their enthusiastic applause, it would seem that Richard had become possessed of all his father's greatness, and all his glory without the public hate that visibly attended the other."⁵ He would never have predicted "the deluge" which was to follow.-

Richard's Council was exactly the same as his father's. No new members were added and none were dropped. Its divisions, however, were more marked. The chasm between

- 1- Thuloe VII 377; Whitelocke IV 336,7; Cromwelliana 178, Calendars 1658-9 p 129.
- 2- Whitelocke IV 336,7.
- 3- Old Parl. XXI 230, 232; Cromwelliana 175,6; Calendars 1658-9 p 129.
- 4- Calendars 1658-9 p 130; Old Parl. Hist. XXI 230.
- 5- Old Parl. Hist. XXI 231.

civilian and military men or more accurately between the royalist and anti-monarchist wings became wider. The split had been growing for some two years. First noticeable in the debate on the decimation tax, then on the question of kingship, still again on the question of calling a third Parliament, now when the guiding hand of Oliver was removed it assumed a threatening aspect.¹ Thurloe recognized this as early as November of 1658, when he wrote to Henry Cromwell "that your being at the head of so good an army hath tended very much to our preservation and rendered designs of the present government the more difficult in execution."² Going on he added that, "it goes for current that some of the ill councillors must be removed before anything can well be done." The government knew that it could only count on Lawrence, Montague, Fennes, Jones, Thurloe, Wolseley and possibly Pickering and Lisle.³ The rest were known to be dissatisfied and only awaiting a change. That change was not long in coming. Richard's Parliament was a failure. Like Oliver's First Parliament it did nothing but debate on the status of the government

1- Question of kingship split Cromwellian ranks in such a manner that a break up was bound to follow under the weaker Richard. Amer. Hist. Rev. IX 60.

2- Thurloe VII 510.

3- Thurloe VII 496.

going so far as hardly to recognize Richard's succession.¹

First it attacked the House of Lords and next the army Council. The last move was fatal. Fleetwood, chief of the army and leader of the discontented faction in the Council, forced Richard's hand and compelled him to dissolve the Parliament.² Fleetwood, Desborough, Sydenham and all those councillors connected by marriage or blood to the dynasty, played it false.³ Weak as Richard was with an opposition Parliament, he had no strength when standing alone. Fleetwood was now the power in the state⁴ - "that holy man who so smoothly supplanted the Protector."⁵ All Richard could do was rave at the treacherous councillor,⁶ who had aspirations, either at his own succession or was looking to Prince Charles for preferment.⁷ Shortly after Parliament's dissolution the Rump Parliament was revived.⁸ The Council did not outline Parliament for its death warrant was signed when threatened by the rough Desborough, it advised Richard to set his Parliament aside.⁹ The Council of Officers, like Banquos' Ghost, appeared once more. It withdrew its support from the Council and established as Committee of Safety to rule England - well might it be called the "king-maker" of the inter-regnum.¹⁰

1- Bethel's Interest 339; Old. Parl. Hist. XXI 288; C.J.VII 603.

2- Cal. S.P.Dom. 58-9 p 336; Bethel's p 356; Old Parl. Hist. XXI 350; Whitelocke IV 343; Calender's '58-9 p 339; Cromwelliana 189 gives Proclamation of dissolution.

3- Old Parl. XXI 339; Whitelocke IV pp 346, 343. Heals Hist. of Puritanism III 3.

4- Cal. S.P. Dom. 1658-9 p 339, Cromwellian 183.

5- Loners Tracts VI 521. 6- 1658-9 Cal.S.P. Dom. 336, 339.

7- Masson V 590. 8- Letter of duClastel to Mde.

Vaux 1658-9 Cal. S.P. Dom. p338. 9- See "Cromwell's Army" by

Firth for a discussion of importance of this council. Cromwell accuses them of "making him their drudge on all occasions." p 372.

10- Cromwelliana 183 (Public Intelligence May 2, 9) Fleetwood and the Gen. Council of Officers sent the summons to the "Rumpers."

Such was the life of the Council of State under the Protectorate. This product of the Instrument of Government while modelled on the earlier councils was much more powerful than any of them. When compared with the short lived First Council of Cromwell the difference in their powers is remarkable. Cromwell's Second Council in conjunction with Oliver had all the executive functions. Its ordinance power encroached on Parliament, to so great an extent that there was little demarcation between an ordinance and a statute. Indeed, during this whole period Parliament was at its lowest period, encroached on, purged, cajoled, and dissolved as the case might be. As a judicial body, the Council was the greatest in the land, not so much as a court of appeals, but as a special court to consider cases of vital interest to the state. Together with Oliver it controlled the foreign policy. Its members, Puritan soldiers, corresponded on favorable terms with the chivalric nobility of the continent. The Commonwealths domestic and local policy were its policies. Its patronage was of an extent to make a modern "boss" envious. The Major-Generals, the Custom's Officers, the Board of Trade, the Admiralty, the Chancery, the Army (appointments), the Ministers' Approbation Board and the High Court of Justice were all under its control, and one

might even say were its tools. England was governed by Oliver and this Council for six well filled years-- years which bridged the space between the nominal republic and the period of anarchy. Independent of Oliver, remarkable in its personnel, as we have seen, it did not long survive the kingly Oliver. It fell with the dynasty, but why? Because the Councillors became disunited and were untrue to each other, and for no other reason. Its life was a constitutional one, but its end like its beginning was the result of coup d'etat by the man of the moment.

B I B L I O G R A P H Y .

1. (A) Primary Sources.

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(Edited by Mrs. Mary Anne Green under the direction of
the Master of Rolls.)

Volumes. 1653-4

1654

1655

1655-6

1656-7

1657-8

1658-9

State Papers of Secretary of State, John Thurloe. 1638-1660.

Volumes I to VII (inclusive)

Royal Commission on Historical Manuscripts.

(Little information derived from this set, and then
only of an incidental nature)

Commons Journals Vol. VII.

Scobell.

Ordinances.

Old Parliamentary History.

Volumes XX, XXI

While this is not strictly source material, it fits
better into this division, when all material is rigidly
classified into these two divisions. It is not only
very reliable in most cases, but much of it is based

on material not easily accessible, if at all.

Heath, James. "Chronicle of the Late Intestine War."

(1676-2nd edition.)

This account must be handled with special caution. No account of the inter-regnum has a more decided bias, yet by carefully weighing the material, much valuable knowledge can be derived from it.

Somers Tracts (in thirteen volumes) 1809-15 London.

Volume VI Has many tracts dealing with this period which often "unconsciously" throw light on the Council.

Humble Petition and Advice.

Account of Cromwell's Burial.

Monarchy, the best system of Government.

Parliament of 1658 by Bethel.

Speech of Lord Protector to Parliament.

England's Confusion.

Vol. VII the Satirical "Don Juan Lamberto."

Baillie "Letters and Journals".

(edited by Laing, Edinburgh 1841 --- three volumes)

Volume III has a few letters on this period, but none bearing directly on the Council.

Bethel's "Interest of Princes on States of Europe" also

"The World's Mistake in Oliver Cromwell."

(London 1689 3rd. edition)

Whitelocke's "Journal of the Swedish Embassy". (2 vols.

edited by Dr. Charles Merton 1855) - only mentioned--

Cromwelliana 1642-1658.

Westminster 1816.

A collection of extracts from the contemporary papers, which deal with Cromwell. This is a valuable source, as the files of papers are of course not accessible.

Clarendon, "History of the Rebellion and Civil Wars in England". Oxford 1827--A royalist account, which while decidedly biased gives valuable historical information. Clarendon intended to be fair, to write a non-partisan history, but, like many later historians, ~~he~~ failed in attaining his end. No account has the color or the portrayal of the time in such a vivid, interesting, forceful, and polished style as has this, of the contemporary Edward Hyde.

Whitelocke, Bulstrode "Memorials".

(four volumes covering the period from 1625-1660)

Oxford 1853. Vol. IV

Whitelocke is not altogether reliable, especially on chronology. He, (as is often the case) is not any too modest when speaking of his part in ~~state~~ affairs.

Diary of Thos. Burton 1656-9.

Including a very useful "Account of the Parliament of 1654" from the Journal of Guibon Goddard (four volumes, edited by John Fowell Rutt, 1828)

Behemoth "History of Civil Wars of England" from 1640-1660.

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Ludlow's "Memoirs" 1625-72.

(edited by Chas. Harding Firth,--2 vols-Oxford, 1894)

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Walker, Clem. "History of Independency".

A Presbyterian account, more vivid and acidic than historic. (London 1661)

Clarke Papers--(edited by Chas. H. Firth 1891)

Volumes I, II A Camden Society Publication.

Carlyle, Thomas. "Oliver Cromwell's Letters and Speeches".

(five volumes, London. 1845.)

Volumes IV, V.

Memoirs of George Couthrop.

Camden Miscellany Vol. XI. (only a few pages)

Sarcastic Notices of Long Parliament

reprint verbatim by Hatten in 1863.

Exactly what the name describes.

Gardiner, Samuel Rawson

"Constitutional Documents of the Puritan Revolution".

1628-60.--Oxford 1889.--A handy collection of the most important documents, in one volume edition.

SECONDARY ACCOUNTS.

Gardiner, Samuel Rawson, - "History of the Commonwealth and Protectorate," (in four volumes up to 1656) London 1903.
Volumes III, IV deal with this period.

Guizot, Francis P. Guillaume, - "History of Richard Cromwell"
(two volumes) translated by Andrew Scoble. (1856)

Firth, Chas Harding - "Last Years of the Protectorate " (two
volumes for 1656-8) New York, London 1909 - A continuation
of Gardiner's uncompleted history.

Masson, David - "Life of Milton" (two volumes) London 1871-1880.
This is an excellent account of Milton's time, second only
to those of Gardiner and Firth, who have followed and made
much use of Masson's work. Volumes IV, V deal with my
particular period.

The Dictionary of ^{Jan} Natural Biography, though a most obvious source,
deserves mention. It contains valuable sketches of the
councillors, which are generally from the pen of Firth.

Von Ranke, Leopold "History of England."

Volume III Oxford 1875. Of course, this is now superseded
by Firth and Gardiner.

Godwin, William "History of the Commonwealth of England" in four
volumes (1827) Vol. IV deals with the period covered by
the Council, but unfortunately was not available.

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London 1900-1.

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Firth, Chas. Harding "Cromwell and the Kingship".

English Historical Magazine XVII 430--

Catterall, R.C.H. "Failure of the Humble Petition and Advice" -- American Historical Review IX 45.

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London 1910.

Jenks, Edward "Constitutional Experiments of the Commonwealth"

Cambridge 1890.

A superficial work, as ^{one would} ~~is to be~~ expected of any one hundred and fifty page book with so pretensions a title.

Dicey, A. V. "The Privy Council".

Oxford 1860- London (reprinted) 1885. As the author in his preface remarks it does not pretend to be an exhaustive study but only a skeleton account.

Vaughan, Robert -- "Memoirs of Stuart Dynasty".

London 1831 (two volumes) Vol. II. A secondary account of minor importance.

Neal, Daniel -- "History of Puritanism"

(three volumes) London 1837. Such a book naturally has a sectarian pendense, but this does not make it valueless as a source of considerable information.

Church, S. H. "Oliver Cromwell" (1894) (3rd edition 1900, London New York) Church declares that his purpose is to discover and depict the true Cromwell - in his words neither the Cromwell of Carlyle nor that of Hume. Of this he falls far short. He, too, is intoxicated with the personality of Oliver.

Roosevelt, Theodore - "Oliver Cromwell" (New York 1900) Hardly a scientific work, rather a popular man's popular account of his hero.

Morley, John "Oliver Cromwell" New York 1900.

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Gardiner, Samuel Rawson, "Cromwell's Place in History." Founded on a course of six lectures given at Oxford. (London, New York, Bombay 1897 2nd edition)

Harrison, Frederick, - "Oliver Cromwell." London 1890.

Harris, William - "Oliver Cromwell." London 1762. Its age is its chief fault. It has been superseded, of course, by the later accounts.

APPENDIX.

PASSAGE OF BILL THRU COUNCIL.

Scobell and two others ordered to bring in a bill to continue the excise duties.

Cal. S. P. Dom. 1653 pp 299

December 20, 1653.

Bill brought in by Scobell -- Read first and second times.

December 21, 1653, pp 308.

Bill read in parts -- Resolved that Luke Hodges, Thos. Bulstrode and Wm. Cooper be inserted as commissioners Amendments or additions -- quorum defined as two, and their allowance to be penny on every pound.

December 22, 1653. Cal. S.P. Dom. pp 309.

Project engrossed and read a third time. Resolved that it be presented to the Lord Protector as the advice of the Council. On being presented, approved, passed for a law, and ordered to be printed and published.

December 24, 1653. Cal. S.P. Dom. 310.

1653 1654 1655 1656 1657 1658.

	1653	1654	1655	1656	1657	1658.
January		5-21	5-10	2-19	3-9	0-6
February		3-21	5-21	5-20	2-9	0-8
March.		1-20	7-22	1-14	2-6	0-12
April		2-16	4-18	3-18	0-4	1-19
May		1-18	7-20	9-16	2-5	0-9
June		4-24	8-19	2-10	1-1	2-9
July		12-23	11-19	7-16	3-6	3-9
August		5-29	11-18	6-8	1-10	0-9
September		0-9	3-17	4-19	6-16	0-1.
October		2-9	15-22	7-9	6-14	records incomplete
November		2-10	12-16	5-8	2-18	
December	6-17	1-6	11-16	3-10	2-14	

Chart¹ gives Oliver's attendance record. —
 the figure on left = number of times he was present
 the figure on right = number of sessions.

#1. Compiled from Calendar S. P. Dom. - Prefaces.

Councillors	7th Council	Officers C. of 13.	Long Parl.	Little Parl.	Little Parl's C. of 31.	Parl. of 1654.	Parl. of 1656	House of Lords	Richard's Parl.	Gom. of Safety
Cooper	x		lost by double.	x	x	x	x		x	x
Desborough	x	x			x	x	x	x		x
Fleetwood			x	x	x	x	x	x		x
Jones	x	x	x		x	x	x	x		
Lambert		x			x	x	x		x	x
Liste	x		x	x				x		
Lawrence	x		x	x	x	x	x	x		x
Major	x				x	x		ill health.		
Montague	x				x	x	x	x		
Pickering	x			x	x	x	x	x		
Rouse	x		x	Speaker		x	x	x		
Skippon	x		x	x		x	x	x		
Sudenham	x	x	x	x	x	x	x	x		x
Strickland	x	x	x		x	x	x	x		x
Wolseley	x			x	x	x	x	x		
Fiennes	electd	April 26, 1654				x	x	x		
Mulgrave		June 30, 1654						x		
Mackworth		Feb. 7, 1654 - died Dec. 1654.								
Thurloe		July 13, 1657					x		x	
Richard.		Dec 10, 1657					x	x		

Table based on lists in. Whitelocke.
 Masson.
 Old. Parl. Hist. ~~XX~~ XXI.
 Cal. S. P. Dom.
 Gardiner.