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*INSTITUTIONAL EXPERIMENTS*

1649 - 1660

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*EDWARD JENKS*



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OF THE  
COMMONWEALTH.

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THE  
CONSTITUTIONAL EXPERIMENTS

OF THE  
COMMONWEALTH.

A STUDY OF THE YEARS 1649—1660.

BY

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TO  
OSCAR BROWNING  
IN MEMORY OF  
MANY KINDNESSES



## PREFACE.

THE object of this Essay is simply to state in an impartial and somewhat detailed way the various changes which the machinery of Government in England experienced between the death of Charles I. and the Restoration. I believe that in a careful study of that period there will be found much material for reflection, and that a closer examination of it will shew that the Commonwealth was not, as it is often treated, a sporadic and eccentric growth, but a natural step in the developement of English political ideas. Owing to limitations imposed by circumstances, I have been compelled to limit my study mainly to the sphere of Central Government.

The materials which have been used are chiefly the ordinary sources of information, which are well known. It is hard to imagine that we shall ever have better authorities for the period than White-locke, Clarendon, and Thurloe. But the recent completion of the Calendar of the *Interregnum* State Papers has rendered public a mass of material which, if it be not entirely new, is most useful as a check upon the Commons Journals (evidently in some cases tampered with) and the contemporary

historians<sup>1</sup>. And I have also had access to a large miscellaneous collection of pamphlets, mainly of the sixteenth and seventeenth centuries, which has formed a part of the contents of the present Library of the Middle Temple ever since its completion. These tracts have been bound together, apparently, without any regard to chronology, authorship, or subject-matter, and it has not been easy, even with the unfailing and most courteous assistance of the Librarian, to work out any definite results from the process of examination. Nevertheless, it is hoped that the perusal, however hasty, of 150 volumes of contemporaneous pamphlet literature, cannot have failed to reveal, to a certain extent, the spirit and character of the period<sup>2</sup>.

I desire to express my sincere thanks to Mr John Hutchinson, the Librarian of the Middle Temple, for his boundless patience and kindness in answering questions respecting the Temple pamphlets, and also to Professor Henry Laurie of Melbourne University, for his assistance in reading over the proof-sheets.

In deprecation of clerical errors in references, I desire also to state that the proofs of the following pages have been looked over in Melbourne, where it is not always possible to obtain access to seventeenth century authorities.

<sup>1</sup> I have ventured to number the volumes of the Calendar, beginning with the first of the *Interregnum* Series. The dates endorsed on the Record Office covers are very misleading guides.

<sup>2</sup> The Temple pamphlets are referred to in the foot-notes as "T. P.," with the number and page of the volume.

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EXTRACT FROM THE REGULATIONS FOR  
THE THIRLWALL PRIZE.

“There shall be established in the University a prize, called the ‘Thirlwall Prize,’ to be awarded for dissertations involving original historical research.”

“The prize shall be open to members of the University who, at the time when their dissertations are sent in, have been admitted to a degree, and are of not more than four years’ standing from admission to their first degree.”

“Those dissertations which the adjudicators declare to be deserving of publication shall be published by the University singly or in combination, in an uniform series, at the expense of the fund, under such conditions as the Syndics of the University Press shall from time to time determine.”





## CHAPTER I.

### INTRODUCTION.

THERE has been a tendency, both in the works of *The im-* historians and in popular estimation, to underrate *portance* the importance of the Commonwealth period. Men *of the* have been struck by the glaring fact that, after all *Common-* the agitation and attempted reforms of army and *wealth* parliament, the Stuarts returned with a prerogative *period* unimpaired, in theory at least, if not actually strength- *underrated* ened. The question upon which the Civil War had *by public* been nominally begun was, in 1661, with all constitu- *opinion,* tional solemnity, decided in favour of the Crown. A restored hierarchy, supported not merely by Court influence, but by the terrible strength of popular prejudice, proceeded to bind Dissent in legal fetters more galling even than those which it had escaped by the fall of Laud. The shame of Rochelle and Cadiz was outshamed by the disgrace of the Treaty of Dover and the impeachment of Danby. And, apparently, not one of the political reforms with which the air for twenty years had been thick was secured. Strafford and "Thorough" had been swept away, only to be replaced by the still more dangerous systems of Clarendon and the Cabal.

*and also  
by histo-  
rians.*

In the face of these facts it is not surprising to find that popular opinion regards the Commonwealth period as an era of fruitless pedantry. But historians of repute have sanctioned the popular view. Hallam devotes half a chapter to the period between the death of Charles and the Restoration. Professor Gneist dismisses the struggles of the Commonwealth statesmen in a few lines, with the disparaging remark that "as far as any constitutional advancement of England is concerned, the Commonwealth remained just as fruitless as it was for all the institutions of 'self-government'."

It may then be not merely a platitude for me to state at once why I consider the Commonwealth period to have been of first-rate importance in the history of constitutional development.

*Two great  
results  
from the  
period ;*

Independently of the so-called "moral" effects of the Civil War and the interregnum, which, however, were by no means trifling, two great palpable results followed from the period.

*(1) assump-  
tion by  
Parlia-  
ment of the  
business of  
govern-  
ment,*

In the first place the Parliament learnt the mysteries of government. No other explanation is adequate to account for the ease with which the Ministerial government of William and Anne glided, on the passing of the Septennial Act, into the Parliamentary government of the first two Georges. On the face of it, nothing could be more absurd than to suppose the Parliament of the eighteenth century capable of conducting the business of the country. Historically, with one exceptional period, the claim was unfounded. No one will pretend that the

<sup>1</sup> *The English Parliament* (Shee's translation), p. 237.

Parliaments of the Middle Ages took any direct part in the government. Their utmost ambition (rarely gratified) extended to some voice in the appointment of Ministers, and their constitutional right consisted only of criticism, enforced by finance control and the occasional impeachment of the king's advisers. Even this right of impeachment fell into abeyance under the Tudors, and the substitution for it of bills of attainder was an idle form, for bills of attainder were, practically, the weapons, not of the Parliament, but of the Crown.

Still less in the Tudor period was the business of the country in the hands of Parliament. Henry VIII. and Elizabeth were the last persons to admit such a theory. It was the King's Council and not the Parliament which ruled England. The offshoots of the Council, the Star-Chamber, the Court of High Commission, the Councils of the North, of Ireland, and of Wales, were the centres of public business. The rebukes administered by Elizabeth to her most loyal Parliaments on the rare occasions on which they ventured to discuss matters of State, are too well known to need special reference. And to this day it is a matter of dispute whether Charles, in all his tyranny, really violated the *forms* of the constitution. It was his folly, not his illegality, which lost him the kingdom.

But the Long Parliament changed all this. The events of the Civil War, even while the result was doubtful, played into the hands of the Parliament. Whitehall was deserted, but Westminster was thronged, and so the business of Whitehall trans-

ferred itself to Westminster. No politician can venture to disregard the importance of historic and settled association. In theory the king could summon Parliament to what place he chose, but in the eyes of the nation the Parliament at Westminster was *the* Parliament, the Parliament at Oxford a palpable sham<sup>1</sup>. And so the House at Westminster, around which the first opposition to the king had gathered, found it possible to absorb one department of public business after another. The difficulty of substituting collective for personal control of the departments it solved by the appointment of endless committees. There were committees for the army and the navy, for finance, for the plantations, for trade, and for religion. How these committees worked we must enquire later on. At present it is sufficient to point out that with its most active members searching into, arranging, and reporting upon every nook and corner of the State-machinery, the House of Commons speedily learnt the secrets of government. And that knowledge it never lost. The corporate consciousness of a great body like the House of Commons is superior to the shocks of dissolutions and intermissions. Records, traditions, recollections, survive, and are handed on from one generation to another. That the House took greedily to the business of government is abundantly clear from the reluctance which it manifested when called upon by Cromwell to resign it.

<sup>1</sup> This seems also to have been the view of Charles himself. He spoke of the Oxford assemblage as "one mongrel Parliament." (Letter to the Queen, quoted in Gardiner, *History of the Great Civil War*, II. 135.)

The sovereignty of the House of Commons as an established fact, had to wait long for its realization. As a possibility, it was settled by the departure of the king from London in 1642.

But, secondly, the period was a storehouse of (2) *the birth of modern political thought.* political ideas. The outburst of pamphlet literature which was the popular side of Elizabethan culture had spread from theology to politics. And in the pamphlets of the period was mooted almost every idea which has made a mark in the political world of later days. The disestablishment of the church and the removal of religious disabilities, a single-chamber Republic, the sovereignty of the people, equal electoral districts, female suffrage, the abolition of rotten boroughs, the ballot, local government, law reform, freedom of the press, freedom of trade, the establishment of a national bank, are but a few of the schemes advocated. That none of these schemes were immediately realized is admitted, but it is hardly necessary to insist upon the immense importance of such a crop of ideas, regarded as an element in constitutional history. It may, however, be permissible to point out the extreme rarity of such periods of fruitfulness. There is a saying attributed to a great historian, that English Constitutional History ceases with the reign of Edward I. It is perhaps rather a bold way of putting the truth. But the scarcity of political ideas in English *popular* history since that date cannot fail to strike every one. The period of the Civil War and the Commonwealth is the great exception to the rule, and these years have furnished the materials with which later gene-

rations have built. The thought of the Commonwealth has become the history of Constitutional Monarchy. There is a microcosm in politics as well as a macrocosm. And so it is that the apparent failure of the Commonwealth politicians is only apparent, after all.

With this apology for choice of subject we may begin to consider the period.

*Does the  
year 1649  
really  
mark an  
epoch?*

There might be some question raised as to whether the year 1649 really marks an epoch in history. The king had ceased to govern, if not to reign, long before his death. The House of Lords had dwindled by slow degrees, till in December 1648 its average attendance was a fraction over five<sup>1</sup>. Even before the great Purge, the House of Commons, by expulsion and death, had lost many of its members. The hierarchy was gone. But the condition of things is too uncertain to afford a satisfactory subject of analysis. Till 1647 and the Second Civil War, it was really impossible to say that the king would not return. Even the treaty of Newport was popular with a large number of influential men. The fine irony with which the House of Commons voted supplies to the king to be used against himself was not mere pedantry. Till the autumn of 1648 the nominal government of the country was in the hands of men who wished to amend, not to sweep away, the old constitution.

*Yes. For  
till the  
execution  
of the*

But with the execution of the king the irrevocable step was taken, and a new order began. If only in self-defence, the regicides were bound to

<sup>1</sup> Journals of House of Lords.

form a new government, founded on revolutionary principles, and entrusted to men pledged to the revolution. The statutes of the spring of 1649 cleave a great gulf between past and present. It is in February 1649, therefore, that the new era really begins, and we must attempt to draw some picture of the constitution at that date.

The gaps in the fabric were many. The removal of the king alone meant the rending asunder rather than the decapitation of the constitution, for the Tudor policy had made the monarchy *organic*, and its overthrow paralyzed the body politic by destroying many of its most active members. “The title of king,” said one of the regicides, “is not only by an original common consent, but that consent also proved and confirmed, and the law fitted thereunto and that fitted to the laws, by the experience and industry of many ages, and many hundreds of years together<sup>1</sup>.” So that the removal of the king’s name well-nigh produced a deadlock in the administrative machinery, and the destruction of the organs of royalty left a vast amount of business adrift. For with the Crown had gone the Councils—the Star-Chamber, the Court of High Commission, the Councils of the North and of Wales,—and the Lord Lieutenants of the Counties, leaving the justices of the peace, whose duties the dissolution of the monasteries and the general policy of the Tudors had vastly increased, in a state of nervous collapse. “Really a justice of the peace shall from the most be wondered at, as an owl, if he go but one step out of the ordinary

*King the situation is doubtful.*

*The Constitution in February 1649.*

*Disappearance of the organs of monarchy,*

*the Councils,*

*and the Lord Lieutenants.*

*Position of the Justices,*

<sup>1</sup> Somers Tracts, vi. 386.



*and the  
Sheriffs.*

course of his fellow-justices," said Cromwell<sup>1</sup> in later days, and his experience of country life was great. The justices of the peace seem to have been docile on the whole<sup>2</sup>, but not of much power. The nomination of the Sheriffs was immediately taken in hand by the House<sup>3</sup>, and a definite assertion of its claim was registered two years later<sup>4</sup>. Over the various municipal corporations, which had been a special point of attack with Charles, Parliament also kept a firm hand, never scrupling to interfere with elections when it thought fit<sup>5</sup>, but generally allowing municipal government to take its ordinary course. In spite of some outbreaks, the corporations too seem to have been tractable.

*The Upper  
House.*

The disappearance, for it can hardly be called abolition, of the Upper House of the Parliament seems to have been very little felt. Probably the House of Lords had been of small weight as a political body since the Wars of the Roses. The havoc caused by the Wars had been completed by the Tudors, whose steady policy it had been to depress the nobility, both as a body and as individuals, by the employment of "base blood" in the Council and by the chary bestowal of titles. The House of Lords gained rather than lost by the Civil War. It returned at the Restoration with an immensely in-

<sup>1</sup> Somers Tracts, vi. p. 398.

<sup>2</sup> See however Whitelock (ed. 1682), pp. 380 and 424.

<sup>3</sup> Journals, Nov. 7, 1649.

<sup>4</sup> Whitelock, 489.

<sup>5</sup> The Lord Mayor of London was regularly presented for approval to the House on his election. Whitelock, pp. 381, 461.



creased power, which lasted almost till the changes of 1832.

But the disappearance of the State clergy must have been severely felt. Besides their great power in the Court of High Commission, the bishops held the whole official machinery relative to the administration of testamentary matters, and to matrimonial disputes, and, probably, also exercised jurisdiction in many cases which would now be considered purely secular. The parochial clergy, too, played an important part in the business of daily life, in the celebration of marriages, in the registration of marriages, births, and deaths, and in the relief of the poor. The difficulties caused by their disappearance were no small item of the troubles of the Commonwealth.

*The State Clergy.*

These were the most conspicuous gaps. What remained?

*The remaining materials.*

Nominally, of course, the House of Commons. That is to say, of 505 members returned in 1640, some 150, including "Recruiters," were recognised by the regicides as entitled to sit. As a matter of fact the divisions during 1649 averaged about 50; in the following year they were slightly larger. But on special occasions their numbers considerably increased. At the election of the Council of State in February 1650<sup>1</sup> they were 86, on two similar occasions in 1651, calls of the House produced 116<sup>2</sup> answers. How the deficiency is accounted for it is difficult to say exactly. An old pamphlet puts it thus—

*The House of Commons. Its numbers.*

<sup>1</sup> Journals, Feb. 11, 1650.

<sup>2</sup> Journals, Feb. 7 and Nov. 24, 1651.

Signed the king's letter from Oxford	
on Jan. 27, 1644 . . . . .	119
Joined the king afterwards . . . . .	23
Absent by leave . . . . .	34
Pride's Purge . . . . .	140
	<hr/>
	316 <sup>1</sup>

These numbers, deducted from the 505 which represented a full House of Commons at the end of Charles' reign, leave a balance of 189. But there had been, of course, many deaths among the supporters of the Parliament, and many of the seats left vacant by delinquency had been filled up at bye-elections, notably in the year 1645<sup>2</sup>. Carlyle<sup>3</sup> gives a list of 845, as those who, under one title or another, had a right to seats, at various times, in the Long Parliament. But this list evidently includes many duplicates, occasioned by misnomers in the Journals and other documents, and also the names of members (such as the Earl of Pembroke, Fairfax, Rich, Nevil,) who were elected after the death of the king. Clarendon<sup>4</sup> says that the Rump at this date resolved to readmit all members who would approve the proceedings during the seclusion. But Whitelock, a

<sup>1</sup> T. P. xli. p. 128. The *Parliamentary History* does not agree with these figures, and makes the numbers as follows—

Vol. II. pp. 599—629	{	Joined the king at Oxford. 173
		Secluded in December, 1648. 113 (in another place 143. Vol. III. p. 1249).

<sup>2</sup> *Parliamentary History*, II. 598.

<sup>3</sup> *Cromwell's Letters and Speeches* (Pop. edition), vol. III. p. 244.

<sup>4</sup> *History*, III. 204.

far better authority on such matters, relates<sup>1</sup> that an Act was passed a few days after the king's death excluding all those who had voted to proceed upon the treaty of Newport, and though the Act is not to be found in Scobell, Whitelock is confirmed by the Journals<sup>2</sup>. On the 23rd February the House also resolved to exclude all, except military officers, who had been absent since the preceding 31st December<sup>3</sup>.

But it is necessary to have some notion not only of the numbers, but of the methods and occupations of the House.

The methods can be described in one word—*Parliamentary Committees*. Everything that could not be disposed of by the full House was referred to a committee. There were standing committees for advance of money, for sequestrations, for compounding, for plundered ministers, for indemnity, for sale of crown lands, for the army, the Mint, the revenue, for accounts, for obstructions, for Whitehall<sup>4</sup>. Whether it was that the idea of personal responsibility was repugnant to the House, or whether constitutional deference shrank from the appointment of individual officials during the king's life, certain it is that the House preferred this curiously impersonal method of doing business. It appears to have been made a matter of reproach by the enemies of the Parliament, for we find Milton, in 1651, defending it

<sup>1</sup> *Memorials*, 370.

<sup>2</sup> Journals. Resolution of Feb. 3, 1649, expunged on Feb. 22, 1660.

<sup>3</sup> Whitelock, 377. Journals.

<sup>4</sup> Cal. State Papers. Interregnum, vol. i. Introd. pp. i.—xii.

in the words—"the thing is ancient, though the name may be new<sup>1</sup>." The truth was rather the other way. The practice of appointing committees is almost as old as Parliament itself, but the appointment of committees for executive purposes was the invention of the seventeenth century, and was indeed only possible in a period of revolution. Whatever the authority for it, however, it remains certain that it was the one method of the Long Parliament.

*Occupations of the House.*

The nature of the business undertaken by the House will have appeared from the enumeration of a few of its committees. Roughly speaking, it undertook the whole business of state. Besides its constitutional and legitimate duty, the raising and distributing of money, it controlled (nominally) the army, supervised the administration of justice, kept up some show of intercourse with foreign states, appointed Sheriffs and ministers of religion, and acted as *custos morum* of the kingdom, and general referee on all matters of dispute. Its sense of personal dignity was naturally great. It was more penal to speak ill of a Member of Parliament (not secluded) than to commit a highway robbery "Yourself is now the greatest man in England," said Sir Arthur Haselrig to Chaloner Chute<sup>2</sup>, the Speaker of Richard's Parliament, and Haselrig represented, perhaps better than any man, the sense of the Parliament of 1649. The feeling is not to be wondered at. In its own view the House of Commons

*Its sense of dignity.*

<sup>1</sup> *Defence of the People of England*. Prose works, ed. 1698, vol. II. 562.

<sup>2</sup> Burton's Diary, III. 18.

had successfully conducted the revolution, and to the last its most prominent members clung to this view. But it was unfortunate, for it made the Rump thoroughly unpopular.

There was another very curious point. As a *Its* matter of fact, the House had swallowed all its *pedantry*. formulas in the most practical way. But it never would acknowledge the fact. With a constitutional pedantry almost verging on insanity, the leading members of the House contended that, as a body, they were, by strictest right, the sole constitutional sovereign of England. The abolition of episcopacy and the House of Lords, the execution of the king, nay, what is more extraordinary, the mutilation of the House itself by the army, all seemed to the Rump to be acts of constitutional legality. Here and there an obscure individual hinted at the true state of the case. "The breaking of the laws has preserved your being," said Mr Shirley to the House in 1658. "If extraordinary measures had not sometimes been taken, we had not been here at this day<sup>1</sup>." But the House itself, and its most characteristic members, would never admit this palpable fact. Nothing can be more astounding to the unimaginative reader than the way in which Ludlow, for instance, contends for the absolute unassailability of the Parliament. The House *cannot* be dissolved without its own consent, says he, relying (presumably) upon the Perpetuation Act of 1641. The whole of the proceedings between 1653 and 1659 he regards as idle illegalities, hardly worth considering. The expulsion of the 140 in

<sup>1</sup> Burton, iv. 273.

1648 is legal; but the expulsion of the 160 in 1653 is a mere outrage.

These facts will give us an idea, sufficient for present purposes, of the House of Commons in 1649. It was a body consisting of a minority section of a representative assembly, forced by circumstances into an entirely novel position, unconstitutional to the last degree, but firmly convinced of its legality, and resolved to retain its preeminence at all hazards.

The House of Commons ostensibly conducted the business of the country. But there was another body existing, of first rate, though unadmitted constitutional importance.

*The army.*      The army of the Commonwealth was not altogether such an unique thing as some historians have imagined. But it is a thing sufficiently interesting and significant to warrant grave attention.

The importance of the New Model lay in the fact that it was at once military and political. It was a citizen army with a professional training, standing midway in history between the feudal levies of old time, and the professional armies of modern days. As the feudal nobles at the call of their suzerain summoned their followers and marched to battle, so the Puritan chiefs, at the call of Cromwell, had gathered their congregations and rallied round Fairfax at Windsor. But they did not, like the feudal levies, disband at the close of the forty days of service. They remained under arms, and gradually welded into a compact and irresistible mass. It was they, and not the Parliament, who had won the victory. "We all know that 'twas not a new Oath but a new

model'd Army that by God's most gracious hand first gave check to the King's prosperity," wrote Parker in 1651<sup>1</sup>. As was inevitable, the conquest had been given to those who had most greatly dared. The four pillars of the Commonwealth were Naseby, Preston, Dunbar, and Worcester, and of them two had already been reared by the army.

The king of the army was, of course, Cromwell. It was he who had created it, by the Self-denying Ordinance and the New-Model plan<sup>2</sup>. Cromwell was only king, Fairfax was king's cloak, but the mighty shout that rose from the camp at Guilsborough, when the Lieutenant-General rode in at the head of the six hundred on the eve of Naseby fight<sup>3</sup>, showed that the army at least realized the facts. From that moment Cromwell was king of England.

But the army had more than a king. It was a body organized to deliberate and decide, as well as to fight. The great political idea of the Aryan race, the bivalve of senate and assembly, had found expression there, and was regarded as a precious possession. A council of superior officers and an assembly of "Adjutators" or "Agitators," consisting of two delegates elected by each troop, represented the political thought of the army, and jealously was any interference with this constitution resented<sup>4</sup>.

*Organiza-  
tion of the  
army.*

*The  
Council  
of Officers.  
The  
Assembly  
of Adju-  
tators.*

<sup>1</sup> *Scotland's Holy War*. T. P. xxiv. 502.

<sup>2</sup> I do not mean to assert that the original idea belonged to Cromwell; but it was he who first made it practical.

<sup>3</sup> Sprigge, *Anglia Rediviva*, p. 35. Cf. *A more exact and perfect relation*, quoted by Gardiner, II. 205.

<sup>4</sup> Cf. Whitelock, 378 and 387. And *The Hunting of the Foxes* (Somers Tracts, vi. 45).



Mr Harrison suggests that in 1647 the army represents the House of Commons of the present day, the Parliament occupying the position of the present House of Lords<sup>1</sup>. The parallel will read equally well the other way. The Parliament of 1649 is the discussing, financial, ostentatious body, and the army the body which takes little apparent share in business, but which keeps an eye on the proceedings of Parliament, and, if necessary, interposes its veto. Later on, when the expiry of the Self-denying Ordinance has restored the army chiefs to their places in the House, the Council of officers becomes the Cabinet of modern times, the union of the executive and deliberative powers.

But to return to the army. Besides having its Council and Assembly, it exercises judicial functions<sup>2</sup>, it treats with foreign powers<sup>3</sup>, it has permanent officials, a secretary<sup>4</sup> and a printer<sup>5</sup>. "Behold the army of Israel become a commonwealth, and the commonwealth of England become an army<sup>6</sup>," writes Harrington a few years later, and his ideal is doubtless the New Model. It is a little State in itself, an *imperium in imperio*, prepared for any emergency, and manifesting a dignity and a capacity for self-restraint which are in striking contrast with the frothiness and excitability of Parliament, and which are born of a consciousness of merit proved

<sup>1</sup> *Cromwell*, p. 114 ("Twelve English Statesmen" series).

<sup>2</sup> Whitelock, 494.

<sup>3</sup> e.g. with the Scotch, and the Parliament.

<sup>4</sup> Rushworth.

<sup>5</sup> Henry Hills.

<sup>6</sup> *Oceana*, p. 101.



and sufferings undergone. While the members of the House had been sitting comfortably at Westminster, voting and confiscating, and, if report spoke truly, lining their own pockets with the spoils of the Commonwealth, the army had been on the field of battle, often ill fed and clothed, often unsheltered, pouring out its blood for the sake of the Cause. The army contained the natural aristocracy of the nation, the strongest, most enduring, most self-denying, broadest-minded men in England. Had its members taken the royalist estates in kind as payment of their arrears, with condition of liability to future service, dissolved the Parliament, and left Cromwell and the Council of officers to govern for a few years till the country had settled down and become once more fit for an election, they would have done nothing more than by the laws of war they were entitled to do, the revolution would have consummated itself naturally, and the financial question which was the bugbear of the day would have disappeared. As a matter of fact, this was what was done piecemeal during the Commonwealth period, but the precious moment had been lost, and was never recovered.

These then were the two great organs of State at the beginning of the year 1649; the Parliament, ostentatious but weak, the army, obscure but strong. Neither was the sovereign body, both were sovereign bodies. The case was a standing refutation of Hobbes' dogma<sup>1</sup>, so tortured and magnified by Austin, that in every state there must be

<sup>1</sup> *Leviathan*, cap. xvii.

one power supreme upon all points and indivisible in exercise. It is true that if duties are to be undertaken by the state there must be a court of final appeal for every one of the matters involved by them. But, as Bagehot has pointed out, this court need not be the same for all points. In 1649 the nation would probably have obeyed the decision of the Parliament on all questions of finance. On all matters of general policy it would have obeyed the army. And on matters of religion it would have obeyed no one. Therefore it was hopeless to attempt a settlement of the religious question. And so it proved.

*Other  
nascent  
organisms.  
The  
Churches.*

But besides these two well defined and prominent institutions there were other incipient organs which only wanted opportunity to develope. A revolution which was largely due to theological differences naturally produced a crop of religious organizations, which occasionally threatened to be a formidable difficulty. Fortunately for the Parliament, the scheme of a Presbyterian establishment fell through, for had it taken root and flourished, the General Assembly would have proved, as in Scotland, a powerful rival to the secular authority. But though circumstances had rendered Presbyterianism weak, many a "very sweet society of an Independent Church<sup>1</sup>" felt itself a power in politics. The use made of the Independent congregations by the Protector in summoning the Little Parliament is notorious. Later on, the volumes of Thurloe shew with what anxiety he watched the action of his quondam supporters. And though,

<sup>1</sup> Lambert loquitur. Burton, i. 33.

as the motive forces of the English revolution were religious and political, not social, we should not expect to find any social bodies equalling in influence the Jacobins and the Cordeliers of the French *culbute*, yet the existence of the "Rota" and "Calves-Head"<sup>1</sup> *The Clubs.* Clubs, together with the nascent societies of "Diggers" and Fifth-Monarchy men, proves the extreme *The idealists.* readiness with which, in a revolution epoch, all ideas find expression and welcome. To these spontaneous organizations we must add the remnants of the war-machinery, such as the Committees of the Eastern *Committees of the Counties.* Counties Association<sup>2</sup>, with their deputy-lieutenants, and the local committees for sequestration and approval of ministers. In the period before us most of these germs were a source of danger to the state, but it is possible that they might have been used as instruments by a sympathetic and skilful government.

These were some of the materials with which the *Other influences.* fabric of state was to be rebuilt. What were the nature of the soil and the atmospheric conditions?

It is usual to represent the nation at this time *The Sects.* as split up into an infinite number of sects and factions. Sects and factions there were doubtless, in numbers: episcopalians, presbyterians, independents, anabaptists, Fifth-Monarchy men, royalists, republicans, levellers and anarchists. But I question whether *Their influence perhaps over-estimated.* the extent of this variety is not overestimated. I do not pretend to an exact knowledge of figures,

<sup>1</sup> See the curious *Secret History of the Calves-Head Club* published (5th edition) in 1705.

<sup>2</sup> See lists in Carlyle, III. 265.

perhaps no such knowledge could now be obtained, but I should think that an estimate of one hundred thousand would amply cover all the "active citizens" of any given moment, all the men who were prepared to sacrifice or had sacrificed willingly anything on any side of the controversy. These active citizens are generally divided by contemporary estimate into three important bodies, with a number of small outlying detachments. The Presbyterians have the "silent power," the divines, the lawyers, and the interest of the nobility and gentry; they are the Girondins, in fact, of the day. The Independents, supported by army and Parliament, have the military and fiscal strength, but the very exercise of that strength renders them unpopular. And the royalists, poor, disjointed, and severely watched, have no strength at all<sup>1</sup>. "The Independent," says another account, "groundeth his strength upon the Army, which if he can keepe up, he hopes to give the Law to all, and to produce that great Chymæra, Liberty of Conscience. The Presbyterians have three pillars to support them. 1. The City. 2. Poyntz's supernumerarie forces in the North. And in the west (under colour of sending men for Ireland) they keepe upon free quarter and pay of the country, many supernumerarie Regiments and Troops, most Cavaliers<sup>2</sup>." But underneath these factions there

<sup>1</sup> See letter of Col. H. Price. C. S. P. II. 63.

<sup>2</sup> *The Myserie of the Two Juntos*. T. P. v. 90. The date is torn out, and the pamphlet is a reprint of the Restoration, but from internal evidence it seems to have been written between May 21, 1647, and the king's death.

probably lay a huge mass of solid indifference, anxious only for settled government, and without interest in principles. It seems impossible otherwise to account for the docility with which the later kaleidoscopic changes of government were received. No sooner does a change announce itself than shoals of loyal addresses are presented to its inaugurators, only to be repeated in favour of the inaugurators of the next change. The general public loved a show, and hated taxes. Beyond this it was largely indifferent. It lined the roads to see the victor of Worcester come back in triumph. When the victim of Worcester in his turn came back triumphant, it went mad with delight. It is probable that the popular historical imagination greatly exaggerates the immediate effects of revolutions. The theatres in Paris were open as usual during the Terror. The diary of John Evelyn shews us that it was possible for an active and wealthy royalist to buy and sell land, attend the ministrations of episcopalian clergy, and flit to and fro between England and the exiled Court, without molestation from the government of Cromwell. If my estimate be at all correct, one hundred thousand agitators out of a population of five millions, one man in fifty, leaves a substantial foundation of solid earth below the shifting sands.

*Evelyn's  
Diary.*

To close this long introduction, I shall venture, at the risk of being accused of making discursive remarks, to point out two features of the mental side of the period—"atmospheric conditions" I have called them—which seem to me important towards understanding it.

*Pedantry  
of the age.*

One is the *pedantry* of the time. The sweet vigour of the Elizabethan literature, the tone of Spenser, Shakspeare, and Marlowe, is not found in the Puritan age. We have the sweetness without the vigour, in Herbert, Herrick, and Lovelace, and the vigour without the sweetness, in Milton and Hobbes. Few would deny the pedantry of Prynne, Selden, and Spelman, but in the greater writers, in Harrington, and even in Hobbes and Milton, though in them good sense rises triumphant over pedantry, the baser element is to be found. And this quality was a real source of difficulty in the task which lay before the statesmen of 1649. You could not get a man like Prynne to see that practical necessities must sometimes override constitutional forms. Unless he could have a revolution according to black-letter precedent he would not have one at all. He was not *possible*, he was less possible even than such a man as Sir Thomas Browne, for the author of the *Religio Medici* stayed quietly at home in Norwich and practised the art of healing, whilst Prynne went abroad and practised the art of stirring up strife. And Pride's Purge, though it banished Prynne from the Parliament, did not banish pedantry. It left men who in subsequent Parliaments debated for days whether they should "recognize," "agnize," "cognize," or "decognize" the Protector, men like Sir W. Strickland, who argued that "every man was born with a negative in his mouth" as to taxation<sup>1</sup>, men like Robinson, who introduced a bill "to abolish the superstition of Christmas Day," saying "We are,

*Prynne.  
Selden.  
Spelman.  
Harrington.  
Hobbes.  
Milton.*

*Sir  
Thomas  
Browne.*

*Sir  
William  
Strickland.  
Robinson.*

<sup>1</sup> Burton, I. 347.

I doubt, returning to Popery<sup>1</sup>," men like Sir Arthur *Sir Arthur  
Haselrig.* Haselrig, who cheerfully suggested that "it may very well be a two months debate," as to whether the second chamber should be addressed as "the Lords" or as "the other House," and who hoped that "no man should be debarred of speaking his mind freely, *and as often as he pleased*, in a business of this great weight and importance<sup>2</sup>." It was much the same when the Parliament was discussing fundamental matters. "Much more was said on both sides, as to the conveniences and inconveniences of either government, and it was disputed as if they had been in the schools, where each man had liberty to propose his own Utopia, and to frame commonwealths according to his own fancy<sup>3</sup>." Sir Oliver Fleming was a man *Sir Oliver  
Fleming.* after the Parliament's own heart, and he produced as a triumph of official etiquette an address from the Burgomasters and Senators of Hamburgh with the following superscription:—*Illustrissimis, Excellentissimis, Nobilissimis ac Magnificis Dominis, Dominis Celsissimæ Domus Parliamenti in Angliâ Ordinibus, Dominis Nostris Observandissimis.* Which superscription was solemnly read aloud in the House, and, apparently, gave great satisfaction<sup>4</sup>.

Finally I notice the *non-social* character of the revolution. With the small exception of the Levelers and a few like-minded individuals, before noticed, there were none who proposed to alter the existing order of society. Puritanism, quâ Puritanism, had no quarrel with it. Cromwell, the incarnation of Puri-

<sup>1</sup> Burton, I. 229.<sup>2</sup> Burton, II. 393, 394.<sup>3</sup> Goddard. In Burton, I. xxxi.<sup>4</sup> Journals, Aug. 3, 1649.



tanism, was bent on preserving it. "A nobleman, a gentleman, a yeoman," said he, in often-quoted words, "that is a good interest of the Nation and a great one<sup>1</sup>." The peers who adopted the Parliament cause retained their titles even in the House of Commons. Vane and Haselrig were large landowners. And the sternest of the Republicans, Scot, Nevil, and Ludlow, confined their republicanism strictly to politics. As a consequence, though there was fearful bloodshed, there was little bloodthirstiness, and therefore always a possibility of reconciliation. That the number of executions after 1649 was so marvellously small, must by his most grudging critics be attributed mainly to the magnanimous mercy of Cromwell, of whom his bitter enemy, Clarendon, admits, that he "could bear ill language and reproaches with less disturbance and concernment, than any Person in Authority had ever done<sup>2</sup>." He struck terribly hard in the heat of battle, but oceans of blood shed on the field of battle do not leave the vengeful memories of rivulets on the scaffold. But in justice to the Parliament it must be said, that, with rare exceptions, they also were honourably distinguished by their tenderness of human life. There were no Héberts or Fouquier-Tinville in the English Revolution; there was no Terror. And therefore there was no period of insane frenzy, no paralysis of law and order.

<sup>1</sup> Carlyle, iv. 23. The intense conservatism of Cromwell's nature is often overlooked. He was a true Tory squire.

<sup>2</sup> Clarendon, iii. 392.



## CHAPTER II.

### THE REPUBLIC.

THE position of 1649 is unique in English history. Not only was the country brought, face to face with the problem of Constitution-making, but it was entirely in doubt who should undertake the solution. Three authorities, the Parliament, the congregations, and the army, in turn attempted the task, and all, apparently, failed.

*Attempts to reconstruct the Government.*

The plans of two of the three rival powers are recorded with remarkable definiteness in printed documents. The plan of the Parliament, which was first tried, can be gathered from its action.

On December 10, 1648, the army had published a pamphlet entitled *Foundations of Freedom; or an Agreement of the People: proposed as a Rule for future Government in the Establishment of a firm and lasting Peace*<sup>1</sup>. The essential demands of this scheme were as follows:—

*Plan of the army.*

*Agreement of the People.*

1. The immediate summoning of a new "Representative" of 300 members upon a basis of household

<sup>1</sup> Copy in T. P. xxxviii.

suffrage, with an exclusion of royalists for seven years, and a selection of candidates for fourteen years from active supporters of the parliamentary cause.

2. The appointment by each "Representative" of a Council of State, to last till the meeting of the succeeding Representative. (Councillors, officers on pay, and revenue officers, were not to be eligible as candidates for a Representative.)

3. A Representative to be elected every year<sup>1</sup>. But in cases of emergency the Council of State was to have power to summon a new Representative to last not more than 40 days, and to be dissolved not less than two months before the day for the meeting of the next regular Representative.

4. The power of the Representative to be unlimited; except that it should not extend to

- a.* Restrain in matters of religion.
- b.* Impress soldiers and sailors.
- c.* Further punish for malignancy.
- d.* Grant exemption from laws.
- e.* Derogate from the Agreement, or "levell estates, destroy propriety, or make all things common."

5. No member of the Representative to be capable of election to office, except to membership of the Council of State.

This plan was afterwards, on January 20, 1649, published in an amended form<sup>2</sup>, the only material alteration being that by the later scheme the number

<sup>1</sup> Oddly enough, the length of time for which Parliaments were to sit does not appear to have been fixed by the document.

<sup>2</sup> Copy in Camb. Lib. x. 28, 43.

of the Representative is increased to 400. Several reforms were indicated in the pamphlet as pressingly needed, but it was specially declared that the framers of the scheme would not regard these as essentials.

The obvious criticism upon this plan is that it does more credit to the army's morality than to its wisdom. The total absence of stipulations for the satisfaction of its own just claims may well excite our admiration for this magnanimous body. But as a constitution the scheme was unworkable. It would have rendered the Council of State the sovereign power, for the first Representative and its Council would have been unanimous. But with the dissolution of the Representative the popular influence over the executive would have vanished, and its successor would have had before it the embarrassing alternative of continuing in power a body of outsiders, or of breaking the continuity of government by appointing a new Council of untried men. In the intervals between the Representatives the Council would have been engaged in strengthening its interest in the country, and while by excluding Councillors from election to the Representative the scheme denied the electorate an admirable opportunity of criticizing their conduct in office, it left them free to exercise any amount of indirect influence to secure the election of their nominees. This was precisely the fate of the Swedish constitution of 1720, a scheme which resembled the army's plan in its main outlines. The post of Councillor of State became the chief object of political ambition, and the position, once gained, was used as a means of

*Criticism  
of the  
army's  
plan.*

*Compared  
with the  
Swedish  
Constitu-  
tion of  
1720.*

unblushing corruption. The meetings of the Estates were simply an arena in which the rival parties, the Hats and the Caps, fought their battles for place and power.

*The plan  
of the con-  
gregations.*

The scheme of the congregations was embodied in a tract written by the notorious John Lilburne, entitled *England's New Chains Discovered*, published on February 26, 1649<sup>1</sup>. It is in avowed opposition to the plan of the army, which it censures as obscure in vital points. It demands—

1. Annual Parliaments, with no interval.
2. Enforcement of the Self-denying Ordinance.
3. Dissolution of the existing Council of State.
4. Preservation of the existing Parliament until the election of a new one.

*Criticism  
of the  
scheme.*

The meaning of this plan is clear. It is animated throughout by a jealousy of any individual exercise of power, but more especially of any exercise by the army officers. It is the extreme democratic ideal of government by majorities, which grudges even the existence of a Council, though it be, as the existing Council was, merely a committee of the popular assembly. It is needless to point out how utterly impossible the scheme was. For a large assembly of experienced and firmly seated men to exercise every petty duty of government without delegation of its powers would be well-nigh impracticable, but for an assembly elected only for a year, and liable to complete re-construction in a fit of popular enthusiasm, to attempt government on such terms, would be simply to invite anarchy.

<sup>1</sup> T. P. xvii. 534.

We now come to the actual policy of the Parliament. *Views of the Parliament upon its own position.*

There can be, I think, no reasonable doubt that the House regarded itself, not, according to the view taken by both its rivals, as a constituent assembly, but as a permanent and universally sovereign body. It continued to exercise all the revolutionary powers which had fallen to it during the war-period, one of the most odious being the interference in private lawsuits. An entry in the journals shews the mind of the Parliament on this subject in the clearest light.

“Question propounded ‘that this House doth declare, that they will not meddle with any case of *Meum and Tuum*, between Party and Party, which is determinable by any Court of Justice, except it be in case of Male Administration, or where the Law is defective.’ *Negatived*’.”

But of course the great question was that of the dissolution, the question of the “New Representative,” as it was called. *The “New Representative.”* Whether the new constitution was to consist of a sovereign assembly or not, all parties, with the exception of the sitting members and their immediate following, were agreed that the existing House, which neither in law nor in fact represented the nation, should be dissolved. Even the House

<sup>1</sup> Journals, Dec. 6, 1649. There are some traces of an Act brought in to regulate the “election of officers in the Commonwealth” (Journals, Aug. 2, 1649) but it was apparently dropped, and the House went on filling up places in the old way. (Cf. Journals, Nov. 7, 1649, Nov. 7, 1650, and Aug. 6, 1651. Whitelock 489, &c.)

itself admitted the necessity in theory. But did it honestly accept the situation?

*Conduct of  
the House  
on the  
question.*

Undoubtedly it did not. Upon this point the evidence of its own Journals is conclusive. As the point is somewhat important, I have thought it well to insert a digest, taken, not from the indexes, but from the Journals themselves, of all the entries upon the subject from April 1649 to April 1653.

#### 1649.

April 30. First mention of subject. Sir A. Haselrig to report.

May 1. Bill read a first and second time, and referred to a committee.

May 11. Referred to a grand committee.

May 15. A committee appointed to settle the succession of Parliaments.

[June 22. The Council of State, in enumerating urgent business to be done before recess, does *not* include the bill, but recommends that it be considered during recess.

June 27. On the re-statement of business, even this recommendation is dropped.]

(There was no recess.)

October 11. The committee for regulating elections to sit *de die in diem* and report on Tuesday fortnight.

#### 1650.

Jan. 9. Outlines of distribution scheme reported. Total of 400 members agreed to, and matter referred back to grand committee.

From this time until August 14 the grand

committee sits weekly, simply reporting its sittings, and asking leave to sit again. (Seven months.)

August 14. The committee begins to sit fortnightly.

October 23. Resumes weekly sittings. Records of adjournment till

## 1651.

June 11, when they cease to appear. (18 months.)

August 6. Re-appearance of formal report. Again dropped till

September 17. (Cromwell having returned from Worcester.) Debate and adjournment.

October 8. Report of bill by committee, and 1st reading.

October 10. 2nd reading. Reference to grand committee. This committee sits daily till

October 23. When it is adjourned for several days. Then sits again, but less frequently.

November 14. House resolves, *by a majority of two*, "that it is a convenient time to declare a period for the Parliament."

November 18. It is resolved that this period shall be November 3, 1654. (*Three years more, exactly fourteen years from the first meeting of the Parliament.*)

## 1652.

May 12. Re-appearance of grand committee, on this and two following Wednesdays. Then dropped.

1653.

March 2. Debate of two amendments on the Scotch and Irish representation. Then follow weekly sittings until

March 30. When the committee's proposal of a 40s. franchise is altered by the House to one of £200 capital.

From this date until the dissolution of the Parliament on April 19 following, there are no entries on the subject, probably owing to the mutilation of the Journals. But the unimpeached testimony of the time records that when the republicans found that they could no longer delay the passing of the bill, they attempted to force it through with two extraordinary clauses—

(1) That the existing members of the House should return to the new Parliament *without re-election*.

(2) That their members should form a committee to decide upon the validity of elections.

In other words, the House, having, at the end of four years' debate, not decided the most elementary provisions of the bill, suddenly endeavoured to pass it through in such a form as would render it worse than useless. By the addition of the two new clauses the measure became a perpetuation instead of a dissolution bill. Had the measure been carried into effect, it would have reintroduced the bi-cameral system in a very unexpected way. The permanent members, by virtue of their great traditions and official experience, would have formed a body apart. If the election-committee had made use of its



power to exclude all candidates opposed to this official ring, the popular chamber would have become a mere appendage to the old bureaucracy. If the committee had really allowed freedom of choice, there would have been two chambers in permanent opposition, and a deadlock of business. To have excluded the old members from re-election would have been to anticipate the mistake of the Constituent Assembly of 1791, but to retain them *en masse*, not as the leaven of experience, but as the buttress of a supercilious bureaucracy, would have been fatal.

We may take it, then, that the mind of the Parliament was to continue government on the lines gradually adopted during the war time. On February 8, 1649, the House appointed Whitelock, Keble, and Lord Lisle Commissioners of the Great Seal<sup>1</sup>, and on the 4th it proceeded to nominate a Council of State of 41<sup>2</sup>, to replace the old "Committee for Both Kingdoms." This Council was intended to be merely a parliamentary committee. Its seal bore the inscription "The Seal of the Council of State, appointed by the Parliament of England<sup>3</sup>," it was only appointed for a year<sup>4</sup>, it was to have no permanent president<sup>5</sup>, its members were compelled to sign an "Engagement" to adhere to the existing form of government<sup>6</sup>, and it was only after some debate that the House decided to admit any one except its own members<sup>7</sup>. Ultimately, however, three outsiders, Alderman Wilson, Chief-Baron Wylde, and

*Commissioners of the Great Seal.*

*The Council of State.*

*Its character.*

<sup>1</sup> Whitelock, 374.    <sup>2</sup> Whitelock, 376.    <sup>3</sup> Journals, Feb. 17, 1649.    <sup>4</sup> Journals, Feb. 13, and Whitelock, 376.    <sup>5</sup> Journals, Feb. 15.    <sup>6</sup> Journals, Feb. 19.    <sup>7</sup> Journals, Feb. 13, 1649.

Major-General Skippon, were included<sup>1</sup>. The powers given to the Council, though wide, were strictly defined<sup>2</sup>, and were revised upon every fresh election<sup>3</sup>. Upon all important matters it was to report to the House, and when, after the rule against perpetual presidents had been violated, the Parliament voted that no chairman of a committee should sit for longer than a year, it expressly included under this definition the President of the Council<sup>4</sup>. It differed from a modern cabinet in two important points. It had not control of the departments of state, and it could not appeal from the Parliament to the electorate. It immediately violated one of its instructions by appointing Bradshaw permanent president<sup>5</sup>, and though it did a great deal of business, its membership does not seem to have been highly valued, for the average attendance at its meetings was only a fraction over 13<sup>6</sup>.

*Its  
conduct.*

As a matter of fact it found itself in precisely the same difficulty as the Parliament, for purposes of the executive. It was too large. And it met this difficulty in precisely the same way as Parliament had done. During the course of this and the subsequent Council no less than 80 sub-committees were formed for various purposes<sup>7</sup>. Like the Parliament it was a deliberative, rather than an executive body, it acted as a Committee of the Articles, and like the Scotch Lords of the Articles, it probably, but not

<sup>1</sup> Calendar, i. Introd. p. xv.

<sup>2</sup> Journals, Feb. 13.

<sup>3</sup> Whitelock, 425, and Journals, Feb. 12, 1650, &c.

<sup>4</sup> Whitelock, 490.

<sup>5</sup> Calendar, i. xx.

<sup>6</sup> Calendar, i. p. xiii.

<sup>7</sup> Calendar, i. 620.

certainly, could command a majority in the Parliament. The average attendance in Parliament at this time was about 60. Thirty-eight members of the Council were also members of the Parliament. On March 8 it was resolved by the House that the Council of State and committees should not sit at the same time as the House<sup>1</sup>. Therefore it is probable that the members of the Council were also the active members of the House, and that, consequently, the members of the Council in Parliament confirmed the acts of the members of Council in Council. The real power lay, as before the appointment of the Council, with the committees, which were intensely unpopular in the country<sup>2</sup>.

There is no doubt that the Parliament was thoroughly afraid of the army. On March 6 it was reported to the House that the existing forces numbered 44,373 men, *plus* 2500 ready to be disbanded, and the Council of State recommended the continuance of an establishment of 40,000, of whom 12,000 should at once be embarked for Ireland<sup>3</sup>. But the House, taking the unusual step of disagreeing with the Council, voted that only 4,000 should be retained for garrison duty, in addition to the 12,000 for Ireland, and that the rest should be immediately disbanded<sup>4</sup>. There was a plausible excuse for the step in the enormous expense involved by the army establishment. A standing army was new to England,

*Attitude of  
Parliament  
towards  
the army.*

<sup>1</sup> Whitelock, 378.

<sup>2</sup> *The Mysterie of the Two Juntos* quoted supra p. 20, T. P. v. p. 82.

<sup>3</sup> Journals.

<sup>4</sup> Journals, March 6.

and the ordinary revenue of the state was totally inadequate to meet the expense, which was raised by a monthly assessment upon property and income, the beginning of the modern system of direct taxation. The cost of the existing army was, roughly, £100,000 a month<sup>1</sup>, and the proposal of the Council would only have reduced it by one-fifth<sup>2</sup>; the Parliament, therefore, had a really popular cry to raise in striving for the abolition of this enormous expense, the parent, not only of the unpopular "assessment," but of the equally unpopular "excise." It is needless to say, however, that the army was not disbanded. The curious process by which the soldiers decided amongst themselves who should undertake the Irish campaign, is a proof of the autonomy of the military element at this period, and the Parliament had finally to submit to the odium of raising a monthly sum of £90,000 by assessment, the remaining £30,000 needed for the war being procured by a sale of the Crown fee farm rents<sup>3</sup>.

*Effect of  
the Irish  
War on the  
Parliament.*

The Irish war apparently strengthened the Parliament, by removing from head-quarters the most dangerous of the rival elements. From this time until September 1651, Cromwell and his chiefs are engaged in the stern duties of campaign, and have no leisure to attend to constitutional matters. But in reality the relaxation of pressure was fatal to the House. It left them alone to face the gathering

<sup>1</sup> Journals, March 6.

<sup>2</sup> Whitelock, 378.

<sup>3</sup> Scobell, *Acts and Ordinances of the Commonwealth*. Act of March 11, 1650.

cloud of suspicion which their accumulation of power had generated. They were accused on all sides of corruption. The suspicion expresses itself in the plans of the army and the sectaries, as well as in the unofficial documents. There is a curious pamphlet, probably quite untrustworthy in details, entitled *The Mysterie of the Good Old Cause Briefly Unfolded*, printed in Cobbett's *Parliamentary History*<sup>1</sup>, which gives an appalling list of emoluments supposed to have been acquired by the members. But there were things quite beyond dispute which had an ugly look. Bradshaw was President of the Council, Chief Justice of North Wales and of Chester, Chancellor of the Duchy of Lancaster, and Judge of the Sheriff's Court at Guildhall; and the House had voted him a donation of £1000, and £2000 a year in land<sup>2</sup>. Whitelock was Commissioner of the Great Seal (at £1000 a year), Constable of Windsor, Ambassador to Sweden, and a member of the Council. Lenthall was Speaker of the House (fees considerable), Master of the Rolls, and Chancellor of Chester. Sir Henry Vane was given, or at least voted, lands of £1200 a year on surrendering the treasurership of the navy, and he was believed, as well as Sir Arthur Haselrig, to have speculated largely in forfeited property. Evidently these things were incompatible with the purest and most disinterested patriotism.

*The Parliament accused of corruption.*

*Bradshaw.*

*Whitelock.*

*Lenthall.*

*Vane.*

But the Parliament was also left alone to bear the odium of the terrible financial question, which had now become very pressing.

*The financial question.*

It was the ancient theory of the constitution that

<sup>1</sup> Vol. III. 1591.

<sup>2</sup> Journals, June 19, 1649.

*The  
ancient  
theory  
of the  
revenue.*

“the king should live of his own.” That is to say, the revenue of the monarch, which till long after the Commonwealth period was also the revenue of the state, was merely the ancient feudal or prerogative dues, jealously guarded from increase, the varying items of income from the royal domains, and, later on, the produce of the port dues, which since the fourteenth century had become, practically, a regular source of the royal income. Most of the government officials, the judges, the sheriffs, the household officers, were paid by fees levied in the course of their duties, and do not appear in the revenue accounts at all.

*Extra-  
ordinary  
taxation.*

Of course there had been many occasions on which an extraordinary addition to this revenue had been demanded, and it had been one of the vital questions of constitutional history, whether the Crown or the Parliament should be the judge of such occasions. Long ago this question had been settled in favour of the Parliament, and the decision was of vital consequence. The older forms of hidage, carucage, and tallage, which appeared before the regular constitution of Parliament, long remained on the border-line between royal and parliamentary taxation ; but the tenths and fifteenths of Edward I. and his successors, and the subsidies of the Lancastrian and Tudor Parliaments, were regarded strictly as exceptional gifts from the nation to the king, to be made only in cases of obvious necessity, and often only in return for solid advantages.

*Fall in the  
value of  
money.*

And there was another fact which pressed hardly on the Crown. Nearly all the old prerogative claims

had been compounded for at fixed money sums. The aids and reliefs of the great tenants in capite, the ferm of the shires, the composition for military service, were all commuted for definite amounts. Even the extraordinary grants, the tenths and subsidies, tended to become of fixed conventional amount. And the value of money was falling all the time. Consequently, the Crown was always tending to bankruptcy, and always requiring help of Parliament. It might almost be said that the development of the English constitution is due to the fall in the value of money. It is certain that many of the constitutional crises of English history were brought about by that fact.

The condition of the revenue at the close of the mediæval monarchy may be gathered from the statement presented by Lord Ralph Cromwell to the Parliament of 1443<sup>1</sup>. *The revenue of 1443.* The feudal revenue was £23,000, reduced by fixed charges to £9,000. The customs, which, though only a portion of them could really be claimed by prerogative, had by that time come to be reckoned as ordinary revenue, yielded £27,000, and the Duchy of Lancaster a little over £2000. Altogether the available revenue was just over £38,000, and the expenditure upwards of £56,000. Clearly by this time the Crown was incapable of doing business without a regular recourse to what was then considered extraordinary taxation.

The Tudors were both lucky and skilful in evading *The Tudor revenue.* the question. By strictly exacting the forfeitures of the Wars of the Roses, by reviving many of the old feudal claims which had died out, and by rigid

<sup>1</sup> Rot. Par. iv. 432—9.



parsimony in administration, Henry VII. had amassed an enormous treasure which he left to his extravagant son. The rich windfall of the monasteries helped to fill the gap made by Henry VIII. in the royal treasure. The plunder of the chantries had satisfied the wants of Edward VI.'s ministers. And the thrifty management of Elizabeth, aided by the greatly increased customs-revenue which the development of trade produced, succeeded in keeping the Crown independent. But even Elizabeth felt the shoe pinch. The murmurs against the "monopolies" and the "duties" in the latter part of her reign shew that the Queen was striving warily to augment her revenue, which a coinage decreasing in value did not fairly represent.

*The  
revenue of  
James I.*

The question, thus staved off, returned, as such questions do, with redoubled force. Parliament recognized the truth of the situation, by granting the customs to James for life<sup>1</sup>, but the king found it necessary to make arbitrary additions to the "Book of Rates" published by Elizabeth, and to procure a doubtful decision to support them. An interesting pamphlet<sup>2</sup>, perhaps untrustworthy in details, was published in the year 1617, professing to be an account of James' revenue and expenditure, and it is worth a notice here because it was reprinted in 1651, and was evidently intended as a contribution to the settlement of the question.

<sup>1</sup> 1 Jac. I. c. 33.

<sup>2</sup> *An Abstract or Brief Declaration of the present state of His Majesties Revenew.* Printed for M. S. (? Michael Sparke), T. P. xxix. 199.



In 1617 the receipts from the customs (including *The revenue of 1617.* in this term the duties on silks and sweet wines and the "impositions" of doubtful legality) amounted to nearly £250,000. The Crown lands brought £80,000, and the feudal dues just £50,000. In all, with a large item of "miscellanies," a little over £450,000. But this was reduced by fixed charges ('assignments') and by defalcations to £250,000, whilst the normal annual expenditure was £286,000, thus leaving an annual deficit of £36,000. Moreover, the king had incurred abnormal expenses, since the beginning of his reign, to the amount of five millions and upwards, of which one half was due to the marriage of his daughter with the unfortunate "Winter-King" (a marriage in many ways disastrous to England) and the other to his reckless gifts to favourites. He had, of course, made some attempts to raise extraordinary revenue to meet this extravagance, and the list of these attempts shews the straits to which the Crown had been driven. The most interesting, perhaps, is the levying of fines for new buildings in London under the statute of Elizabeth<sup>1</sup>, the most disgraceful are the creation of baronets, the confirmations of "assarts" and defective titles generally, and the compositions for fines in the Star Chamber. The total realized was under two millions and a quarter, leaving a capital debt of three millions to be swelled by the annual deficit.

The crash came when Charles I. added the burden *The wars of Charles I.* of war to the already overtaxed Exchequer. For two hundred years England had been practically

<sup>1</sup> 35 Eliz. c. 6.

free from this strain, and to its absence was doubtless due in a great measure the success of the Crown in keeping down the rising flood of bankruptcy. But the disgracefully managed expeditions to Rochelle and Cadiz burst the gates and swept the king away in the torrent. With almost incredible folly he quarrelled with the Parliament, his only hope, and then the game was indeed played out. The wild attempts made by Charles to raise money are too familiar to need repetition. They were hopelessly inadequate to meet the difficulty. It was necessary that a large permanent addition should be made to the revenue, and the only authority capable of making it was in deadly hostility to the king.

*The three  
new taxes  
of the Par-  
liament.*

During the war period the Parliament adopted three great new taxes, two of which have since become practically permanent. It levied by monthly "assessments" a heavy tax on property and incomes, based upon a calculation of the highest return ever made for a subsidy. But the great superiority of the rating, adjusted by the local authorities, made it a much more effective instrument than the older method.

*The As-  
sessments.*

*The  
Weekly  
Meal Tax.*

The other direct tax of the Parliament, the "Weekly Meal Tax," or the contribution of the price of one meal a week by every adult supporter of the Parliament, imposed in March 1644, produced £100,000 a year for six years<sup>1</sup>.

*The New  
Impost.*

The third tax was the excise or "New Impost," introduced by Pym, originally by statute on July

<sup>1</sup> Dowell. *History of Taxation and Taxes*, II. 6.

22, 1643<sup>1</sup>, as a temporary measure and then expanded and made permanent on Aug. 28, 1647<sup>2</sup>. The plan was and always has been unpopular. It is thoroughly opposed to English ideas of the inviolability of the home and the dislike of officialism. But it has proved too useful to be discarded, and plays a conspicuous part in the modern system of taxation.

This then was the problem which the Parliament of 1649 had to face: whether it could continue to govern without the new taxation, which had professed to be, and which was steadily regarded by the mass of the people as, abnormal and temporary. *Is the new taxation to be continued?*

Of course in one respect the Parliament was better off than the king had been. The host of pensioners and idle officials, who had grown up round the Court in the bad days of James and Charles, had disappeared. Their claims were no longer recognized. And by the confiscations of the war, the Parliament had acquired a vast fund of Crown property, Church property, and royalist property. *Sources of revenue.* The report of Major Salwey on Sept. 3, 1650<sup>3</sup>, put the annual income from sequestrations *Sequestrations.* at £170,000, and the gross sum due for compositions *Compositions.* at a quarter of a million. But the House adopted a fatal system, or rather want of system. Upon this forfeited property there were of course innumerable claims, for it was generally looked upon as the great resource for the compensation of all injuries suffered by the members of the winning

<sup>1</sup> Scobell, July 22, 1643.

<sup>2</sup> Scobell, of that date.

<sup>3</sup> Journals of that date.

party in the course of the war. These claims, instead of being dealt with in one comprehensive plan, were admitted piecemeal by the parliamentary committees, or often by the House itself, and charged upon one or other of the numerous funds, at Goldsmiths' Hall, Weavers' Hall, Haberdashers' Hall, Gurney House, or Salters' Hall, into which the resources of the Parliament were divided. It was not until 1652<sup>1</sup> that the House took the obvious step of solidifying the numerous petty Exchequers into one, and in the meantime they had become absolutely overgrown with a fungus crop of "charges" and "anticipations." The report of Sept. 3, 1650, had to be corrected by another, on December 17 following, when it was found that out of the £170,000 a year from sequestrations only half that sum could be reckoned upon, and even that was subject to deductions, while the two and a quarter millions due for compositions were more than anticipated by charges amounting to upwards of three millions and a half<sup>2</sup>. The process of sequestration was frightfully expensive. Local committees, sub-committees, surveyors, informers, finally the central committee, all took toll of the plunder. Sometimes the informer got as much as a third; he would not inform for less. And a pension was usually allowed out of the sequestered property to the widow or wife of the delinquent, so that the amount which finally reached the Exchequer was very small. Compositions, where the delinquent voluntarily surrendered his

*Consolidation of the Exchequers.*

<sup>1</sup> Journals, Jan. 23, 1652. Whitelock, 426.

<sup>2</sup> Journals, Dec. 17, 1650.

property on terms of partial restitution, were much more profitable, but even they, by the nature of the case, were subject to deductions. An immense amount of knowledge lies hid in the records of the composition and sequestration committees, many of them yet unprinted, but such investigation is beyond the scope of the present essay.

It was obvious, however, that whilst the recognition of claims proceeded in this way, the surest title to success was interest in Parliament, and not superior merit. Now the army, by whose labours these confiscations had been made possible, not unnaturally considered that they formed a fund for recouping, in the first place, their long arrears of pay, and making provision for their sick and wounded. It is to this fact that we trace, without doubt, the growing ill-feeling between the Parliament and the army, which ended in the dissolution of 1653. The Parliament did indeed charge an annual sum of £17,000 on the excise for the wounded soldiers<sup>1</sup>, and it found money readily enough to send troops to Ireland and Scotland, but it shewed no anxiety to come to a settlement of standing arrears. In fact it talked about disbanding the army before these arrears were paid.

There can be small doubt that a vast system of *Corruption* was at work with regard to this confiscation fund. The superior readiness with which the claims of members of Parliament and their friends were satisfied may be questioned, although the evidence of it exists in the Journals. But the evidence

<sup>1</sup> Salwey's Report. Journals, Sept. 3, 1650.

of fraud in lower quarters is beyond question. In April 1650, the House sent six persons to the pillory for defrauding the revenue<sup>1</sup>. In August 1654, two men named Fugill and Granger confessed to a wholesale and long-continued scheme of plunder, by which debentures and public-faith bills to the extent of £150,000 had been impudently forged and cashed. The prisoners gave details of the criminality of twenty-one persons, and whether they can be trusted in details or not, there can be no doubt of the truth of the main facts<sup>2</sup>. Moreover the Parliament adopted a plan which, though it saved them from the immediate pressure of wealthy claimants, must have seemed grossly unjust to the poorer classes of petitioners. They enacted<sup>3</sup> that any purchaser of public lands who should have claims against the state should be entitled to purchase lands of twice the value by payment of a sum equivalent to the claim<sup>4</sup>. This was the famous process of "doubling," of which the books are full. As public sales probably did not average more than twelve years' purchase, though Ludlow says they sometimes reached seventeen<sup>5</sup>, it is evident that claimants with spare capital might make a very good bargain out of the offer. And whilst this recklessness was going on, the wounded sailors of the Parliament's fleet were dying for want of

"*Doubling.*"

<sup>1</sup> Journals, April 1, 1650.

<sup>2</sup> Calendar, vii. pp. 340, 415.

<sup>3</sup> By the Act for sale of Dean and Chapter's Lands. Scobell, 1649, 24, fo. 22.

<sup>4</sup> This was the minimum amount fixed by the Act of 1649. Scobell, 1649, 24, fo. 20.

<sup>5</sup> *Memoirs*, i. 299.

food and medicine. The story of Elizabeth Alkin<sup>1</sup> ("Parliament Joan"), the Miss Nightingale of the period, is evidence of the little care that was taken for the humbler sufferers who had claims on the "public faith."

Probably, then, on the whole, this source of income was a snare rather than a support to the Parliament. There remain, therefore, practically, only the customs, excise, and assessments, for the feudal dues had been abolished by resolution on February 24, 1645.

The customs, at the accession of James I., produced in round numbers £112,000 a year<sup>2</sup>. The victory of the Crown in the case of "Impositions" had enabled James slightly to increase this branch of the revenue, so that in the year 1610 it had grown to £136,000<sup>3</sup>. The improvement was maintained, and the customs during the Stuart period shew a decided tendency to increase, till at the outbreak of the war they amount to £250,000 per annum<sup>4</sup>, and even the anarchy of the terrible war-decade does not succeed in checking the advance<sup>5</sup>.

The anticipated death of the king and the declaration of the Republic appear to have created something of a panic amongst the merchants. The dues at the port of London, which in the first week of January 1649 amounted to upwards of £10,000, and in the following week exceeded £12,000, fell suddenly in the third week to £4600, and on the

<sup>1</sup> Cf. Calendar, iv. 228, 620, v. 177, 484, 490, vi. 5, 413.

<sup>2</sup> Hall, *Customs Revenue*, i. 174

<sup>3</sup> Hall, ii. 246.

<sup>4</sup> Hall, i. 183.

<sup>5</sup> Hall, ii. 246.



actual execution of the king to about a quarter of that sum, till in the third week of February they failed to reach £1000<sup>1</sup>.

But, if our sources of information be correct, the Parliament must speedily have found means to restore confidence. For, whether owing to a greater severity in collection, or to an increase of rating, the return for the year ending June 1650 reached the hitherto unparalleled sum of £275,000<sup>2</sup>, and during the remainder of the Republic actually exceeded £300,000 a year<sup>3</sup>.

*The  
Excise.*

The excise receipts during the six and three quarter years from Sept. 1643 to June 1650 had produced a sum of £1,915,705. 6s. 8*d.*, or an average income of £284,000. From this however had been deducted permanent charges—"maimed soldiers," "interest on charges," and one-eighth for office expenses, amounting altogether to nearly £105,000, so that the net result was only £180,000 a year. But even this was unavailable for upwards of a year from the date of the report (Sept. 1650), being pledged to an immediate payment of £200,000 "for the service of the Commonwealth<sup>4</sup>."

Vane's report, made two years later, is still worse. The income has risen to £340,000, but the charges for the Commonwealth and "particular persons" amount to upwards of £1,300,000, so that the revenue from this source is completely anticipated for three

<sup>1</sup> Figures taken from Calendar, S. P. i. 13—20. Cf. also vol. i. 30. Vol. iii. 28, 110.

<sup>2</sup> Hall, ii. 246.

<sup>3</sup> Hall, ii. 246.

<sup>4</sup> Salwey's report. Journals, Sept. 3, 1650.



or four years<sup>1</sup>. The House, therefore, although doubtless some of the "charges" represent accruing expenses, cannot have relied upon this branch of the revenue for regular income. As the assessments form the final resource of the Parliament, the absolutely necessary method of making both ends meet, we may perhaps before noticing them, turn to the two great items of expense in the Republican budget.

During the Civil War the expense of the navy *Expenses.* had been kept well within the bounds of its legitimate supply, the customs-revenue. From a *The Navy.* pamphlet published by Giles Greene, chairman of the parliamentary committee for the navy, in the year 1647<sup>2</sup>, we learn that the expenditure during the five preceding years had been just under £1,187,000 or an average of £237,000 per annum. On June 12, 1649<sup>3</sup>, Vane, treasurer of the navy, 1649—50. estimated the annual expenditure necessary to maintain a due efficiency at £283,000 *plus* an additional sum of £75,000 for outfit. But at the 1650—1. beginning of the next year, in view of the anticipated troubles with the Dutch, the Council of State recommended an expenditure of £1,900,000<sup>4</sup> for the eight months' "Summer's Guard," and for the winter £115,000<sup>5</sup>, making upwards of two millions in all. This enormous expenditure was not maintained, but

<sup>1</sup> Vane's report. Journals, Nov. 9, 1652.

<sup>2</sup> *A Declaration in Vindication of the House of the Parliament.*  
(Copy in Camb. Univ. Lib. x. 28, 42.)

<sup>3</sup> Journals.

<sup>4</sup> Journals, Jan. 1, 1650.

<sup>5</sup> Journals, Sept. 12.

- 1651—2. for the next year (1652) the House estimated that the navy would cost £300,000<sup>1</sup> above the receipt from the customs, though two months later this sum was reduced to £589,000 in all, or £240,000 in excess of the regular income allotted for the purpose. On
- 1652—3. Jan. 14, 1652, Blake reported from the Council of State that the expense of the summer's fleet would be £420,000<sup>2</sup>, and this was increased, in a later estimate, to £700,000 by the addition of new ships and convoy duty<sup>3</sup>, only £376,000 being provided from the ordinary sources. On November 4, 1652, the accounts for the winter shewed contingencies to the amount of nearly £1,300,000, of which only £415,000 was provided for<sup>4</sup>. Putting these figures together, we find that during its tenure of power the Parliament was called upon to provide a total sum of upwards of four millions, or above one million a year, for the item of the navy alone. If we take the average produce of the customs even at £350,000, this leaves an annual charge of £650,000 to be met by extraordinary taxation.

*The Army.* The other great item is, of course, the army. The evidence here is not nearly so clear as for the navy, and the jealousy with which the land forces were regarded by the Parliament may possibly lead us to distrust their records.

At the beginning of the Republic the expense of the army was estimated at £160,000 a month<sup>5</sup>. But on March 30, 1650, the Committee for the Army reported that the actual monthly cost of

<sup>1</sup> Journals, March 18, 1651.

<sup>2</sup> Journals of Par.

<sup>3</sup> Journals, April 16, 1652.

<sup>4</sup> Journals.

<sup>5</sup> Whitelock, 378.

the forces in England and Ireland was £101,000<sup>1</sup>. A year later, when the war in Scotland was added to the war with Ireland, the expense had risen to £160,000 a month<sup>2</sup>. The Scotch war was entered upon in June 1650, so that if we take the lower figure, and reckon seventeen military months for the double establishment, and sixteen for the treble, which brings us to the battle of Worcester, we get the smallest total army cost till the resettlement of the establishment in October 1651. These figures will be as follows :—

17 months at £101,578 . . .	£1,726,726
16 „ „ £162,758 . . .	<u>£2,604,128</u>
or a total of . . .	£4,330,854

and this is probably exclusive of stores and outfit.

Immediately upon the victory of Worcester the army establishment was reduced, and put on a new footing after conference held with the Lord-General and his officers. The English and Scotch forces were settled at £82,000<sup>3</sup> a month, the Irish remaining at £34,500, but in December of the following year the former charge was reduced to £76,000<sup>4</sup>, the latter having previously been lowered to £20,000<sup>5</sup>. Of the last reduction, however, the Parliament only enjoyed the benefit for three months. This would make the cost of the army from the close of the war (Worcester) till the end of the year 1652, £1,721,875, or a grand total during four years of just over six millions.

We now come to the monthly assessments. At

<sup>1</sup> Journals.

<sup>2</sup> Journals, March 18, 1651.

<sup>3</sup> Journals, Oct. 2, 1651.

<sup>4</sup> Journals, Dec. 2, 1652.

<sup>5</sup> Journals, Dec. 17, 1651.

*The Assessments.*

the close of the Civil War these stood at £90,000 a month, and appear to have been so continued until the end of the year 1649<sup>1</sup>. But to satisfy the popular demand for a reduction of taxes, the assessment agreed to in December 1649 was to be for three months only at the old rate, and for the succeeding three months at £60,000<sup>2</sup>. This plan was repeated for the last half of the year 1650<sup>3</sup>, but the Scotch war necessitated a monthly tax of £120,000 during the whole of the following year<sup>4</sup>. The old rate was, however, collected during 1652<sup>5</sup>. These figures work out at a total of four millions and a half, and enable us to summarize this lengthy statement in a tabular form. Thus—

*Summary.*

1649—1652 (inclusive).

	<i>Revenue.</i>		<i>Expenditure.</i>
Customs	£1,400,000	Navy	£4,000,000
Excise	nil.	Army	£6,052,729
Assessments	£4,500,000	Government	——
	<hr/>		<hr/>
Total	£5,900,000		£10,052,729,

or, roughly speaking, a deficit of four millions to be provided for, without taking into account the expenses of government, as to which no records appear to survive. Possibly these expenses were not very great, for the reasons before stated, but they must have amounted to something, and, of course, the assessments did not realize their normal value. The method

<sup>1</sup> Scobell, April 7, 1649. Whitelock, 400, 402.

<sup>2</sup> Scobell, Dec. 7, 1649.

<sup>3</sup> Whitelock, 440.

<sup>4</sup> Whitelock, 461, 464. Scobell, Nov. 29, 1650, Sept. 1, 1651.

<sup>5</sup> Scobell, Dec. 19, 1651, June 15, 1652. Whitelock, 493.

of collecting them appears to have been peculiar. Of the three months' assessment which began on September 29, 1651, a half was to be paid in to the Treasury by October 20 following<sup>1</sup>, and the fees allowed to the collectors were considerable. Under the Protectorate, when the management of the revenue was extremely careful, a monthly assessment of £35,000 cost £7000 a year to collect<sup>2</sup>. Under the Parliament the cost was probably far greater, the nominal commission allowed being 2½ per cent.<sup>3</sup>

It is impossible to believe that the Parliament could raise a million a year from the sale of forfeited property. A million in the seventeenth century represents about four millions and a half of our money, and vast as were the confiscations of property which fell to the Parliament, it cannot be supposed that they were great enough to realize, at forced prices, and with all the claims that were made upon them, a quarter of that sum. The irresistible inference is that the complaints of heavy arrears made by the army and navy were well founded<sup>4</sup>.

A few words will suffice to note the remainder of *Other home* the home policy of the Parliament. Six of the *policy.* twelve common-law judges consented to accept com- *The* missions from the House, and were accordingly con- *judges.* tinued in their posts<sup>5</sup>, Parliament shewing itself laudably anxious to remove their scruples<sup>6</sup>. A very

<sup>1</sup> Journals, Sept. 2, 1651.    <sup>2</sup> Journals. Report of April 7, 1659.

<sup>3</sup> Journals, April 28, 1652.

<sup>4</sup> Cromwell said afterwards that the Parliament "owed" £700,000 at the dissolution. (Carlyle, iv. 213.) But it is difficult to say what this means.

<sup>5</sup> Whitelock, 372.

<sup>6</sup> Whitelock, 374.

*Law reform.*

useful vote was carried to the effect that their remuneration should for the future be in the form of fixed salary instead of fees<sup>1</sup>. Resolutions were also carried to the effect that all books of law, proceedings, and records should be done in English and in ordinary hand<sup>2</sup>, and that the old cumbrous processes known as “fines” and “recoveries” should be superseded by simple enrolled deeds<sup>3</sup>, a reform which was carried out on almost identically the same lines in the year 1833<sup>4</sup>. Several other valuable suggestions, most of which have since been adopted, were made by the committee for law<sup>5</sup>, which seems finally to have succeeded in compiling a code, or “Book containing the whole system of the Law<sup>6</sup>.” The committee for law had really a good account to give of itself, in spite of the rather unkind allusions of Cromwell, who probably only half understood the difficulties. In pursuance of an order of the Little Parliament on July 12, 1653<sup>7</sup>, the result of its labours was printed, and now remains on record, so that any one who takes the trouble to read it can see that there was some solid work done<sup>8</sup>.

*The religious question.*

Parliament also approached the great religious question, and, in pursuance of the Acts for the Maintenance of Ministers<sup>9</sup>, cautiously filled a good many benefices, generally increasing their revenue by “augmentations” out of church lands to the

<sup>1</sup> Journals, Jan. 23, 1652.

<sup>2</sup> Journals, Oct. 25, 1650.

<sup>3</sup> Journals, Dec. 13.

<sup>4</sup> 3 and 4 Will. IV. c. 74.

<sup>5</sup> Whitelock, 499, 504.

<sup>6</sup> Journals, Jan. 21, 1653.

<sup>7</sup> Journals.

<sup>8</sup> Printed in Somers Tracts, vi. 177—246.

<sup>9</sup> Scobell, 1649, 31, and 1650, 23.

annual value of £100<sup>1</sup>. The latter days of the House were, moreover, cheered by the very satisfactory report<sup>2</sup> of the result of the Act for Religion and Education in Wales<sup>3</sup>. Parliament, also, in August 1650, appointed a Council of Trade<sup>4</sup>, and on Feb. 24, 1652, passed an Act of Oblivion<sup>5</sup> for all political offences committed before the battle of Worcester. To the credit of this last very salutary measure they are not, however, wholly entitled. It had always been one of the chief demands of the army, and it was not until the later elections to the Council of State had secured seats to more of the army officers, that the measure was secured.

We have now, before dismissing the Parliament, only to see what attempts it made to settle Scotland and Ireland.

In Scotland the confusion had been far worse *Scotland.* than in England. There were the high royalists and churchmen under Montrose, the Presbyterian moderate royalists under Hamilton, and the fanatic Covenanters, headed by Argyle, but really under the control of the General Assembly and the Estates; to say nothing of a whole host of independent chieftains, whose main object was plunder, and who were more dangerous as friends than as enemies. Well might Harrington speak of Scotland as a

<sup>1</sup> Whitelock, 391.

<sup>2</sup> Whitelock, 518. But it should be noticed that Cromwell in his speech at the opening of the Little Parliament expressly accuses the Rump of doing its best to discourage these efforts (Carlyle III. 211).

<sup>3</sup> Scobell, 1649, 70.

<sup>4</sup> Whitelock, 452.

<sup>5</sup> Scobell, Feb. 24, 1652.

country "where the staddels have formerly been too thick<sup>1</sup>."

*Victories  
of the  
Parlia-  
ment army.*

A succession of victories destroyed the principal of these parties. Montrose was defeated at Corbiesdale by the Covenanters in the spring of 1650<sup>2</sup>, and immediately executed<sup>3</sup>. Charles, who, with incredible hypocrisy, had accepted the bitter terms of Argyle and the Kirk, had had the satisfaction of seeing the Covenanters crushed by Cromwell at Dunbar. After the ridiculous episode known as "The Start," he had succeeded in breaking loose from his captors, and had joined Hamilton at Stirling. The result of Hamilton's campaign was the defeat at Worcester, and to Lambert and Monk was left the task of finally reducing Scotland to obedience<sup>4</sup>.

*Project of  
union.*

These events paved the way for a project which had been favoured in England ever since the accession of James I. The union of the two kingdoms under one system of government had been the pet scheme of the English Solomon, but mutual jealousies, in matters of trade and religion especially, had prevented its realization. Parliament now, however, seemed inclined to take the matter up. It appointed commissioners to go to Scotland<sup>5</sup>, and summoned deputies from the Scotch shires and boroughs to meet in convention at Dalkeith to discuss the terms of Union<sup>6</sup>. The Scotch representative system had never been settled in as complete a form as the

*The con-  
vention at  
Dalkeith.*

<sup>1</sup> *Oceana*, p. 13.

<sup>2</sup> Clarendon, III. 272.

<sup>3</sup> Whitelock, 441.

<sup>4</sup> Whitelock, 496.

<sup>5</sup> Journals, Oct. 23, 1651. Whitelock, 487.

<sup>6</sup> Whitelock, 502.



English. The distinction between the lords summoned by special writ and the elected members does not appear to have been taken till the end of the sixteenth or the beginning of the seventeenth century, when "Commissionaris for the small Barronis"<sup>1</sup> begin to make their appearance. The final settlement of the shires was still later, and though there was a number of "royal burghs" entitled to send deputies, who by a course of double election were represented in Parliament, the whole system was in the greatest uncertainty. The English Parliament, however, announced<sup>2</sup> that a large majority of the deputies at Dalkeith had consented to the Union, and in March 1652<sup>3</sup> solemnly published a Declaration announcing the fusion of the two countries, a proclamation which was received without approbation in Scotland<sup>4</sup>. Scotch historians assert<sup>5</sup>, and probably with good reason, that the consent was forced, but the Parliament treated it as genuine, making provision for 30 Scotch members in its bill for a "New Representative"<sup>6</sup>, and ordering an Act of Union to be brought in<sup>7</sup>, which was done on April 13, 1652<sup>8</sup>.

Certain it is that, towards the end of the year 1652, commissioners or deputies from Scotland did appear in London, and enter upon the details of

*Scotch  
commiss-  
sioners in  
London.*

<sup>1</sup> *Acts of the Parliament of Scotland.* A.D. 1609, vol. iv. 404 b.

<sup>2</sup> Journals, Feb. 16, 1652.

<sup>3</sup> Journals, March 25, 1652.

<sup>4</sup> Whitelock, 507.

<sup>5</sup> e. g. Laing, *History of Scotland*, III. 449.

<sup>6</sup> Journals, March 2, 1652.

<sup>7</sup> Whitelock. 503.

<sup>8</sup> Whitelock, 505. Journals, April 13, 1652.

the scheme with a parliamentary committee. The record of the proceedings reads too much like the haggling of chapmen to be pleasant. The committee started with the suggestion that since the number of parishes in Scotland, as compared with that in England, was 980 to 10,000, or about 1 in 10, while the value of an English parish was twice that of a Scotch, the offer of 30 members as against 400 was liberal<sup>1</sup>. The Scotch deputies replied, that as the number of members in the English Parliament had been 500, which it was proposed to reduce to 400, the Scotch members, formerly 120, should be at least 60<sup>2</sup>; but upon the hint of the committee that the amount of the assessment would be proportioned to the size of the representation<sup>3</sup>, the deputies withdrew their claims, and desired that they might know on what principles the assessment and number of members were fixed, in order that they might advise as to the distribution. To this the committee replied that the assessment was constantly changed, so that they could not guarantee its amount, and that Parliament, in fixing the number of 30, had considered also "the number of persons in Scotland, and several other things<sup>4</sup>."

The matter was still in suspense when the Parliament was dissolved.

*Ireland.*

A vivid picture of the anarchy in Ireland at the death of the king is given by Clarendon<sup>5</sup>. Five distinct parties divided the island between them.

<sup>1</sup> Calendar, vol. v. p. 46.

<sup>2</sup> Calendar, p. 60.

<sup>3</sup> Calendar, vol. vi. p. 52.

<sup>4</sup> Calendar, vi. p. 216.

<sup>5</sup> *History*, III. 232.

The native Irish of the three southern provinces were leagued as a body entirely independent of England under a band of chiefs known as the Council of Kilkenny. They had made a treaty with Ormonde, who represented the English royalists, but their friendship was treacherous, and the intrigues of the Catholic bishops ultimately succeeded in depriving Ormonde of his Lieutenancy in favour of Lord Clanrickard, a native Catholic<sup>1</sup>. The native Irish of Ulster, under Owen Roe O'Neil, declined to recognize the treaty with Ormonde, and subsequently made terms with Monk<sup>2</sup>, which were, however, disowned by the Parliament<sup>3</sup>. Ormonde himself, distracted by treachery and the vacillation of the exiled Court, was at the head of a body of dispirited royalists. The Ulster presbyterians, recognizing neither Ormonde nor the Parliament, desired the establishment of the Covenant, in sympathy with their Scotch brethren. And finally the Republicans, under the gallant Michael Jones, held out for the Parliament, in sore straits, in Dublin and a few neighbouring places.

The tremendous campaigns of Cromwell put an end to all open resistance, and when he returned to England he left to Ireton and Ludlow little more than the task of ridding the country of the roving bands of "tories" or bog-trotters, a task which they satisfactorily performed in a manner rather wearisomely detailed by Whitelock<sup>4</sup>. In October 1650

*Ireton and  
Ludlow  
left in  
charge.*

<sup>1</sup> Clarendon, III. 337.

<sup>2</sup> Clarendon, III. 278.

<sup>3</sup> Journals, Aug. 10, 1649.

<sup>4</sup> Whitelock, 430, 453, 458, 461, &c.

*The Irish Commissioners.*

Ludlow, John Jones, Corbet, and Weaver were appointed "Commissioners of the Parliament of the Commonwealth of England" to proceed to Ireland (Ludlow was already there) and attempt a settlement<sup>1</sup>. Their instructions were to be executed "with the Advice and Approbation" of Cromwell and Ireton<sup>2</sup>. The latter had been appointed President of Munster at the beginning of the year 1650<sup>3</sup>, and nominated Lord Deputy by Cromwell on his departure<sup>4</sup>. The commissioners' instructions were general—to repress popery and malignancy, to improve the revenue, to maintain preachers and teachers, and to enquire into and report upon the administration of justice. They were to sign all warrants except for payment of troops, and to sit in all Councils of War. It is evident that the Parliament was anxious to attempt the government of Ireland also by a parliamentary committee.

*Settlement of the forfeited lands by the Parliament.*

Apparently the commissioners proceeded to deal with the forfeited lands in Ireland in the way adopted by the Parliament in England. A passage in Whitelock<sup>5</sup> recalls the familiar terms of the process.

"That the charge of the Survey of a Mannor came to £225. 12s. 0d. being 226 Sheets of Paper, and the value of the Mannor but 300*l. per annum*, and a life allowed upon it, so at 6 years' purchase, the Reversion came to but £1800, whereof half was in doubled money; and *that* with Fees and Charges

<sup>1</sup> Journals, Oct. 4, 1650.

<sup>3</sup> Journals, Jan. 4, 1650.

<sup>5</sup> *Memorials*, p. 514.

<sup>2</sup> Journals.

<sup>4</sup> Clarendon, III. 333.

of Conveyances &c. took off 3 parts of the purchase money."

Evidently the sale scheme was not working successfully, and it is not difficult to see why. The country had been half depopulated by the twelve years of anarchy. Sir William Petty, probably by far the best contemporary authority, puts the total loss of life between 1641 and 1652 at 616,000<sup>1</sup>. The native population had been ruined, and the country was not inviting for immigrants with capital.

Ultimately the plan of sale was abandoned, and a much wiser one adopted. The appointment of Cromwell as Captain-General in Ireland, with power to appoint a deputy<sup>2</sup>, threw the settlement of the question into his hands. He appointed Fleetwood<sup>3</sup>, Ireton being by this time dead. Under Cromwell's auspices the famous "settlement" took place. Only half was accomplished before the dissolution, and the credit or otherwise of the scheme really belongs to the Protectorate. All those who had engaged in the rebellion of 1641, and many others specially named, are exempted altogether from pardon. The royalists are to be banished and lose two-thirds of their estates, the remaining third, or an equivalent, to be settled on their wives and children. Papists who have not taken an active part in the disturbances are to

<sup>1</sup> *Political Anatomy of Ireland*, ed. 1691, p. 18.

<sup>2</sup> In June 1652. Whitelock, 511.

<sup>3</sup> Whitelock, 513. This appointment gave deadly offence to Lambert, who had been nominated on Ireton's death. (Whitelock, 490.)

forfeit one-third of their estates and be liable to transplanting from their own locality to another. Persons who have no land, and whose whole person-  
 alty does not amount to £10 in value, are to be pardoned on taking the Engagement<sup>1</sup>.

The forfeited lands were disposed of in September 1653. Apparently the whole of the claims only amounted to £360,000. There were two classes of claimants, the soldiers, whose pay was in arrear, and the "Adventurers," who had lent money for the war. These were to be satisfied by lot, all sharing proportionately to their claims<sup>2</sup>. The English settled in Connaught were to be entitled to exchange into other provinces. The reserves of the royalists and papists were allotted them in Connaught and Clare County, and any one of them found elsewhere after the settlement had been carried out was to suffer death<sup>3</sup>. From the instructions to the commissioners we get a glimpse of the state to which the anarchy had reduced the country. One thousand acres in Leinster were valued at £600, a similar amount in Munster at £450, and in Ulster at £200<sup>4</sup>. Cromwell was about to try the truth of the doctrine shortly afterwards formally laid down by Harrington, that "such as is the proportion or balance of dominion or property in land, such is the nature of the empire<sup>5</sup>." Whatever we may think of the morality of the proceeding, its success is unquestioned. There

<sup>1</sup> Act in Scobell, Aug. 12, 1652.

<sup>2</sup> Act in Scobell, Sep. 26, 1653.

<sup>3</sup> Scobell, p. 258.

<sup>4</sup> Scobell, p. 256. Cp. also *Political Anatomy*, p. 20.

<sup>5</sup> *Oceana*, p. 18.

were no more disturbances in Ireland till the so-called Acts of "Explanation" and "Settlement" uprooted the plan. It is fashionable to speak of the Cromwellian settlement with horror, but it is not easy to suggest an alternative. Any one can see that an attempt to give Ireland autonomy would have resulted in the wildest anarchy. And Cromwell, with whom order was heaven's first law, made no hypocritical pretence of mercy. In the constitution which he afterwards devised, he gave Ireland the opportunity of one day becoming an integral part of the constitution, and he took effectual means to secure the administration of justice, the maintenance of order, and the spread of education. It is difficult to see what else he could have done.

The settlement of Ireland does not properly belong to the Republican period at all, but as it was partly carried out by the Parliament, it has been thought better to allude to it in this chapter.

The strength of the Parliament had been its control of the purse-strings. When it failed in finance, it failed in all. It had quarrelled with Holland. It had raised a prohibitive barrier against France<sup>1</sup>. It had taken the same line with Portugal<sup>2</sup>. By espousing the cause of Sweden it had angered Denmark. Russia had totally rejected any communication with it. It had cut the colonies adrift<sup>3</sup>. Scotland and Ireland it held down with the sword. The mass of the people it alienated by its bigoted

*Criticism  
of the Par-  
liament.*

*Its rela-  
tions with  
foreign  
countries.*

*Holland.*

*France.*

*Portugal.*

*Denmark.*

<sup>1</sup> Whitelock, 405. Scobell, Aug. 28, 1649.

<sup>2</sup> Scobell, Nov. 8, 1650.

<sup>3</sup> Whitelock, 458. Scobell, Oct. 3, 1650.

*Its  
bigotry.*

*Its use of  
unconsti-  
tutional  
methods.*

enforcement of a hypocritical austerity<sup>1</sup>, and by its arbitrary interference with the ordinary course of law. It prided itself on being a constitutional authority, and it violated every constitutional maxim. It made use of spies and secret intelligence. It gagged press and pulpit. It banished its subjects. It imprisoned on suspicion and tampered with the administration of justice. It mortgaged the revenue, and fed its members with the spoil of the enemy. It interfered with commerce. It interfered with the government of the universities. It attempted to repress petitions. It employed the press gang. It was the apparent author of harsh taxation and of still harsher confiscation. The glory of its victory had faded from it, and it remained the embodiment of all that was tyrannical, unjust, and revolutionary. Finally it quarrelled with its only supporter, and it fell unpitied by all men, except a few doctrinaire politicians. "And no sort of people expressed any offence that they were cast out, though all save the army and sectaries, held him to be a traitor that did it<sup>2</sup>." "And so far as I could discern, when they were dissolved, there was not so much as the barking of a dog, or any general and visible repining at it," said Cromwell afterwards<sup>3</sup>.

It was probably of the Parliament of 1649 that Harrington was thinking when he wrote his definition of an oligarchy, "which is a single Council both debating and resolving, dividing and choosing,"

<sup>1</sup> Scobell, May 19, 1650, June 28, 1650. Whitelock, 434.

<sup>2</sup> *Life of Baxter* (ed. Calamy), p. 70.

<sup>3</sup> Carlyle, iv. 49. And cf. Whitelock, 530—532.



and likened it to the Athenian Thirty who "killed more men in eight months than the Lacedemonians had done in ten years; oppressing the people [to use Sir Walter Raleigh's words] with all base and intolerable slavery<sup>1</sup>."

The Parliament had fallen, generally because it was wholly unfitted for the difficult work it was called upon to do, but specially because it did not rest on a sufficient foundation. A government in civilized countries succeeds either by preserving a delicate balance of interests, or by strengthening and broadening its own basis. Had the Parliament possessed the skill required to play off the rival parties one against the other, it might have succeeded in maintaining its position. This is what Cromwell afterwards did, but the quickness and secrecy required for such a fine operation are rarely to be found in a mixed assembly. And the Parliament was fatally incapable of strengthening its basis by a generous admission of support. *It could neither hold the balance, nor strengthen its own basis.* *It could not trust any one.* Its appointments were all made for very short periods, and in a manner which shewed their temporary character. As a consequence no one cared to prevent its fall. It was an object of interest only to its members. And when it committed the absurd mistake of quarrelling with its only supporter, its fate was sealed. It is generally assumed that its ideal was the Dutch Republic, and there is some evidence to support the hypothesis. But if it thought itself a realization of its ideal, it was deceived. The States-General were not a sovereign

<sup>1</sup> *Oceana*, p. 70.

body, possessing unlimited authority in all matters. They were a federal council founded on a strong local government, and with strictly limited powers. The Dutch Republic was what Milton had in his eye when he wrote his *Ready and Easy Way to Establish a Free Commonwealth*<sup>1</sup>, but any one can see how different is his plan from that of the Parliament. In fact the House of Commons in 1653 had lost all the essential character of the old House of Commons. It was no longer a House of *Communes*, a body representing the local interests of the kingdom. It had become strictly a Senate, probably not at all a wise one. And, whether wise or foolish, a Senate, unsupported by a popular body or an independent executive, is a singularly weak government.

<sup>1</sup> Works, II. 783.

## CHAPTER III.

### THE PROTECTORATE.

THE *coup d'état* of April 1653 was the work of Cromwell and his Council of Officers. Its completion naturally left the supreme authority in their hands. In fact Cromwell was the only constitutional as well as the chief revolutionary power. He had been appointed by Parliament Captain-General of the forces in England and Ireland, and he had therefore a considerable legal position. His proceedings were marked by great frankness. The names of his Council were published in the newspapers<sup>1</sup>, and, as we shall see, the most important acts of government were done in his name. The Council consisted of eight officers,—Major-Generals Lambert, Harrison, Desborough, and Tomlinson, Colonels Stapley, Bennet, Sydenham, and Jones, and four civilians—Sir Gilbert Pickering, Strickland, Cary and Moyer. The subordinate officials, and even the commissioners appointed by the Parliament, recognized its authority<sup>2</sup>. The Council chose Lambert its first weekly president, and began its regular sittings on April

*Cromwell  
left sole  
authority.*

*Cromwell's  
first  
Council.*

*Lambert  
president.*

<sup>1</sup> *Cromwelliana*, 129.

<sup>2</sup> Whitelock, 530.

29<sup>1</sup>. Monk, Blake, and Fleetwood, the only three officers of the first rank not included in it, were absent from London. Monk was in Scotland, and though he returned in September<sup>2</sup>, having been chosen to sit in the Little Parliament<sup>3</sup>, he seems to have accepted the situation. Blake was fighting the Dutch, and appears to have soon come to that famous resolution of his, to abandon politics and fight only for England's glory. Fleetwood was in Ireland, Lord Deputy on Cromwell's appointment.

Cromwell was far too wise to suppose that England could be governed by a Council of thirteen. But he was equally convinced that the country was not yet sufficiently calm for an election. He recognized that there were essential prerequisites of a parliamentary representation which did not then exist. Anxious, much too anxious, as he was to have the support of a Parliament, the facts were too strong for him as yet. The political interest and intelligence necessary to a satisfactory election were there in abundance, but the equally essential temper of compromise, the willingness to abide by the decision of the vote, to observe the rules of the game, was wanting. And parliamentary machinery is only workable on these terms.

*Cromwell  
determines  
to call an  
Assembly.*

So Cromwell determined to call a Great Council, similar in idea to the pre-parliamentary Councils of the Angevin kings, but summoned on a different principle. The Councils of the twelfth and thirteenth centuries had been feudal assemblies, founded on

<sup>1</sup> Calendar, v. 300, 301.

<sup>2</sup> *Cromwelliana*, p. 130.

<sup>3</sup> Journals, Oct. 1, 1653.

the principle of land tenure, which itself represented the older principle of military service. The early kings, anxious as many of them were to broaden the basis of their rule, recognized the fact that that rule was really based on military strength. It is possible that Cromwell did not see, or did not wish to see, that the same law held in his case. Accordingly he laid aside the purely military principle, and determined to adopt another.

The victory of Puritanism had been secured by religious enthusiasm, and more especially by the religious enthusiasm which took the form of Independency. The main body of the New Model was Independent, it steered clear between the lukewarmness of Presbyterianism and the fanaticism of the Anabaptists and other extreme bodies. It was, accordingly, on Independency that Cromwell intended to rely.

*Character  
of the  
Assembly.*

On May 27 he announced his intention of summoning a body of select persons<sup>1</sup>. On June 8, after consultation with the principal Independent ministers, he issued a number of summonses, about 140 in all, to the persons they recommended. The summons itself is remarkable for plainness and brevity. The persons named have been nominated by the Captain-General with the advice of his Council of Officers, the dissolution of the late Parliament having rendered it necessary that the peace, safety, and good government of the Commonwealth should be provided for. They are summoned by Cromwell, on his own authority, to appear at the Council Chamber

*The  
summons.*

<sup>1</sup> Whitelock, 531.

on July 4 next, to take upon them such trust. The summons is signed and sealed by Cromwell alone<sup>1</sup>.

But the plan of the Council did not adhere strictly to the principle of religious enthusiasm. It combined the elements of locality and wealth. Each summons specified the constituency (if such it could be called) for which the recipient was to sit. Thirty-six counties had each its quota of distinct councillors, the four northern counties, Northumberland, Durham, Cumberland, and Westmoreland, were grouped together in one constituency. There were no "boroughs" except London, which had four representatives, Wales and Ireland stood for six each, Scotland for five<sup>2</sup>. Moreover the number of names for the thirty-six counties was by no means equal, the differences being accounted for by Ludlow<sup>3</sup> on the ground that they represent an arrangement upon a taxation basis. There were very few distinguished names. Monk sat for Devon, Blake for Somerset, Ashley Cooper for Wilts, Walter Strickland for York, and Alderman Ireton for London.

*Cromwell's  
opening  
speech.*

The Assembly of Nominees met on the appointed day at Whitehall, and was inaugurated by Cromwell, following strict historical precedent, by a sermon or discourse, the first of those remarkable speeches from which we learn so much of the character of the Protector and his age<sup>4</sup>. In it his views appear in a very striking way. He reminds the Assembly of the change wrought in the army by the Self-denying

<sup>1</sup> Whitelock, 532. *Cromwelliana*, 125.

<sup>2</sup> See list of members in Somers Tracts, vi. 248.

<sup>3</sup> *Memoirs*, II. 463.

<sup>4</sup> Carlyle, III. 202—230.

Ordinance<sup>1</sup>, the turning-point of the struggle, boldly justifies his dissolution of the late Parliament<sup>2</sup>, and recommends to their consideration, as the immediately pressing necessities of the times, the settlement of the religious question<sup>3</sup>, provision for the army and navy<sup>4</sup>, and the choice of a Council of State<sup>5</sup>. It is not quite easy to see in what light Cromwell regarded the Assembly. In his discourse he speaks of himself as "one who hath now called you to the exercise of the supreme authority<sup>6</sup>," and all along he seems inclined to treat his own government as temporary. On the other hand, he had drawn up a constitution or "Instrument," to which he alludes in the speech<sup>7</sup>, and which, though its exact terms do not survive, appears to have provided that the Assembly should not sit beyond November 3, and that three months before its dissolution it should make arrangements for the summoning of its successors, who were not to sit for longer than a year, and were likewise to continue the succession<sup>8</sup>. But there is one passage in the speech which shews clearly Cromwell's hankering after a regularly elected Parliament, together with his conviction of its impossibility at the present time. "If it were a time to compare your standing with those that have been

<sup>1</sup> Carlyle, III. 203.

<sup>2</sup> Carlyle, III. 205—216. An account which probably contains the truth of the matter.

<sup>3</sup> Carlyle, III. 221.

<sup>4</sup> Carlyle, III. 229.

<sup>5</sup> Carlyle, III. 230.

<sup>6</sup> Carlyle, III. 218.

<sup>7</sup> Carlyle, III. 229. And cf. mention in Journals, July 4 and 5, 1653.

<sup>8</sup> Coke, *Detection*, p. 373. Whitelock, 534.

called by the Suffrages of the People, which who can tell how soon God may fit the People for such a thing? None can desire it more than I<sup>1</sup>." Here we have a definite view of Cromwell's political philosophy. He was probably well aware of the way in which Parliament had originally grown up. He was a student of history. He had urged its study on his son Richard<sup>2</sup>, and in this very speech<sup>3</sup> he tells us how he and the officers in their conferences with the late Parliament "had been labouring to get precedents to convince them" of the advisability of summoning such an assembly as this. If so, Cromwell saw, what was undoubtedly the fact, that the England of 1653 was not an old organism, but a new, a civilization which had just thrown off its feudal form, and was in the birth throes of a new existence. And he saw, consequently, that it was the simpler, and not the more complex form of government, that was needed.

*Conduct  
of the  
Assembly.*

Immediately upon entering on its work the Assembly took the very wise step of inviting to its membership Cromwell, Lambert, Harrison, and Desborough<sup>4</sup>, the only four members of the interim Council who had not been summoned to it. By this move it prevented any conflict between the executive and consultative, at least for a time.

*It assumes  
the name  
of Parlia-  
ment.*

But its next proceeding was less fortunate. The members were apparently puzzled to know in what capacity they found themselves, and solved the difficulty by deciding that they were a Parliament,

<sup>1</sup> Carlyle, III. 224.

<sup>2</sup> Carlyle, II. 255.

<sup>3</sup> Carlyle, III. 214.

<sup>4</sup> *Cromwelliana*, 129.



possessed of full parliamentary powers and privileges, and that they would thenceforth occupy the historic House<sup>1</sup>. This was a huge mistake, for it was at once contradictory to fact and feeling. It led them to suppose that they could safely exercise all the arbitrary powers of the Long Parliament, and at the same time pointed them out as the successors, with all the old inadequacy, of that unpopular body. Had they acted strictly as a Council, or advising body, they would probably have done well, for their intentions were excellent, and their intelligence great, but they had not the experience necessary for a Parliament, they were deficient in knowledge of the world, and, as claiming to be a representative body, they were clearly usurpers. The absence of a Parliament the nation would probably have borne with equanimity, at least for a time, but the existence of a sham Parliament was a mockery. However, a Parliament they styled themselves, and we may as well style them henceforth, in accordance with custom, the "Little Parliament."

On July 14 they proceeded to elect a Council of State, the thirteen of the interim Council, and seventeen more, all of whom, with the exception of Fleetwood<sup>2</sup>, were of their own members. This Council was to sit till November 3<sup>3</sup>, nine (after

*A new  
Council.*

<sup>1</sup> Journals, July 6 and 7, 1653. Somers Tracts, vi. 269.

<sup>2</sup> Somers Tracts, vi. 251, makes this Fleetwood to be Alderman George Fleetwood, member for London. But the Journals (July 14, 1653) describe him as *Lord General Fleetwood*, and George Fleetwood was elected as a new member on Nov. 1, 1653 (Journals). The "Broughton" of the Tracts is probably "Barton."

<sup>3</sup> Burton, i. ii.

wards reduced to seven<sup>1</sup>) to be a quorum. The instructions were practically the same as those of the old Council of State appointed by the Long Parliament in 1649<sup>2</sup>. Committees were also appointed for Scotland and Ireland. On November 1, a new Council was elected in the usual way. Half the members of the expiring Council were re-elected, and the other seats filled up by new members from the Parliament<sup>3</sup>. The new Council was to sit for six months.

*Finance.*      Thus the Little Parliament had accomplished one of the three tasks appointed it by the opening speech. The financial duty it performed by sanctioning an assessment at the rate of £120,000 a month for six months from Dec. 25, 1653<sup>4</sup>.

But the third task proved fatal to its existence. After passing a Marriage Act<sup>5</sup>, which, unpopular though it was<sup>6</sup>, was probably very necessary, and voting to abolish Chancery<sup>7</sup>, a vote which was carried into effect by actual suspension of the Court for a month on October 17<sup>8</sup>, they turned to settle the religious question. On Nov. 19, they ordered an Act to be brought in to abolish rights of patronage<sup>9</sup>, but the committee appointed to investigate the matter refused to recommend the abolition of tithes,

<sup>1</sup> Journals, July 15, 1653.      <sup>2</sup> Journals, July 14, 1653.

<sup>3</sup> *Cromwelliana*, p. 130. Whitelock, 549.

<sup>4</sup> Scobell, Dec. 24, 1653.

<sup>5</sup> Whitelock, 544. Scobell, Nov. 24, 1653.

<sup>6</sup> See Hargraves, *State Trials*, II. 501.

<sup>7</sup> Whitelock, 543. Burton, I. vi. Journals, Aug. 5, 1653.

<sup>8</sup> Journals.

<sup>9</sup> Whitelock, 550. Burton, I. xiv.

though it advised the creation of a commission to eject scandalous ministers<sup>1</sup>. Hereupon, in some mysterious way, never yet fully explained, the Parliament conceived the idea of suicide. The Journals merely shew that the last week was occupied in discussing the question of tithes. The account of the proceedings of the 13th says that the motion for dissolution was proposed and "seconded by several other Members; the House rose. And the Speaker, with many of the Members of the House, departed out of the House to Whitehall; where they, being the greater Number of the Members sitting in Parliament, did by a writing under their Hands, resign unto his Excellency their said powers<sup>2</sup>." The resignation was accepted, and the dissolution considered accomplished.

*Suicide  
of the  
Assembly.*

The main defect of the Little Parliament appears to have been want of courage. Their projected reforms were admirably conceived, but the reformers were frightened by the vested interests which they aroused. Some of the members were army officers, but a great number were timid civilians. Here was Cromwell's mistake. It was true that he owed his position to the churches, but then it was to the churches militant. During the war the religious enthusiasts who had really the courage of their opinions had volunteered into the army. It was in the army therefore that the backbone of religious enthusiasm was to be found. His conservative weakness for the appearance of legality had marred Cromwell's Assembly of Notables; he had introduced the old leaven of constitu-

*Criticism  
of the  
Little  
Parliament.*

<sup>1</sup> Whitelock, 551.

<sup>2</sup> Journals, Nov. 13, 1653.

tionalism into his new lump of enthusiasm, and the old leaven had prevailed. An Assembly chosen from the army might have been unwise in many things, but it would not have made Cromwell's government appear ridiculous.

The alacrity with which the interlude of the Little Parliament was succeeded by a scheme which was evidently intended to be permanent, may raise a suspicion that the suicidal Assembly had not been left entirely to follow its own inclinations. On December 16<sup>1</sup> was published a document, known as the "Instrument of Government," which contained a new constitution.

*The  
Instru-  
ment of  
Govern-  
ment.*

It is pretty certain that the Little Parliament had nothing to do with the framing of the "Instrument<sup>2</sup>," though some of them might have heard of its existence. A general concurrence of testimony attributes its authorship to the Council of Officers<sup>3</sup>, and internal evidence strongly supports the conclusion. Cromwell himself<sup>4</sup> expressly denied any share in it. By its provisions<sup>5</sup> the supreme legislative authority was vested in Cromwell as Lord Protector, and a Parliament<sup>6</sup> which was not to be intermitted at any time for more than three years, and which was to sit for at least five months upon every summons<sup>7</sup>. The Protector was, however, only to have a suspensive,

<sup>1</sup> *Cromwelliana*, 130. Coke, *Detection*, 378.

<sup>2</sup> Burton, III. 568. Speech of Sir Arthur Haselrig.

<sup>3</sup> Whitelock, 552. *England's Confusion*, Somers Tracts, VI. 528. Calendar, VI. 301. *The Hypocrite Unmasked*, T. P. XVII. 307.

<sup>4</sup> Carlyle, IV. 53.

<sup>5</sup> Cf. Whitelock, 552.

<sup>6</sup> Art. I.

<sup>7</sup> Art. V.

not an absolute, veto on legislation<sup>1</sup>. (The scheme of the Parliament will be examined later on.) The executive was entrusted to the Protector and a Council to consist of not less than 13 and not more than 21<sup>2</sup>, vacancies to be filled up by a joint process of selection by Parliament, Council, and Protector<sup>3</sup>. The Protector was to have the appointment of magistrates<sup>4</sup>, and the command of the forces, but the consent of Parliament or, in its absence, of the Council, was to be obtained to the disposal of the troops<sup>5</sup>. In case of war Parliament was to be immediately summoned, and at any time the Protector might, with the advice of his Council, summon an extraordinary Parliament, to be indissoluble for three months<sup>6</sup>. A revenue of £200,000 was to be settled for the ordinary expenses of government, exclusive of the standing army of 30,000 and the navy<sup>7</sup>. Future Protectors were to be chosen by the Council<sup>8</sup>. A ministry was to be established, but liberty of conscience was to be allowed to all Christians except papists and prelatists<sup>9</sup>. In the absence of Parliament the Protector was empowered to make ordinances, with the consent of the Council<sup>10</sup>.

This is evidently a very different thing from previous efforts. Several important points mark it as a distinct advance towards a settlement. *Importance of the "Instrument."*

In the first place it realizes in its main outlines the policy of the army. A comparison of the

<sup>1</sup> Art. xxiv.

<sup>2</sup> Art. II.

<sup>3</sup> Art. xxv.

<sup>4</sup> Art. III.

<sup>5</sup> Art. IV.

<sup>6</sup> Art. VIII.

<sup>7</sup> Art. xxvii.

<sup>8</sup> Art. xxxii.

<sup>9</sup> Art. xxxv.—xxxviii.

<sup>10</sup> Art. xxx.

*Expresses  
the views  
of the  
army.*

*Instrument* with the two editions of the *Agreement of the People* shews that the most important features of the army scheme are preserved. There are fixed periods for the summoning of Parliaments, provisions against sudden dissolution, and a Council acting independently during the absence of Parliament, while the essentials of the electoral system are the same. The maintenance of a "preaching ministry," together with freedom of worship for all except Catholics and Episcopalians, is provided for. The special aversion of the army, the filling of official posts by members of the Parliament, is guarded against by giving the Protector the right to make all appointments. The continuance of the army on a moderate footing is secured. From the publication of the *Instrument of Government* I think we may date the satisfaction of the bulk of the army with the settlement, and, consequently, the beginning of Cromwell's settled power. Its chief provisions remained intact during Oliver's lifetime, and, except for the question about the Crown, he had no serious difficulty with the army.

*Angers the  
Republicans.*

But the *Instrument of Government* marked another momentous achievement. By creating, or recognizing, a permanent executive power, of vast constitutional authority, totally independent of the Parliament for its existence, it shattered the dreams of the Republicans, and sank their darling assembly to a second or even third rank in the constitution. It was not to be expected that such a slight would pass unnoticed. Four days after the publication of the *Instrument* a petition was presented by Colonels

Saunders, Okey, and Alured, complaining of the great military and fiscal power given to Cromwell by the scheme<sup>1</sup>. And in the prophesyings of the Fifth-Monarchy men, he was freely denounced as the "little horn" spoken of by Daniel<sup>2</sup>. Major-General Harrison even refused to acknowledge the government. But its supporters were too strong for the malcontents, and Cromwell was duly inaugurated, with some decent ceremony, on Dec. 16, 1653<sup>3</sup>.

The establishment of a central personal authority with great immediate powers was the one thing needed for England at this time. Questions which a mixed assembly would never have settled were dealt with simply and effectively by Cromwell and his Council. By the terms of the *Instrument* the first Protectorate Parliament was not to meet till September 3, 1654, or nearly nine months from the commencement of the government, and the Protector had, as was mentioned, practically unlimited power in the meantime to issue ordinances. With a Council on whom he could rely, Lambert, Desborough, Skippon, Sydenham, and Pickering its leading members<sup>4</sup>, he set vigorously to work, and, before the Parliament met, had solved the worst problems. The parliamentary commissioners in Ireland were recalled<sup>5</sup> and were replaced by the Deputy and a Council, with abundant powers, but yet with sufficient checks to prevent them being tyrannical. The Irish policy was decided. The English laws were to be en-

*Its necessity at the juncture.*

*Cromwell's policy before the assembly of Parliament.*

*Ireland.*

<sup>1</sup> Calendar, vi. 302.

<sup>2</sup> Calendar, vi. 304.

<sup>3</sup> *Cromwelliana*, 130.

<sup>4</sup> Calendar, vi. 298.

<sup>5</sup> Whitelock, 581.



forced, and papists, delinquents, and disaffected persons were to be rigorously excluded from all official employment. But amongst Protestants preachers of all sects were to be maintained, education provided for, justice to be strictly administered, and the revenue carefully fostered<sup>1</sup>. By giving permission to all Irish soldiers to transfer their services to foreign courts, Cromwell effected a master stroke of policy which delivered the island from 40,000 disaffected ruffians who would have been a standing source of danger<sup>2</sup>. The Thurloe papers shew how vigorously this policy was carried out<sup>3</sup>, and Charles' hope that these emigrants might form the nucleus of a royalist army was never realized. There were enormous difficulties still to be overcome. The old Protestants of Elizabeth's and James' plantations did not welcome the Protestants of the Cromwellian Settlement<sup>4</sup>, and at first the land debentures by which the settlement was effected only realized 25 per cent. of their nominal value<sup>5</sup>. But firmness at last triumphed, and even Sir William Petty, no friend to Cromwell's government, is obliged to admit<sup>6</sup> the steady increase in domestic prosperity from the time of the settlement. Later on we shall see from the undeniable testimony of the revenue that this admission is only just.

*Scotland.*

Happily there was less necessity for rigour in the case of Scotland. In August 1653 the Scotch

<sup>1</sup> Thurloe, II. 506—9.

<sup>2</sup> Clarendon, III. 278.

<sup>3</sup> Thurloe, II. 308.

<sup>4</sup> *Political Anatomy of Ireland*, 43.

<sup>5</sup> *Political Anatomy of Ireland*, 20.

<sup>6</sup> *Political Anatomy of Ireland*, 89.



deputies formally presented their suggestions for a settlement<sup>1</sup>. They recommended an abatement of the proposed "cess" or monthly assessment, the establishment of courts of justice, the removal of sequestrations, and a provision for the debts of sequestered persons, the erection of a Mint, and the payment of debts due on the public faith. On April 12, Cromwell published three ordinances dealing with the matter. The first contained a liberal pardon for all political offences, except in the cases of a few prominent noblemen, and even in these instances a fair provision was allowed for their wives and children. By the second, England and Scotland were united under one government, trade between the two countries was made absolutely free, and the regulations for foreign trade put on the same footing for both countries. Equal taxation was promised. All the old feudal dues, services, marriages, and forfeitures, were abolished. The third ordinance appointed Courts Baron for every manor, with a jurisdiction up to forty shillings in cases of contract and in all trespasses where title to the freehold was not in question<sup>2</sup>. Soon after the publication of these ordinances we find Monk back again in Edinburgh<sup>3</sup>, there, doubtless, inaugurating that system of wise and firm government, in which he was afterwards so ably seconded by Broghill, and which won from the royalist bishop Burnet the frank confession—"There was good justice done, and vice was suppressed and punished; so that we always reckon those

<sup>1</sup> Journals, Aug. 10, 1653.

<sup>2</sup> Ordinances in Scobell, April 12, 1654.

<sup>3</sup> Whitelock, 573.

eight years of usurpation a time of peace and prosperity<sup>1</sup>.”

*The  
religious  
question.*

The difficult question of the religious establishment was also promptly met. On March 20, 1654, an ordinance was issued<sup>2</sup> appointing a commission of ministers to approve of candidates for livings, and five months later, on the eve of the Parliament, a second ordinance appointed a commission or commissions for the trial and ejection of scandalous ministers<sup>3</sup>. The only records of proceedings under these ordinances that I have seen<sup>4</sup> are evidently the work of violent partizans, and are wholly untrustworthy. For the success of the first we may again take the brief testimony of one of Cromwell's most conscientious opponents, Richard Baxter<sup>5</sup>.

*Chancery.*

Also the Protector reformed the Court of Chancery by an ordinance which is too technical and minute in its application to form part of constitutional history, but which is a most striking vindication of the foresight of Cromwell or his servants. Many improvements, which had to wait for their realization till the Reform period, were projected by this remarkable ordinance, and had it been allowed to remain in force there can be little doubt that the accumulated abuses of the Court of Chancery, of which Lord Eldon is the popular incarnation, would not have burdened the country for another century and a half<sup>6</sup>.

<sup>1</sup> *History of His own Time*, 8th ed. (1833), i. 112.

<sup>2</sup> In Scobell.

<sup>3</sup> Scobell, Aug. 30, 1654.

<sup>4</sup> In Hargraves' *State Trials*, II. 217.

<sup>5</sup> *Life*, i. 69 (ed. by Calamy, 1713).

<sup>6</sup> Ordinance in Scobell, Aug. 21, 1654.

Abroad Cromwell was no less successful. On April 26, 1654, a peace was proclaimed with the States<sup>1</sup>, which secured to England everything for which she had fought, and in which Cromwell succeeded in procuring the insertion of secret articles, though signed only by Holland and West Friesland<sup>2</sup>, excluding the family of Orange from power for ever. In June Whitelock returned from an embassy to Sweden about which he is as wearisome as Cicero over the Catilinarian conspiracy, having concluded a satisfactory peace<sup>3</sup>. The quarrel with Denmark had been patched up<sup>4</sup>. A treaty had been made with Portugal<sup>5</sup>, and France and Spain were rivalling each other for the Protector's favour. The colonies had returned to their allegiance, and had actually offered to assist Cromwell in his schemes against Spain<sup>6</sup>. Mr Francis Yardley had received a free surrender for the use of the Commonwealth of the territory of South Carolina<sup>7</sup>. This was a changed aspect from the time of the Republic.

*Foreign Policy.**The Dutch.**Sweden.**Denmark.**Portugal.**The colonies.**The first Protectorate Parliament.*

But the real crisis was yet to come. On Sept. 3, in accordance with the terms of the *Instrument*, the first Protectorate Parliament met. Every effort had been made to avoid difficulties. Forms of election indentures had been printed and sent down to the

<sup>1</sup> Whitelock, 572. (He was absent from England at the time, but the fact is notorious.)

<sup>2</sup> Coke, *Detection*, 382. Clarendon however expressly says (III. 382), that the Great Seal of the States was affixed to this article.

<sup>3</sup> *Cromwelliana*, 145.

<sup>4</sup> *Cromwelliana*, 141.

<sup>5</sup> *Cromwelliana*, 157.

<sup>6</sup> Thurloe, II. 419.

<sup>7</sup> Thurloe, II. 273.

sheriffs<sup>1</sup>. The sheriffs' returns had been duly examined by the Council<sup>2</sup>, and ordinances had been published regulating the distribution of seats in Scotland and Ireland<sup>3</sup>. These ordinances are not given by Scobell, but the result of them appears elsewhere.

*Its im-  
portance.*

It was in many respects a remarkable Parliament. For the first time since the main features of the system had been settled in the year 1295, there was a conscious attempt at reform on a great scale. The election statutes of the Lancastrian era can hardly be said to have done more than settle details, and the withdrawal from the full Parliament of the clerical proctors at an early date, the admission of the Welsh members in 1536, and the disappearance of the mitred abbots at the dissolution of the monasteries, were scarcely intended as steps in parliamentary reform. Such conscious dealing as there had been had been corrupt. The practice of granting parliamentary rights by charter, begun by Edward IV., had been continued with the worst results by the Tudors and the Stuarts. At the end of Charles' reign there had been 413 members for the boroughs, as against 92 for the counties. And of these 413 the great majority sat for towns in the south and west of England, which were then becoming the most backward and the least active in the country. There were eighteen Tudor boroughs in Cornwall alone, where the officers of the duchy fostered the interest of the Crown. Eight had been created or restored

<sup>1</sup> Whitelock, 574.

<sup>2</sup> Whitelock, 581.

<sup>3</sup> Whitelock, 575.

by Tudors in Hampshire, seven in Devonshire by Edward VI. and Charles. Wiltshire alone had sixteen boroughs. The unfairness of the distribution had been palpably admitted by Charles when he issued his shipmoney writs. Wiltshire with its sixteen boroughs was rated only for 224 men, while Essex, with its eight, stood at 256. Cornwall escaped with 176, Lincoln paid for 256.

The *Instrument* changed all this. The borough members were reduced from 413 to 135. Cornwall was given four boroughs only, Wiltshire three instead of sixteen, Dorsetshire four instead of nine, Somersetshire five instead of eight. The rising towns of Halifax, Leeds, Manchester, and Whitby, were enfranchised. The villages of Old Sarum, Wootton Bassett, Cricklade, Lostwithiel, Saltash, Ripon, Heydon, Boroughbridge, and a host of others, were deprived of their members. All the Welsh boroughs except Haverfordwest and Cardiff were disfranchised. Most of those that remained had to be content with one member each.

*The redistribution of seats.*

The 238 county seats were divided in accordance with the wealth and population of the counties. Yorkshire received fourteen (split up into her three Ridings), Essex thirteen, Devon and Kent eleven each. Many counties only got two members, Merioneth only one.

This was, as has been said, very much the scheme of the *Agreement of the People*. That scheme had been composed, apparently, in haste, for the arrangement of the counties is evidently that of a compiler who has drawn his finger across the map from side

to side, without thinking of any better order. It was imperfect, for it only disposed of 351 out of the 400 seats, and it made no provision for Scotland or Ireland.

*The new franchise.*

But in one important point the new scheme differed from that of the army. *The Agreement of the People* had proposed an uniform household franchise. The *Instrument* provided an equally uniform basis of property qualification, £200 in land or personalty. The old franchise in the counties had been for England and Ireland an income of forty shillings from freeholds, and in Scotland a similar sum from "land of old extent." In the boroughs the greatest anomalies prevailed. What originally the common basis was, if ever there was a common basis, is a matter of dispute amongst antiquarians. Sometimes the whole of the inhabitants "paying scot and lot" exercised electoral privileges. Sometimes the latter were attached to the ownership of particular tenements. Very frequently, especially in the charter boroughs, the members of the corporation claimed exclusive rights. The Scotch boroughs elected their members by a process of double election. These anomalies were swept altogether away by the new scheme, and it cannot be doubted that the borough-electorate was the wholesomer for the change. But the county franchise had been uniform since 1430<sup>1</sup>, and if, as has recently been suggested<sup>2</sup>, it had also at one time been in an equally anomalous condition with

<sup>1</sup> 8 Hen. VI., c. 7.

<sup>2</sup> Cf. article entitled *The Suitors of the County Court*. *English Historical Review*, xi. 417.

the borough system, these anomalies no longer remained. The *Instrument*, therefore, by trebling or quadrupling the qualification, and excluding life tenants altogether, doubtless deprived many of a privilege which they now valued highly. Possibly it was thought that the poorer classes in the counties were too royalist to be trusted, even with the exclusion of active royalists from all rights during four Parliaments<sup>1</sup>.

There is no reason to suppose that the English elections were tampered with, in fact it is difficult to see how they could have been. The elections took place before November, consequently the sheriffs were not of Cromwell's appointment, and there was no local military authority, as there was at the next election, to influence the constituencies.

But the same can hardly be said of Scotland and Ireland. The Scotch ordinance had apparently given twenty seats to the counties, and the remaining ten to the boroughs. The thirty counties were arranged in ten groups of unequal numbers, each with two members. Sometimes the entire group seems to have voted solidly, sometimes, as in the case of Elginshire, with its associates of Nairn, Banff and Aberdeen, the constituency was divided into two distinct sections. Amongst the boroughs, Edinburgh sent two members, and the remaining fifty-six were arranged in eight groups, returning one member

*The Scotch  
and Irish  
elections  
tampered  
with.*

<sup>1</sup> It must be remembered that the supporters of the Rump distinctly claimed the credit of the scheme of Reform. They asserted that Cromwell carried off the engrossed Act from the dissolution of 1653. Cf. Ludlow, II. 435, 458.



each<sup>1</sup>. The names returned shew that a free choice cannot have been exercised. The constituencies were not indeed all full. "Five Sherifffdomes in Scotland Returned; that not one fit to be a Parliament Man, was to be found within their liberty<sup>2</sup>." But the record is sufficient. Of the twenty-one members who can be traced, eight were parliamentary officers: that is to say, more than a third of the representation was composed of the actual wielders of a military force over a conquered country<sup>3</sup>.

The case of Ireland is still plainer. Counties and cities are there arranged in groups, making thirteen constituencies in all. Of the twenty-four names which come to hand in Thurloe<sup>4</sup>, only *three*, Sir Robert King, Sir John Temple, and Mr Gookin, are not those of military officers, and Gookin was one of the notables in the Little Parliament, and was afterwards employed on official business<sup>5</sup>.

*Conduct of  
the Par-  
liament.  
Refuses to  
accept the  
Constitu-  
tion.*

The history of this Parliament is very well known, and it is not very pleasant. It declined altogether to accept the constitution under which it was called, and treated the *Instrument* merely as a draft to be pulled to pieces and amended. Cromwell had opened it with a speech in which, after a modest but dignified account of his government since the disappearance of the Little Parliament, he had

<sup>1</sup> Calendar, vi. 197—9.

<sup>2</sup> Whitelock, 581.

<sup>3</sup> *Old Parliamentary History*, xx. 306, 307.

<sup>4</sup> Thurloe, II. 447. There are one or two more names given in the *Old Parliamentary History* (xx. 307, 308).

<sup>5</sup> Thurloe, v. 646. This is *Vincent Gookin*. Another Gookin, *Daniel*, was also an official, in Barbadoes (Thurloe, iv. 441, 449).



addressed to the members a pathetic appeal for union and forbearance. They promptly responded by administering a sharp reproof to Scobell for sitting as clerk by the Protector's patent, and by debating for three whole days whether they would recognise "Government by a single person" at all<sup>1</sup>. "In this Debate," says Ludlow<sup>2</sup>, "Sir Arthur Haselrig, Mr Scott and many others, especially the Lord President Bradshaw, were very instrumental in opening the Eyes of many young Members who had never before heard their Interest so clearly stated and asserted." Possibly. But it was not to be supposed that a ruler of Cromwell's strength and conviction would allow his authority to be questioned by his own creatures. Accordingly, after a week spent in debate, the House was summoned to meet the Protector. In a wonderful speech, a compound of really irresistible logic and suppressed indignation, he put the facts before them. He reminded them how by every possible acknowledgment, army, city, counties, and towns, the new constitution had been recognised, that their very presence in Parliament, after elections at which the *Instrument* had been formally published, was itself a recognition. He admitted freely their right, as the supreme legislative authority, to make any laws not inconsistent with the essentials of the constitution. But as to the "Fundamentals," "government by a single person and Parliament," liberty of conscience, the command of the forces, with these there was to be no tampering. "These may not be parted with; but will, I trust,

*The*  
"Recognition."

<sup>1</sup> Burton (Goddard), I. xxi.—xxvi.

<sup>2</sup> *Memoirs*, II. 500.

be delivered over to posterity, as the fruits of our blood and travail<sup>1</sup>." The altering of which "I can sooner be willing to be rolled into my grave and buried with infamy, than I can give my consent unto<sup>2</sup>." And then he told them that none would be allowed to sit again who did not sign a formal recognition of the constitution.

The subsequent conduct of the Parliament requires that this recognition should be stated at full length, in order that the issue between the parties may be fairly judged. It was as follows—

"I do hereby freely promise and engage, that I will be true and faithful to the Lord Protector and the Commonwealth of England, Scotland, and Ireland, and that according to the tenor of the Indenture whereby I am returned to serve in this present Parliament, I will not propose, or consent to alter the government as it is settled in a sole person and the Parliament<sup>3</sup>."

It is not exactly known how many members accepted these conditions. About 100 agreed at once, and a little later a good many more<sup>4</sup>. After this date the House rarely divides above 200, generally about 150<sup>5</sup>. But later on, when the *Instrument* had been revised and voted clause by clause, 300 copies were ordered to be printed, one for each member<sup>6</sup>. Still, none were readmitted who did not sign.

<sup>1</sup> Carlyle, iv. 60.

<sup>2</sup> Carlyle, iv. 65.

<sup>3</sup> Burton, i. xxxv. Whitelock, 587.

<sup>4</sup> Burton, i. xxxv.

<sup>5</sup> Journals.

<sup>6</sup> Burton, i. cxiv.

Two days after this episode, the House came to the resolution that this recognition only extended to the first article of the *Instrument*, viz. that the supreme legislative authority should be vested in the Protector and Parliament<sup>1</sup>. Thereupon confusion arose again. The House began to dissect the *Instrument* and vote it clause by clause, with amendments. In some respects they were more liberal to Cromwell than the officers had been. They offered him a shadowy negative upon certain points<sup>2</sup>. They voted to allow him to raise a million a year for the pay of the forces<sup>3</sup>, subsequently altering this, however, to a permanent allowance of £400,000 a year for navy and garrisons, and £700,000 for five years for the land forces<sup>4</sup>. But there was such an evident desire to make alterations, and to assert the sole authority of the House, that these conciliations were deprived of all value. And in other respects the conduct of the House was outrageous. It questioned the Acts of the Little Parliament<sup>5</sup>. It twice suspended the operation of the ordinance for Chancery reform<sup>6</sup>, and committed it for consideration<sup>7</sup>. And as a climax it referred to a committee for examination the whole of the acts and ordinances published since July 3, 1653<sup>8</sup>. Finally it became involved in theological controversies, and after requiring a committee "to consider of the enumeration of damnable

<sup>1</sup> Burton, i. xxxviii. and Journals, Sept. 14, 1654.

<sup>2</sup> Burton, i. lxxviii.

<sup>3</sup> Journals, Jan. 5, 1655.

<sup>4</sup> Journals, Jan. 16.

<sup>5</sup> Burton, i. xxxix.

<sup>6</sup> Journals, Oct. 13 and Nov. 25, 1654.

<sup>7</sup> Burton, i. xlvi.

<sup>8</sup> Burton, i. xlix.

heresies<sup>1</sup>," it began to vote Articles of Faith one by one<sup>2</sup>.

*The dis-  
solution.*

To Cromwell this seemed sheer treachery. In his view, by the recognition the House had promised loyally to accept the constitution erected by the *Instrument*, under which he had acted strictly within his rights by issuing ordinances. When it proceeded to question every act of his government, including his church settlement, it raised the flag of defiance. Accordingly on the earliest possible day, Jan. 22, 1655, in a speech of burning indignation, he dissolved the Parliament. It had contributed nothing towards the work of government except by continuing the assessment ordinances in a form which was the offer of a direct bribe to the Protector to prolong its existence<sup>3</sup>.

*The  
Majors-  
General.*

The dissolution of the Parliament was followed by the execution of a plan which was the most unpopular of all Cromwell's measures, and which is generally treated casually by the books as a mere act of military violence. At the beginning of the year 1655 Cromwell's agents had informed him of the existence of a plot by the royalists, aided by the discontented Levellers, against his government. It was doubtless the knowledge of this plot that made

<sup>1</sup> Burton, 1. cxiv.

<sup>2</sup> Journals, Dec. 15, 1654. As this book was going through the press Mr S. R. Gardiner published in his "Constitutional Documents of the Puritan Revolution," p. 352 &c. the text of the Constitutional Bill introduced into the House, and in his Introduction LX &c. has called attention to the differences between it and the Instrument of Government.

<sup>3</sup> Burton, 1. xc.

Cromwell so prompt to dissolve the Parliament, whose existence in its divided state, he considered, rightly or wrongly, an additional source of danger. On February 12 the arrest of Major Wildman, a well-known enthusiast, was announced in *Mercurius Politicus*<sup>1</sup>. Wildman had been seized in the act of dictating a pamphlet entitled *A Declaration of the free and well-affected People of England now in Armes against the Tyrant Oliver Cromwell, Esq.*<sup>2</sup> The demands of this document, if any meaning can be assigned to them at all, point to a restoration of the Stuarts, and were so taken at the time<sup>3</sup>. The information of an accomplice<sup>4</sup> warned Cromwell that the well-known Anabaptist Colonel Sexby, and probably also Sir Arthur Haselrig, were in the plot. That Sexby and Wildman were in communication with the exiled Court is clear from the evidence of Clarendon<sup>5</sup>.

The Levelling side of the insurrection was promptly crushed by the arrest of Wildman, but the royalist discontent broke into open flame. At Salisbury on March 11 the sheriff and judges, there for Assize-business, were seized in their beds by Sir John Penruddock and a party of horse acting under Charles' commission<sup>6</sup>. Major Wagstaff, who had come from the Continent on purpose to join the insurrection, proposed to hang the sheriff and judges, but was dissuaded by Penruddock. The sheriff, even though thus threatened, refused to

<sup>1</sup> *Cromwelliana*, 151.

<sup>3</sup> Whitelock, 601.

<sup>5</sup> *History*, III. 494.

<sup>2</sup> Whitelock, 600.

<sup>4</sup> Thurloe, vi. 829.

<sup>6</sup> Whitelock, 601.

*South  
Molton.*

proclaim Charles<sup>1</sup>, the crier at Blandford was similarly obdurate<sup>2</sup>, and the royalists could make nothing of their plan. They were defeated by Major Unton Crook at South Molton on March 14<sup>3</sup>. Penruddock and Grove, two of the leaders, were captured, Wagstaff, with the Earl of Rochester, who had also been in England on business, escaped to the Continent<sup>4</sup>. Penruddock, on his trial, practically confessed his guilt<sup>5</sup>, and was executed.

So prompt was Cromwell's action on this occasion, that both his contemporary and modern critics have denied the existence of the plot altogether<sup>6</sup>. That Cromwell was not over anxious to hide its existence is probable from the curious story of Wogan's adventures, related by Clarendon<sup>7</sup>. But the main facts before alluded to, together with Charles' journey from Cologne to Middleburgh<sup>8</sup>, and the execution of Manning<sup>9</sup>, seem to place the plot itself beyond dispute.

*Origin of  
the scheme  
of the  
Majors-  
General.*

The scheme of the Majors-General, which followed, seems to have grown up at first in an unconscious way, till Cromwell's eye for organisation saw the possibilities of it. On March 17, 1655<sup>10</sup>, three days after Penruddock's defeat, Desborough, then com-

<sup>1</sup> Clarendon, III. 434.

<sup>2</sup> *Cromwelliana*, 152.

<sup>3</sup> Whitelock, 601.

<sup>4</sup> Clarendon, III. 435—437.

<sup>5</sup> *State Trials* (Hargraves, 4th ed.), II. 259—262.

<sup>6</sup> Cf. Cromwell's Speech to his 2nd Parliament (Carlyle, IV. 191 and 195). Ludlow, II. 533. *Quarterly Review*, Ap. 1886, 414—442. Anon. (Mr R. Palgrave); answer, in *English Historical Review*, Ap. 1888. (Mr C. H. Frith) 323—350; reply, July 16, 1888, 521—539.

<sup>7</sup> *History*, III. 397.

<sup>8</sup> *History*, III. 432.

<sup>9</sup> *History*, III. 438—443.

<sup>10</sup> Thurloe, III. 263.

manding in the west, in pursuance of instructions before received, wrote to Thurloe a letter describing the arrangement of his troops "convenient for the apprehension of those that are fled<sup>1</sup>." On May 28 he is appointed Major-General of all the troops, regulars and militia, in the counties of Cornwall, Devon, Somerset, Dorset, Wilts, and Gloucester, with general instructions to keep the peace<sup>2</sup>. On August 9 following appears a scheme<sup>3</sup>, apparently founded on this precedent, for dividing the whole country into districts, each under a Major-General, in command of the newly raised militia<sup>4</sup>. Of the number of the districts various reports are given. Roger Coke says fourteen<sup>5</sup>, Carlyle<sup>6</sup>, Guizot<sup>7</sup>, and the new *Parliamentary History*<sup>8</sup> put it at twelve, Mr Green at ten<sup>9</sup>. The facts seem to have been these.

In the order in Thurloe, dated August 9, 1655, the following are named as the districts and their commanders:—

- |   |          |
|---|----------|
| 1. Kent and Surrey . . . . .                                    | Kelsey.  |
| 2. Hants, Sussex, and Berks . . .                               | Goffe.   |
| 3. Northampton, Rutland, Hun-<br>tingdon, and Bedford . . . . } | Butler.  |
| 4. Lincoln, Nottingham, Stam-<br>ford, Leicester, and Warwick } |          |
|   | Whalley. |

<sup>1</sup> Thurloe, III. 220—221.

<sup>2</sup> Thurloe, III. 486.

<sup>3</sup> Thurloe, III. 701.

<sup>4</sup> The Commission for the London militia had issued Feb. 13, Skippon being named commander. *Cromwelliana*, 151.

<sup>5</sup> *Detection*, 392.

<sup>6</sup> *Cromwell's Letters and Speeches*, IV. 135 n.

<sup>7</sup> *Life of Cromwell* (trans.), 298.

<sup>8</sup> III. 1478.

<sup>9</sup> *History of the English People*, III. 209.

- |     |   |                                       |
|-----|---|---------------------------------------|
| 5.  | North and South Wales, Hereford, and Salop . . . . .                                  | } Berry.                              |
| 6.  | Yorkshire, Lancashire, Durham, Westmoreland, Cumberland, and Northumberland . . . . . |                                       |
| 7.  | Cornwall, Devon, Somerset, Dorset, Wilts, and Gloucester                              | } Desborough.                         |
| 8.  | Norfolk, Suffolk, Essex, Hertford, Cambridge, Isle of Ely, Oxford, Bucks . . . . .    |                                       |
| 9.  | Derby, Chester, and Worcester   | } Lord Deputy of Ireland (Fleetwood). |
| 10. | Middlesex and London . . . . .  |                                       |
|     |   | Wolsely.                              |

This was the first plan, and Thurloe, writing of it to Henry Cromwell in Ireland on October 16, speaks of it as “the greatest creation of honours, his Highness hath made since his accesse to the government<sup>1</sup>.” So that there is at least some slight foundation for those who urge that one of Cromwell’s objects in the plan was to satisfy the desire of his officers for distinction.

In this letter Thurloe especially says that “the tenth is not yet named,” but a letter from Nieuport, the ambassador of the States-General, to his government on November 3, reports that the tenth district is split into two, London being given to Skippon, and Westminster and Middlesex to Sir John Barkstead, the governor of the Tower<sup>2</sup>. This would make eleven districts, but it seems that Skippon was not actually appointed till March 1656<sup>3</sup>. On April 11, 1656,

<sup>1</sup> Thurloe, iv. 88.

<sup>2</sup> Thurloe, iv. 117.

<sup>3</sup> See letter same to same. Thurloe, iv. 588, and *Cromwelliana*, 155.



the formal estimate of the Council finally fixed the scheme, as far as locality is concerned. This estimate, and the revised plan of June 12 following, are not in print, but are easily accessible at the Record Office<sup>1</sup>. From them it appears, that Derbyshire and Worcestershire were taken away from Wolsely's district, and replaced by Lancashire and Staffordshire. Wolsely himself died in June 1656, and his name is replaced by a blank in the second estimate, but it appears that Tobias Bridge was ultimately appointed to succeed him<sup>2</sup>. Derbyshire was given to Whalley<sup>3</sup>, and Worcester to Berry. Lambert and Fleetwood were each allowed a deputy, but without additional pay. This would increase the list, including sub-districts, to thirteen. But of Dawkin's district, Monmouth and South Wales, mentioned by Carlyle<sup>4</sup>, I cannot find any mention in the authoritative documents.

The instructions given to the Majors-General were very wide. They were to suppress tumults and rebellion, to "enquire into idlers," to promote godliness and discourage profanity, to keep a strict eye on the carriage of the disaffected, and especially to allow no horse races, cock fightings, bear baitings or unlawful assemblies, "as rebellion is usually hatched in such cases." They were especially to assist those appointed to levy a tax for maintenance of the new

*Duties  
of the  
Majors-  
General.*

<sup>1</sup> Domestic Papers. Interregnum. Vols. cxxvi. and cxxviii.

<sup>2</sup> Calendar, x. 28.

<sup>3</sup> Cf. also Whalley's letter to Thurloe, iv. 273.

<sup>4</sup> iv. 135 n.

militia forces on the estates of delinquents<sup>1</sup>. An additional instruction of Dec. 25, 1655<sup>2</sup>, directed them to search for any persons who had public monies in their hands, and compel them to pay over the amount to persons nominated by the Major-General and commissioners. These commissioners appear to have been civilians sent to act as councilors to the Majors-General in their task.

*The "decimation" tax.*

One of the most important duties entrusted to the Majors-General was the enforcement of a tax, known as the "decimation," upon the whole royalist party. Cromwell had determined that the new measure should pay its own expenses, and he accordingly issued, on Sept. 21, 1655, a most stringent ordinance of confiscation. All persons who had been actually engaged against the Commonwealth since Dec. 16, 1653, were to lose their estates, an allowance of one-third being made for their wives and children. All who continued to "adhere" to the late king or his son were to be banished or imprisoned, whilst all who had been in former times sequestered for delinquency, or had at any time fought against the Parliament, were to be compelled to pay an annual tax of ten per cent. upon their income from lands, and an annual sum of £10, or a capital sum of £100, for every £1500 of personalty. Those whose income from land did not amount to £100 were excused by a single payment of £10 on every £1500 of personalty. None of the royalists were to keep

<sup>1</sup> Calendar, VIII. 296, Aug. 22, 1655. The tax was raised by order of the Council dated Sept. 21, following.

<sup>2</sup> Thurloe, iv. 344.

chaplains, schoolmasters, ejected ministers, or fellows of colleges in their houses, nor have their children brought up by such under a penalty of double taxation, and none were to have arms without license under penalty of imprisonment<sup>1</sup>.

It cannot be doubted that the scheme of the Majors-General was the cause of grave discontent. *Cromwell's intentions.* What were Cromwell's real views and intentions with regard to it, no one seems to know. One small point is worth remarking. In the official documents the officers who executed it are always spoken of as "Majors-General" not "Major-Generals." And this, in an age rarely guilty of uniformity in spelling, is probably something more than an accident. Their previous military title is always continued, in addition to their new designation. The numbers of the forces allotted to each commander, rarely exceeding half a dozen troops of 80 men each, is nothing like the proper contingent for a Major-General of army rank. And a purely military officer does not have clerks, doorkeepers, and messengers as the Majors-General had<sup>2</sup>. Moreover the considerable powers given to the civil commissioners are inconsistent with a military despotism. It seems possible that Cromwell intended the scheme to ripen in course of time into a system of local government, with the Majors-General in the places of the Lords-Lieutenant, and the Commissioners instead of Justices of the Peace, officials never very much approved of by

<sup>1</sup> Calendar, viii. 346, 347.

<sup>2</sup> Cf. scheme in Estimates of April 11, and June 12, 1656.

him<sup>1</sup>. The taxation was really not in itself excessive. The land tax of 1694 was at double the rate of Cromwell's decimation, and Pitt's income tax of a hundred years later was as great as the Protectorate levy. The total expense of the Majors-General, with their militia and civil officers, was at first estimated at £80,000 a year; the later scheme, by careful economy, reduced this to £67,000<sup>2</sup>.

*Criticism  
of the  
scheme.*

But the plan had two great weaknesses. In the first place the Majors-General were not men of local position. They were vigorous, upright men, most of them sprung from the ranks, thoroughly loyal to Cromwell, and capable of any amount of work. But there was nothing to break the isolation of their position. Had they been settled on forfeited estates, they would in course of time have formed local interests, their existence would not have been so conspicuous, they would probably also have better understood the people they had to govern. As Harrington says, "arms planted upon dominion extirpate enemies and make friends, but maintained by a mere tax, have enemies that have roots, and friends that have none<sup>3</sup>." As it was, they were probably rather too energetic. Major-General Butler writes to Thurloe that he has

<sup>1</sup> I even venture to suggest, in a note, that what Cromwell intended was not *Majors-General* but *Mayors-General*. The origin of the two names is identical, and the distinction was not well marked in the seventeenth century. Sprigge (*Anglia Rediviva*, p. 33) speaks of the *Major* and magistrates of Northampton.

<sup>2</sup> Domestic Papers. *Interregnum*. Vols. cxxvi. and cxxviii. Schemes of April and June.

<sup>3</sup> *Oceana*, 64.

imprisoned one Dickens, who "hath a wife in London, hath wandered up and down these 12 months, pretending himself to be a farrier, hath gone a wooing two maids in this country, and got moneys of them to the value of £10 upon promise of marriage, and hath been formerly in the king's army<sup>1</sup>." Another time the delinquent is one John Goodman, "a pitiful drunken wretch, and every way as prophane as the devil can make him, (I think) hath no estate, lives upon the snatch altogether, and being a prophane jester to some gentlemen of the countrey<sup>2</sup>."

The scheme was also unwise because by its very existence it kept up the distinction between Cavalier and Roundhead. The payment of the tax was a burning brand set upon those who might be inclined to settle down under the new government. It marked them off from any hope they might have cherished of being reckoned as peaceable subjects.

And it is more than doubtful if the plan paid its own expenses, moderate as they were. I have not been able to find any complete returns of the tax, but a comparison of the reduced estimate of June 12, 1656, with the accounts sent up by some of the Majors-General, and preserved by Thurloe, shew that in nearly every case there was a loss. Major-General Butler's four counties, Northampton, Huntingdon, Rutland, and Bedford, were to cost £4255. 5s. a year. They only produced £2984. 11s. 8d.<sup>3</sup> Suffolk brought in £1069. 12s.<sup>4</sup> against an expense of

<sup>1</sup> Thurloe, iv. 632.

<sup>2</sup> Thurloe, iv. 633.

<sup>3</sup> Thurloe, iv. 511—513.

<sup>4</sup> Thurloe, iv. 428.

£2606. 9s.; Hampshire £1235<sup>1</sup> against £1779. 6s.; Cumberland and Westmoreland £780. 11s.<sup>2</sup> against £949. 13s. Essex alone yielded a profit<sup>3</sup>. Apparently Cromwell himself found the plan did not work, for he left it to its fate in the succeeding Parliament.

*Cromwell's  
other  
plans.*

*Treaty  
with  
France.  
War with  
Spain.*

In other respects the government of the Protector during the absence of Parliament was brilliantly successful. In November 1655 the long anticipated treaty with France was signed<sup>4</sup>, and Cromwell was preparing for vigorous measures against the Spaniard, upon whom he levied war as the bulwark of Papal intolerance in Europe, and the obstacle to English commerce in the East. The brilliant exploits of Blake at Tunis<sup>5</sup> and off the coast of Spain increased the naval prestige of England, and the failure at Hispaniola<sup>6</sup>, the one serious reverse of the Protector's arms, was more than compensated for by the capture of Jamaica and Blake's subsequent victory at Teneriffe<sup>7</sup>. In spite of a little splutter with Whitelock and Widdrington, the Chancery ordinance was got to work<sup>8</sup>, the Treasury system was reformed<sup>9</sup>, and a new University at Durham planned<sup>10</sup>. The accounts from Scotland and Ireland were encouraging. The Scotch Council now consisted of Monk, Broghill,

<sup>1</sup> Thurloe, iv. 240.

<sup>2</sup> Thurloe, iv. 562.

<sup>3</sup> Thurloe, iv. 436. £2689. 2s. against £1809. 6s.

<sup>4</sup> *Cromwelliana*, 153. Whitelock, 618.

<sup>5</sup> Clarendon, III. 454.

<sup>6</sup> Whitelock, 608.

<sup>7</sup> Clarendon, III. 470.

<sup>8</sup> Whitelock, 602, 606, 607, 608.

<sup>9</sup> Whitelock, 608, 623.

<sup>10</sup> Whitelock, 624. *Cromwelliana*, 156.

Howard, Lockhart, Swinton, Scroope, Samuel Desborough, Whetham and Cooper<sup>1</sup>. Under the admirable guidance of Broghill<sup>2</sup>, they had settled a civil list which left two-thirds of the excise for the payment of the army arrears, and yet kept within the bounds of the ordinary revenue<sup>3</sup>. The army had been put upon a peace footing, and the assessment fixed at £10,000 a month<sup>4</sup>. The receipts from customs and excise were steadily rising<sup>5</sup>. In October 1655 the government could venture to allow the Scotch to elect their own magistrates<sup>6</sup>. From Ireland, *Ireland.* Fleetwood wrote in August 1655 that he had disbanded twenty-six companies of foot, and was about to disband sixteen troops of horse<sup>7</sup>. For the financial year 1656—1657 the Irish revenue, exclusive of assessments, amounted to nearly £70,000, with a prospect of immediate increase<sup>8</sup>, and this allowed a payment of £17,000 for the maintenance of ministers and schoolmasters<sup>9</sup>. By this time the Protector had assumed most of the ceremonies of *Cere-* royalty. He gave audiences to foreign ambassadors<sup>10</sup>, *monies.* he bestowed the honour of knighthood<sup>11</sup>, his wife was spoken of as “Her Highness<sup>12</sup>,” and his sons as “Lord Richard” and “Lord Henry<sup>13</sup>.” Only on one point had he any serious difficulty, the raising of

<sup>1</sup> Thurloe, III. 423.

<sup>2</sup> Thurloe, IV. 48, 106.

<sup>3</sup> Thurloe, IV. 526—530.

<sup>4</sup> Thurloe, II. 476.

<sup>5</sup> £38,970 in spring of 1656 (Thurloe, IV. 530). £51,000 odd in August 1657 (Thurloe, VI. 445, 472).

<sup>6</sup> Whitelock, 617.

<sup>7</sup> Thurloe, III. 711.

<sup>8</sup> Thurloe, VI. 340.

<sup>9</sup> Thurloe, VI. 596.

<sup>10</sup> *Cromwelliana*, p. 153.

<sup>11</sup> *Cromwelliana*, 155.

<sup>12</sup> *Cromwelliana*, 153.

<sup>13</sup> *Cromwelliana*, 156.



*Financial difficulties.* money. Notwithstanding his frugal and excellent management of the revenue, he was not yet able to do without the monthly assessments, which he continued by ordinance after the dissolution of the Parliament. A merchant named Cony, formerly one of his supporters, refused to pay money demanded upon this authority. He was brought before Cromwell, and when he objected to the legality of the tax, the Protector had only the plea of necessity to urge. He took high ground, and even went to the length of imprisoning the counsel who moved for Cony's Habeas Corpus<sup>1</sup>. Of course such a glaring repetition of Charles' high-handedness could not fail to provoke comment. The great questions are, whether Cromwell was actuated by honorable or dishonorable motives, and whether such courses were really necessary.

*The Second Protectorate Parliament.* At any rate, Cromwell made up his mind to call another Parliament, and it was appointed to meet on Sept. 17, 1656. But before turning to the history of this Parliament, it may be worth while to see what were the views of Cromwell's constitutional opponents at this time.

*The "Healing-Question."* Sir Henry Vane was perhaps the most likely man to be admitted as spokesman of a party in which all leadership was ostracized, and his *Healing Question Propounded and Resolved* was a deliberate plan for the settlement of a government at this period. It was published in March 1656, and had a great sale. It is in every way good evidence of the views of the Republican party. The pamphlet is in many

<sup>1</sup> *Cromwelliana*, 153.



respects attractive, and is creditable to Vane's feelings, but one can hardly help wondering at the simplicity of the man who thought such a scheme possible at the time.

The argument, which is not very easy to follow, appears to run thus. The sovereignty is in the "well affected" among the people by nature and by conquest. The actual irresistible power is with the army, which must however be taken to represent the people. The army should invest the people's representative ("the supream judicature") with the supreme power, and then take up the position of an obedient servant, but yet, apparently, watch to see that the representative does not infringe its "fundamentals," for to these it is to be limited.

The practical realization of this scheme is to be thus achieved. The Protector, as general of the army, is to summon a convention, "which convention is not properly to exercise the legislative power, but only to debate freely, and agree upon the particulars, that, by way of fundamentall constitutions, shall be laid and inviolably observed as the conditions upon which the whole body so represented doth consent to cast itself into a civil and politick incorporation, and under the visible form and administration of government therein declared, and to be by each individuall member of the body subscribed in testimony of his or their particular consent given thereunto. Which conditions so agreed (and amongst them an Act of Oblivion for one) will be without danger of being broken or departed from; considering of what it is they are the conditions and the nature of the con-

vention wherein they are made, which is of the people represented in their highest state of sovereignty, as they have the sword in their hands unsubjected to the rules of civil government, but what themselves orderly assembled for that purpose do think fit to make. And the sword upon these conditions subjecting itself to the supreme judicature thus to be set up<sup>1</sup>.”

*Criticism  
of the  
“Healing-  
Question.”*

This plan, interesting as an early attempt to realize the theory of the Social Contract, was evidently quite impossible as a practical suggestion. Sovereignty, or supreme power, especially in disturbed times, is a question of fact, not of law. The *Healing Question* proposed to separate the *de jure* from the *de facto* sovereignty, and make the latter subject to the former, which, however, it also proposed to limit by “fundamentals.” But the absurdity of the scheme is apparent. Suppose that the constitution-making convention, when summoned, refused to consider an Act of Oblivion. Was it bound to do so because Sir Henry Vane had so laid it down? It is somewhat extraordinary that Vane, coming so near to the truth in placing his *de facto* sovereignty with the army, did not see that this sovereign power had already expressed its will in the existing constitution.

*The new  
elections.*

No precautions were neglected to prevent the catastrophe of a second recalcitrant Parliament. Ludlow<sup>2</sup> and Coke<sup>3</sup> both accuse the government of tampering with the elections, and evidently with

<sup>1</sup> Somers Tracts, vi. 312.

<sup>2</sup> *Memoirs*, II. 568.

<sup>3</sup> *Detection*, 398.

justice. The machinery was by this time well settled, and rendered effectual help. Major-General Desborough has "consulted with the honest people of every county, as I came along, and with them agreed upon names, and have sett them at worke for the improvement of their interest to elect sober and good men<sup>1</sup>." Broghill writes from Scotland, "I hope you will not have one unfit person out of this nation<sup>2</sup>." Whalley gives the electors of Nottingham a hint not to choose Hutchinson<sup>3</sup>. This may be only allowable electioneering tactics, but when it comes to lists of suitable candidates being given out by government officials<sup>4</sup>, and candidates being nominated in Scotland by members of the Council<sup>5</sup>, the bounds of impartiality are evidently exceeded. It becomes a question then of the justification by necessity.

In spite of all precautions the elections were not satisfactory. Desponding letters from Major-General Haynes<sup>6</sup>, Fleetwood's deputy in Norwich, and from Major-General Kelsey in Maidstone<sup>7</sup>, warned the Protector what to expect. The "saints," disgusted with the failure of the Little Parliament, had made up their minds not to vote, but were aroused to a sense of their duty by a pamphlet entitled *England's Remembrancer*<sup>8</sup>, and doubtless threw their weight into the scale against the government candidates. Scot, Haselrig, and other prominent Republicans

<sup>1</sup> Thurloe, v. 303.

<sup>3</sup> Thurloe, v. 299.

<sup>5</sup> Thurloe, v. 367.

<sup>7</sup> Calendar, x. 87.

<sup>2</sup> Thurloe, v. 295.

<sup>4</sup> Thurloe, v. 329.

<sup>6</sup> Thurloe, v. 329.

<sup>8</sup> Thurloe, v. 268.

were returned<sup>1</sup>, and though Scotland sent fourteen and Ireland twelve military men or government officials, the Protector was afraid to trust the Parliament without further precaution. He took an arbitrary step, openly avowed, and after some hesitation acquiesced in. About one hundred Republicans and Royalists, Scot, Haselrig, A. A. Cooper, Harbottle Grimston, and Maynard amongst them, were refused admittance by order of the Council, and, after a protest<sup>2</sup>, submitted to the exclusion. The remainder of the House made some enquiry of the clerk of the Chancery, and were informed that the Council had not refused to approve of any who had appeared to them to be Persons of Integrity to the Government, fearing God, and of good Conversation; but that the Protector had given orders that those not approved should not be admitted to the House<sup>3</sup>.

*Exclusion  
of  
suspected  
Members.*

*The open-  
ing speech.*

Cromwell's opening speech comprised a masterly justification of his policy at home and abroad, a full account of his government since the dissolution, a recommendation to provide a maintenance of ministers instead of tithes, and to proceed with the reform of the law and the revenue, and a request for vigorous assistance in the Spanish war<sup>4</sup>. Following closely upon the speech came the news of Blake's victory at Santa Cruz, and the Parliament, purged of its unruly elements, set to work upon the tasks assigned. It proceeded to settle an elaborate Book of Rates to serve as the basis of a new Excise

*Santa  
Cruz.*

<sup>1</sup> Somers Tracts, vi. 339 for list.

<sup>2</sup> Whitelock, 640.

<sup>3</sup> Journals, Sept. 22, 1656.

<sup>4</sup> Carlyle, iv. 178—222.

Act<sup>1</sup>, it discussed a maintenance for ministers<sup>2</sup>, it made some attempt to set up local courts of justice<sup>3</sup>, and it voted £400,000 for the Spanish war<sup>4</sup>. It also passed a bill to abolish for ever the title of the Stuarts, and another for the security of Cromwell's person<sup>5</sup>.

But these achievements were marred by the pedantic and harsh prosecution of an unfortunate enthusiast who had raised a small disturbance in the neighbourhood of Bristol<sup>6</sup>, and by a corrupt use of the power of legislation to further private ends. "I daresay more private Bills are brought in this Parliament than in all the Long Parliament," says the reporter on December 30<sup>7</sup>, when the Parliament had only sat two months and a half. And there were not wanting signs that the old spirit of the Rump was alive. On April 30, 1657, the House "confirmed" for a period of three years several ordinances issued between January and September 1654, but it resolved with respect to the acts and ordinances made between April 1, 1642, and April 20, 1653, that "this House doth conceive no Need of any Declaration or Confirmation, the same being valid in themselves and ought to be accepted and taken<sup>8</sup>." It also interfered with the Act for the sale of the forests, and with the Chancery ordinance<sup>9</sup>.

<sup>1</sup> Scobell, 1656, 19.

<sup>2</sup> Burton, II. 331—336.

<sup>3</sup> Journals, Nov. 5, 20, 1656.

<sup>4</sup> Journals, Feb. 7, 1657. Whitelock, 645.

<sup>5</sup> Whitelock, 643.

<sup>6</sup> Burton, I. 33 &c. Whitelock, 644.

<sup>7</sup> Burton, I. 269.

<sup>8</sup> Journals, April 30, 1657.

<sup>9</sup> Journals, April 30, 1657.

*The new  
Constitu-  
tion.*

The principal work of the session was, however, the settlement of a new constitution. The first hint of the matter appears to have been on January 19, 1657, when upon the occasion of a resolution being agreed upon to send a congratulation to the Protector on his escape from Sindercomb's plot, Mr Ashe the elder moved to add a request "that his Highness would be pleased to take upon himself the government according to the ancient constitution<sup>1</sup>." This suggestion provoked much resentment at the time, and was dropped, but on February 23 Sir Christopher Pack, an Alderman of London, presented a paper entitled *The Humble Address and Remonstrance of the Knights, Citizens, and Burgesses, now assembled in the Parliament of this Commonwealth*<sup>2</sup>. This document contained the draft of a new constitution, in which Cromwell was offered the title of king, together with the government practically on the terms of the old constitution. General rumour attributes the authorship of this document to Cromwell himself<sup>3</sup>. It is certain that Pack was a strong Cromwellite, and it is alleged that he was coerced by the threat of revenue proceedings against him for defalcation as a collector of customs, if he refused to perform the service. The latter account is unlikely, but it is quite possible that Cromwell, wearied with the pedantries of the House, may have wished for a more constitutional position. His preference for a royalist form of government had been expressed in the

*The  
"Humble  
Address."*

<sup>1</sup> Burton, i. 362.

<sup>2</sup> Journals, Feb. 23, 1657. Burton, i. 394.

<sup>3</sup> Ludlow, ii. 583. Burton, iii. 160.

well-known interview held with the army chiefs and the leading statesmen in 1651<sup>1</sup>, and his subsequent conduct had shewed that he adhered to that view.

The House took the proposal very readily, and debated the petition clause by clause during the month of March, till on the 31st it was ready for presentation.

Hereupon ensued the famous series of passages *The question of Kingship.* between Parliament and Protector relative to the acceptance of the title<sup>2</sup>. The House appointed a committee of 99, headed by Whitelock, to carry on the negotiations<sup>3</sup>. They urged the familiar arguments in favour of the royal form of government. It was well known and fitted in with the form of laws and institutions. It was the only title which really implied a settlement, all others being regarded as temporary and leaving room for the Stuarts to pose as *de jure* monarchs. It was fixed, and its powers limited, by constitutional precedent.

There can be little doubt that Cromwell privately *What were Cromwell's views.* desired the title, and as little that he desired it from no paltry motives. He had for four years wielded more real power than any ruler had done since Henry VIII. He was not the man to care for empty show. But he seemed profoundly convinced of the necessity of having Parliaments, and as con-

<sup>1</sup> Whitelock, 491.

<sup>2</sup> See account of the proceedings in a pamphlet entitled *Monarchy asserted to be the best, most ancient, and legal Form of Government*, published in 1660. Somers Tracts, vi. 346, and in Ludlow, II. 585.

<sup>3</sup> This committee is said to have been a majority of the House. Burton, II. 9.



vinced that Parliaments would respect no one short of a king. In his great designs and his exercise of vigilance, the position would really have hampered him, but in the ordinary routine of business it would have simplified matters. He probably felt that his health was uncertain, and desired to make a sort of constitutional resignation of his great power.

*Remonstrance of the army.*

But it was not to be. On April 1 Thurloe had written to Lockhart that the army had promised to acquiesce in whatever the Protector and Parliament agreed upon, with regard to the Petition<sup>1</sup>. On the 9th he had to write of the insurrection of the Fifth-Monarchy men at Mile-End Green, and the imprisonment of Harrison and Lawson<sup>2</sup>. On the 11th followed the production of the "Standard with the Red Lion Couchant" in the House<sup>3</sup>. On the 20th a formal remonstrance was presented to the Protector by the chiefs of the army<sup>4</sup>, and on May 8 Cromwell declined the title<sup>5</sup>.

*Analysis of the "Humble Petition."*

This great difficulty being settled, the constitution was soon completed. On May 28 the Address, its title now changed to that of *The Humble Petition and Advice*, was accepted by the Protector, and on June 26 certain additional articles received his sanction.

The new constitution was in more than one important point different from its predecessor. The Protector was allowed to name his own successor<sup>6</sup>.

<sup>1</sup> Calendar, x. 324.

<sup>2</sup> Calendar, x. 335.

<sup>3</sup> Journals, April 11, 1657.

<sup>4</sup> Whitelock, 646.

<sup>5</sup> *Monarchy asserted*. Somers Tracts, vi. 400.

<sup>6</sup> Art 1.



There was to be a second or "other" House, consisting of not more than 70 nor less than 40 persons nominated by the Protector for life, subject to the same disqualifications as the members of the Representative House<sup>1</sup>. A settled revenue of £1,300,000 was granted to the Protector, £300,000 for the expenses of government and a million for the forces. Monies for payment of the troops were to be issued with the advice of the Council, and an account to be rendered to every Parliament<sup>2</sup>. There is to be a Council of State, not exceeding twenty-one in number, with seven for a quorum; all new names and removals being subject to the approval of both Houses<sup>3</sup>. A Confession of Faith is to be agreed upon between the Protector and Parliament, and all who dissent from it are to be incapable of official employment, but there is to be no disqualification for those who merely differ in matters of worship and discipline, and all believers in the Trinity and the Scriptures, except papists, prelatists, and blasphemers, are to be protected in the exercise of their religion<sup>4</sup>. The great officers and judges are to be appointed by the Protector with the approval of Parliament<sup>5</sup>.

On the other hand, the Protector is to observe the existing law in all cases not provided for by the constitution<sup>6</sup>. The privileges of Parliament, especially the freedom of election, are guaranteed<sup>7</sup>. This guarantee was further secured in the original form by the provision that election questions shall be tried by a body of forty-one commissioners

<sup>1</sup> Art. v.<sup>2</sup> Art. vii.<sup>3</sup> Art. viii.<sup>4</sup> Art. xi.<sup>5</sup> Art. ix.<sup>6</sup> Art. i.<sup>7</sup> Art. iii.

appointed by Act of Parliament<sup>1</sup>, a provision for which was substituted, in the amending instrument, a simple enactment that any unqualified person presuming to sit should be subject to a fine of one thousand pounds, the question being thus left to the ordinary courts<sup>2</sup>. Parliaments are to be summoned at least every three years<sup>3</sup>. The electoral disqualifications are somewhat stricter than those in the *Instrument*, excluding for ever all those who have fought against the Parliament since 1641 (in Scotland before 1648), unless they have since actively assisted it, and absolutely all those who have been engaged in any plot against the Government since Dec. 16, 1653<sup>4</sup>. The somewhat vague disqualifications of "denier" of Scriptures and ordinances, "prophaner of the Lord's Day," and general ill-conduct exclude from election but not from the vote<sup>5</sup>. The details of the distribution and the franchise apparently remain untouched. The additional articles provide forms of oath for the Protector, councillors, and members of Parliament<sup>6</sup>.

Between the acceptance of the constitution and the actual investiture the House finished off some small amount of business, naturally in a somewhat uncertain state of mind with regard to its constitutional position<sup>7</sup>. An assessment of £50,000 a month

<sup>1</sup> Art. iv.

<sup>2</sup> *Additional Humble Petition*. Somers Tracts, vi. 410.

<sup>3</sup> *Humble Petition*, Art. ii.

<sup>4</sup> *Humble Petition*, Art. iv.

<sup>5</sup> *Humble Petition*, Art. iv.

<sup>6</sup> Both documents are in Whitelock, 678.

<sup>7</sup> Burton, ii. 280.

was granted for three years, and bills regulating the customs and excise, abolishing purveyance, and "for catechizing" were presented to the Protector, who, however, declined the latter in the old form, "I am desirous to advise of this bill"<sup>1</sup> (*Le roi s'aviserà.*)

Then upon the ceremony of investiture the Parliament was prorogued, to meet in its new form on January 20, 1658<sup>2</sup>. It would have been more natural, perhaps, to have had a dissolution, but it was, possibly, intended to make some alterations in the distribution, and it may have been thought better to let the existing Parliament effect these changes in pursuance of the IVth article of the constitution.

*The Humble Petition and Advice* represents very nearly the immediate constitutional results of the revolution. The religious liberty is in some respects greater under it than the Restoration permitted, although the exclusion of Episcopalians from toleration goes a long way to rank the protectorate Parliament with that which passed the Uniformity and Conventicle Acts. The leave given to Cromwell to nominate his successor is, of course, unparalleled in later history. But the granting of a fixed revenue, the right of Parliament to examine the accounts, the provision for triennial Parliaments, the approval of Parliament required by the Ministers (direct instead of indirect, as was afterwards the case), all remind us very strongly of the actual Restoration settlement. There can be no doubt that under it

<sup>1</sup> Burton, II. 205.

<sup>2</sup> *Cromwelliana*, 165—167.

Cromwell had less power than under the *Instrument*. It is true that no minimum limit for the session of Parliament is fixed, but on the other hand the great power given by the former constitution in the matter of ordinances is not renewed, and it is expressly provided that the revenue cannot be increased without the consent of Parliament. If the *Humble Petition* really be Cromwell's work, it shews that he was anxious to moderate his position, to put it in some definite shape in which it could be handed over to his successor.

*Meeting  
of the  
New  
Parlia-  
ment.*

The Parliament met, as appointed, on January 20, 1658. The new House consisted of sixty-three names, nearly all of them of men well known as prominent figures in the history of the period. The grounds for selection are evidently various. Some, the majority, are distinguished Puritans, men of zeal and ability, the army chiefs or the new officials. Others are summoned, perhaps, to prevent their presence in the Commons House. But this object, if object it were, did not always succeed; Sir Arthur Haselrig, for instance, preferred to take his seat amongst his old companions<sup>1</sup>. A few of the old nobility, who had been faithful to the Commonwealth, were summoned, but they declined to sit. Cromwell himself had made two peers by patent; Charles Howard was created Lord Howard of Morpeth, and Edmund Dunch, Lord Burnell<sup>2</sup>. In the Commons House the secluded members were admitted, whilst

<sup>1</sup> Burton, II. 347.

<sup>2</sup> Noble, *Memoirs of the Protectoral House of Cromwell*, I. 439; II. 162.

the summoning of Cromwell's strongest supporters to the Lords greatly weakened his party in the Commons.

The result, as is well known, was disastrous. *Its conduct.* On the 22nd January, the Commons started the promising question of the "other House<sup>1</sup>," and, being joined by Sir Arthur Haselrig on the 25th<sup>2</sup>, who on learning the game cheerfully suggested that such an important matter might "very well be a two months' debate<sup>3</sup>," they kept up the sport with vigour. Sir Arthur also testified to the reasonableness of his intentions by quarrelling with one of the preachers for *not alluding to the Long Parliament*, and moved to call it a "victorious parliament;" a motion which was seconded by Mr Scot<sup>4</sup>.

Once they were warned by the Protector, on the 25th January<sup>5</sup>, in a speech<sup>6</sup> which seemed to insinuate that the Protestant cause in Europe and the public safety at home were matters of somewhat greater importance than the title of the "other House." But it was in vain. They squabbled about Scobell's papers<sup>7</sup>. They accused the Protector (without warrant, as their own Journals shew<sup>8</sup>) of intending to communicate money matters to the Lords<sup>9</sup>; and they were about to go into Grand Committee on the title of the "other House<sup>10</sup>," when they were dissolved, on the 4th February, 1658<sup>11</sup>. *Dissolution.*

<sup>1</sup> Burton, II. 340. Journals.

<sup>3</sup> Burton, II. 393.

<sup>5</sup> Burton, II. 351.

<sup>7</sup> Burton, II. 403.

<sup>9</sup> Burton, II. 380.

<sup>11</sup> Burton, II. 465.

<sup>2</sup> Burton, II. 347.

<sup>4</sup> Burton, II. 376.

<sup>6</sup> Carlyle, v. 102—124.

<sup>8</sup> Journals, Jan. 28, 1658.

<sup>10</sup> Burton, II. 437.

*Death of  
the Pro-  
tector.*

They met no more in Oliver's lifetime, which was now soon to close. In May the ringleaders of a new Royalist plot were captured and executed<sup>1</sup>. In June came another victory over the Spaniards and the capture of Dunkirk<sup>2</sup>. On the 3rd of September the Protector died<sup>3</sup>.

It cannot be questioned that his administration had been splendid abroad, and successful, at least in maintaining order, at home. He had raised England from the position of a third-rate power to the foremost place in Europe, at a cost of only one war, which had been brilliantly successful. And the prompt way in which the plots were extinguished in England, the tranquillity of Scotland and Ireland, prove that as Chief Constable he was almost without fault.

*Estimate  
of  
Cromwell's  
govern-  
ment.*

But what of the prosperity of the three countries? Was his the rule of a military tyrant, peaceful, perhaps, but with the peace of stagnation and despair? Happily there exists the best of evidence to shew that under his government enterprise and industry flourished. On the return of the Rump, on the 7th April, 1659, a full report of the revenue and expenditure in England, Scotland, and Ireland was presented by a Committee of the House. Its members were no friends to Oliver. They were the men whom he had expelled in 1653. The result of their labours is the most signal testimony to Oliver's success.

*England.*

In England the annual revenue, even with an

<sup>1</sup> *Cromwelliana*, 171.

<sup>2</sup> *Cromwelliana*, 171.

<sup>3</sup> *Cromwelliana*, 171.

assessment reduced to £35,000 a month, came within £33,000 of the expenditure. An addition of £3000 a month, or a single month's assessment, would have balanced the account. The Customs had risen to £600,000 a year, the Excise to £387,000, or an increase of 14 per cent. on Sir Henry Vane's report of November, 1652<sup>1</sup>. There was a profit of £5000 a year on the newly-established probate office. The Post-office brought in £14,000.

On the other hand, the expenses had been greatly reduced. The assessment of £35,000 would have cost, under the Parliament regulations, £10,000 a year to collect. The Protector's officers did it for £7000. The cost of the Excise and Customs Departments together came to £60,000 a year, or less than 6 per cent. of the income. The cost of the Mint was under £1200 a year, there was a profit of £3,500 on the wine licenses. The vote of the Long Parliament had been carried out, and the judges now received fixed salaries, to the amount of £16,000, instead of fees. But still the expenses of the army and navy were frightfully heavy. The former cost £764,000 a year, the latter £450,000, being, however, once more within the compass of its legitimate revenue, the Customs. If once the strength of the army could have been reduced it is clear that Oliver's English budget would have been a triumphant success. As it was it was certainly a tremendous advance on the chaos of the Parliamentary time.

In Scotland and Ireland the result was not so good by comparison. The expense of the forces was

<sup>1</sup> Journals, Nov. 9, 1652.



proportionately greater, and the incomings less. But even here the improvement is manifest. In the year 1656 the Customs in Scotland had been £4,600<sup>1</sup>, in 1657 they rose to £8,800<sup>2</sup>, and in 1658 to £14,700<sup>3</sup>, or an increase of 300 per cent. in two years. At the same dates the figures for the Excise were £34,000<sup>4</sup>, £42,000<sup>5</sup>, and £49,000<sup>6</sup> respectively. In 1656, by a rigorous settlement, Broghill had just managed to make the ordinary revenue suffice for the expenses of civil government<sup>7</sup>; in 1657 Monk had been able to allow two-thirds of the Excise towards the Army arrears, and yet there had been a balance on the right side of £4000<sup>8</sup>. In 1658 the ordinary revenue more than doubled the civil expenses<sup>9</sup>. It was only the frightful cost of the army which made the balance fall the wrong way.

*Ireland.*

In Ireland the result was the same. The Customs and Excise, which had been £35,000 in 1657, were farmed for £70,000 in 1658. The impropriate tithes had risen from £6,000 to £7,600. The casual revenue had doubled itself<sup>10</sup>.

The financial question was still grave enough. The expenses of the army in Scotland and Ireland brought out a final deficit of £320,000 a year in the three kingdoms, and there was a standing debt of

<sup>1</sup> Thurloe, iv. 526—530.

<sup>2</sup> Thurloe, vi. 445, 472.

<sup>3</sup> Report of April 7, 1659. Journals.

<sup>4</sup> Thurloe, iv. 526—530.

<sup>5</sup> Thurloe, vi. 445, 472.

<sup>6</sup> Journals, April 7, 1659.

<sup>7</sup> Thurloe, iv. 526—530.

<sup>8</sup> Thurloe, vi. 445, 472.

<sup>9</sup> Journals, April 7, 1659.

<sup>10</sup> Compare Hen. Cromwell's report (Thurloe, vi. 340) with the report of April 7, 1659.



nearly two millions and a half<sup>1</sup> (part of which had probably been incurred after Oliver's death). But the difference between the Parliament and the Protectorate revenue is clear enough. The one is confused, wasteful, and unintelligible; the other orderly, economical, and simple. All through the latter there are visible signs of increasing prosperity, the proofs of a wise and trust-inspiring government.

Did Oliver Cromwell appoint Richard his successor? Richard was proclaimed immediately<sup>2</sup>, and Thurloe, writing to Henry Cromwell<sup>3</sup>, expressly says that the dying Protector had made the appointment. But the formal paper was never found, and it is more than likely that Oliver was half-unconscious when, if ever, he uttered the reported words. Regard being had to the character of Oliver, it seems hard to believe that he could have deliberately appointed Richard, of whose fatal incapacity he was well aware. In Henry Cromwell he had a son for whose talents he had expressed the warmest admiration. He was not the man to let the prejudice of primogeniture stand in the way of the safety of his country and family.

However, Richard was proclaimed, and at once made Fleetwood Lieutenant-General<sup>4</sup>, and Henry Cromwell Lord-Lieutenant of Ireland<sup>5</sup>. Various expressions of loyalty reached him from different quarters<sup>6</sup>, and he decided at once to summon a Parliament. Ludlow<sup>7</sup> gives an interesting account of

*The succession.*

*Proclamation of Richard Cromwell.*

*Decides to summon a Parliament.*

<sup>1</sup> Report, and cf. Ludlow, II. 760.

<sup>2</sup> Whitelock, 675.

<sup>4</sup> Thurloe, VII. 449.

<sup>6</sup> Whitelock, 676.

<sup>3</sup> Thurloe, VII. 372.

<sup>5</sup> *Cromwelliana*, p. 178.

<sup>7</sup> *Memoirs*, II. 615.

*In what  
form?*

a Council held at this time to decide upon the form of the Parliament. Three questions were debated. First, whether the representative House should be summoned in its new or its old form. This was decided in favour of the latter alternative. Secondly, whether Scotch and Irish members should be summoned. It was decided that they should be summoned, but should not be allowed to sit without the consent of the English members. Thirdly, whether the members of the "other House" should be summoned. This was, apparently, decided in the affirmative<sup>1</sup>, at any rate, that was the course adopted.

Was this treachery, or was it sheer political imbecility? The Council could not have contrived a more ingenious difficulty. To allow an election on the old basis, to confront the representatives thus chosen, burning to avenge their wrongs, with a new House which represented prominently the victories of their hated oppressor, and to leave them with another body of sixty men, whose votes might turn the scale, dependent on their arbitrary caprice, was to make as certain a provision for anarchy as could well be imagined. It is difficult to avoid the suspicion of treachery. Lambert had refused to take the oath to the new constitution<sup>2</sup>, and was in retirement, but might have been influential<sup>3</sup>. Fleetwood was disappointed at not receiving the first position in the

<sup>1</sup> Thurloe, vii. 578. (Of course this was the Cromwellite Upper House, not the old House of Lords.)

<sup>2</sup> Ludlow, ii. 593.

<sup>3</sup> He shewed some opposition to the Bill for Recognition later on. Burton, iii. 32.

army<sup>1</sup>. And there was, doubtless, a general feeling of uneasiness at the substitution of Richard for his father.

On the 27th Jan. 1659, the Parliament met<sup>2</sup>. There had been some attempts to secure Government seats<sup>3</sup>, and the Scotch and Irish members were mostly officials. The author of a contemporary pamphlet<sup>4</sup> says that the members of the Rump tried hard to get seats, but were unsuccessful. This statement is not borne out by the lists and the reports. Haselrig was returned, Vane was returned, Scot, Bradshaw, Okey, and Ludlow were returned<sup>5</sup>. About 400 members attended the opening ceremony<sup>6</sup>. All the iniquitous old boroughs were revived—Camelford, Grampound, Tregony, Berealston, Hindon, Heytesbury and Old Sarum; Haslemere, with its 29 voters<sup>7</sup>, Castle Rising, with its 35<sup>8</sup>. Ludlow slipped in without taking the oath<sup>9</sup>. Others were not so squeamish.

Richard himself gave the signal for the storm by instructing Thurloe to introduce a bill to recognise his title<sup>10</sup>. This was, after much opposition, read a second time on the 7th February<sup>11</sup>, but the Government

<sup>1</sup> Thurloe, vii. 449.

<sup>2</sup> Whitelock, 676. *Cromwelliana*, 181.

<sup>3</sup> Thurloe, vii. 574, 597.

<sup>4</sup> *England's Confusion*, Somers Tracts, vi. 525.

<sup>5</sup> Cf. list in Domestic State Papers, *Interregnum*, Vol. cc. 66 (not printed).

<sup>6</sup> Burton, iii. 3.

<sup>7</sup> Burton, iii. 325.

<sup>8</sup> Burton, iii. 50.

<sup>9</sup> *Memoirs*, ii. 623.

<sup>10</sup> Bethell, *Narrative of the Late Parliament*. Somers Tracts, vi. 479, and *England's Confusion*, Somers Tracts, vi. 515.

<sup>11</sup> Journals. Whitelock, 677.

were at last obliged to be content with a simple resolution of recognition, to be afterwards qualified by restraining clauses<sup>1</sup>. Even this moderate success drove the Republicans to extreme methods. "All that could be done," says Ludlow, "was only to lengthen out their Debates and to hang on the Wheels of the Chariot, that they might not be able to drive so furiously<sup>2</sup>." It was the first instance of methodical obstruction, the obstruction which knows that it can do nothing else but obstruct. The House was wonderfully inconsistent in its action. It expelled several members, on the ground that they had acted against the Parliament<sup>3</sup>, though the only authorities for the expulsion were contained in documents which it refused to recognise. Then it discussed for a fortnight the question of the Scotch and Irish members<sup>4</sup>, and at length allowed them to sit in a purely temporary capacity, as members of the existing Parliament<sup>5</sup>. It disturbed the revenue by bringing in a bill to take away the Customs and Excise<sup>6</sup>, and only after great delay resolved to transact with the "other House<sup>7</sup>." It never reached the length of deciding upon the ceremonies to be used on such occasions<sup>8</sup>.

Meanwhile, the adversary was not idle. "Our enemies," said Mr Reynolds in the House on the 30th March, "are flocking to town, and take an

<sup>1</sup> Burton, III. 287.

<sup>2</sup> *Memoirs*, II. 624.

<sup>3</sup> Whitelock, 677.

<sup>4</sup> Burton, IV. 193, 195.

<sup>5</sup> Burton, IV. 219, 242.

<sup>6</sup> Whitelock, 677.

<sup>7</sup> Burton, IV. 293.

<sup>8</sup> Cf. Debates, April 5—7, in Burton, IV.

advantage of a Parliament sitting, to act all their plots<sup>1</sup>."

On the 6th of April the army resolved to interfere, *Action of the army.* to prevent the threatened disturbances. The chiefs presented to Richard a petition complaining of the encouragement afforded by the quarrels of the Parliament to the Royalist plotters, the want of pay, and the absence of decided policy<sup>2</sup>.

The Parliament met these proceedings by open defiance. On the 18th April they voted "that during the sitting of Parliament, there shall be no general council or meeting of the officers of the army, without the direction, leave, and authority of His Highness the Lord Protector and both Houses of Parliament<sup>3</sup>," and added a resolution that no officer should continue to hold his command unless he would sign an undertaking not to interrupt the meetings of Parliament<sup>4</sup>. *Defied by the Parliament.*

The resolution of the army was quickly taken. *The army persuades Richard to dissolve the Parliament.* At the opening of the Parliament there had been three parties among the officers—the Republicans, the Wallingford House party, headed by Fleetwood, Desborough, Sydenham and Berry, who had at first been supporters of Richard, but who had grown lukewarm as time went on, and Richard's own party, consisting of men whom his father had promoted, men such as Ingoldsby, Goffe, Whalley, Broghill, and Philip Jones<sup>5</sup>. On the defiance of the Parliament

<sup>1</sup> Burton, iv. 302.

<sup>2</sup> Whitelock, 678. Cf. copy of Petition in T. P. ix. 57.

<sup>3</sup> Burton, iv. 457.

<sup>4</sup> Burton, iv. 461.

<sup>5</sup> Ludlow, ii. 631.

the Wallingford House party joined the Republicans<sup>1</sup>, and waited on Richard in the month of April urging him to dissolve the Parliament<sup>2</sup>. To this persuasion Richard yielded, and the dissolution was proclaimed on the 22nd<sup>3</sup>. The Commons made some attempt at resistance, but were easily overpowered<sup>4</sup>. On the reappearance of the Rump, which soon followed, Richard retired with a pension<sup>5</sup>, and the Protectorate was over.

*Retire-  
ment of  
Richard.*

<sup>1</sup> Ludlow, II. 634.

<sup>2</sup> Ludlow, II. 642. Calendar, XII. 336. *Cromwelliana*, 183.

<sup>3</sup> *Cromwelliana*, 183.

<sup>4</sup> *England's Confusion*, Somers Tracts, VI. 519.

<sup>5</sup> *Cromwelliana*, 184. Whitelock, 680. Journals, May 25, 1659.

## CHAPTER IV.

### THE YEAR OF ANARCHY.

FROM April 22, 1659, when Richard's Parliament was dissolved, until April 25, 1660, when the Convention Parliament met, there was no accepted government in England. During this memorable year the political history of England is a confused mass of personal struggles for power, illuminated only by the steady persistence of the main body of the army in its great political ideas. All the petty jealousies and pedantic bickerings, which had been kept in check by the firm hand of Cromwell, reappeared like Furies let loose, and a tolerable existence can only have been possible in England on the hypothesis previously stated, that the great bulk of the nation had by this time become profoundly indifferent to the struggle. So long as the army held to the cause of the Revolution there was an insuperable barrier against the return of the Stuarts, but when it gave up the cause in despair there was nothing for it but a return to the *status quo*. It may seem hardly worth while to go into the details of the petty revolutions which filled up the period, but apart from the interest that

*The year*  
1659-60.

always attaches to the most minute facts, there is some special instruction to be gained by tracing the steps by which Charles, who at the beginning of 1659 was a vagabond on the face of the earth, became within sixteen months, and without striking a blow, undisputed monarch of the three kingdoms.

*The officers invite the Rump to return.*

On May 6, 1659, a committee of fifteen officers, including Fleetwood, Haselrig, Berry, and Cooper, presented to Lenthal, the old Speaker of the Rump, a declaration inviting the members expelled on April 20, 1653, to return to their seats<sup>1</sup>. After some demur Lenthal and 41 other members<sup>2</sup> complied, and on the following day issued letters to the rest of the Independent members of the Long Parliament, calling upon them to return<sup>3</sup>. The secluded Presbyterians claimed admittance, but without success<sup>4</sup>.

*The Committee of Safety.*

The first act of the recalled Parliament had been to appoint a Committee of Safety of seven persons, Fleetwood, Haselrig, Vane, Ludlow, Sydenham, Salway, and John Jones, four of whom were to be a quorum<sup>5</sup>. The committee was only appointed for eight days, but it went on sitting at least till May 19<sup>6</sup>, and in an informal way was in existence much later<sup>7</sup>. On the 9th, a rumour having arisen of an immediate invasion by Charles, four new members<sup>8</sup>,

<sup>1</sup> Whitelock, 678. *Declaration* in T. P., ix. 125.

<sup>2</sup> *England's Confusion*, Somers Tracts, vi. 520.

<sup>3</sup> Journals, May 7, 1659.

<sup>4</sup> Somers Tracts, vi. 522.

<sup>5</sup> Journals, May 7, 1659. Whitelock, 678.

<sup>6</sup> Journals, May 19, 1659.

<sup>7</sup> Journals, July 19, 1659.

<sup>8</sup> Journals, May 9, 1659.



Lambert, Desborough, Berry, and Scot, were added. The immediate business of the committee was the raising of money, the arrest and imprisonment of suspected persons, and the remodelling of the army<sup>1</sup>.

In pursuance of this last object the committee recommended the appointment of a governing commission of five officers<sup>2</sup>, and the House adopted the suggestion, selecting, however, seven names, those of

*The Commission of officers.*

Fleetwood, Lambert, Haselrig, Desborough, Berry, Vane, and Ludlow, on the 13th<sup>3</sup>. Between the dates of the recommendation of the committee and the appointment of the Commission, viz. on May 12, the officers of the army presented a petition in which their views were fully stated. The petition was signed, amongst others, by Fleetwood, Desborough, Berry, Barkstead, Robert Lilburne, and Hacker. The demands of the officers comprised—

*The views of the army.*

1. Liberty of person and property under a free-state, without a single person, kingship, or House of Peers.
2. Reform of the law-courts.
3. Indemnity for all engaged in political enterprises since the expulsion of the Rump.
4. Confirmation of laws made since that date, and not yet repealed.
5. Payment of public debts incurred since the same date.
6. Toleration for all who believe in the Trinity and the inspiration of the Scriptures, except Papists and prelatists.

<sup>1</sup> Calendar, XII. 343, 344, 375.

<sup>2</sup> Journals, May 11, 1659.

<sup>3</sup> Journals, May 13, 1659.

7. Maintenance of a "godly, faithfull, painfull, and Gospel-preaching Ministry."
8. Reformation of universities and schools.
9. Removal from office of all who had aided the Royalist cause or been open mockers of religion since May 20, 1642.
10. The placing of power in the hands of godly persons.
11. Provision for a succession of Parliaments.
12. Acknowledgment of Fleetwood as Commander-in-chief. (This was not an essential.)
13. Legislative power in the hands of a Representative House "and of a select Senate, co-ordinate in power, of able and faithfull persons eminent for godliness."
14. Executive power in a Council of State.
15. Payment of the debts of Oliver and his son, and a provision for the family<sup>1</sup>.

I have set out this petition at length because it seems to be of the first importance to realize the steady consistency of the army during the crises of the year. The points insisted upon in the petition represent almost exactly the views of Oliver himself as they are expressed in the Petition and Advice, with, of course, the exception of the "single person" clause, which was rendered necessary by Cromwell's death.

*The new  
Council of  
State.*

On May 13, the Parliament decided to replace the Committee of Safety by a Council of State, to

<sup>1</sup> Petition in full, T. P. IX. 96; Summary in Calendar, XII. 345.

consist of thirty-one members<sup>1</sup>, of whom twenty-one should be members of the House and the remainder outsiders<sup>2</sup>. The names of the Council include nearly all the well-known republicans, Bradshaw, Haselrig, Vane, Scot, and Harrington; of the moderate men, Fairfax and Whitelock; of the army chiefs, Fleetwood and Lambert<sup>3</sup>. A call of the House at this time produced seventy-seven answers<sup>4</sup>.

On the 17th, appeared an address from the army *The Scotch army.* in Scotland, practically agreeing with the views of the English army<sup>5</sup>, and it now almost seemed as if there was a prospect of settlement.

Unfortunately, in the general ferment of the political atmosphere, the element of suspicion began to shew itself. On May 18, Whitelock was accused of corresponding with Charles<sup>6</sup>, and in their jealousy the Parliament took precautions which could not fail to rouse indignation. On May 28, the House had the names of all the officers in six regiments, those of Fleetwood, Lambert, Ludlow, Lilburne, Berry, and Hacker<sup>7</sup>, reported to it, and went through them *seriatim* with a view to approving their fidelity. On June 1, a similar process was applied to the officers of several ships<sup>8</sup>. These invidious steps were followed on June 6, by a vote that all commissions should be signed by the Speaker<sup>9</sup>, in opposition to a proposal which had been introduced that they should be

<sup>1</sup> Whitelock, 679.

<sup>2</sup> Ludlow, II. 656.

<sup>3</sup> Whitelock, 679.

<sup>4</sup> Journals, May 14, 1659.

<sup>5</sup> Whitelock, 679.

<sup>6</sup> Whitelock, 680.

<sup>7</sup> Journals, May 28, 1659.

<sup>8</sup> Journals, June 1, 1659.

<sup>9</sup> Whitelock, 681.

signed by Fleetwood<sup>1</sup>. On the 7th, the form of commission was settled in the House; the essential part being a command to obey the Council of State or the Parliament *and* the superior officers, a clause fatal to military discipline<sup>2</sup>. These proceedings naturally gave rise to great discontent in the army, which was hardly allayed by a resolution arrived at to dissolve before May 7, 1660<sup>3</sup>.

*Conduct of  
the Par-  
liament.*

In other respects the Parliament shewed a fatal incapacity to appreciate facts. They treated the question of the Union with Scotland as still open<sup>4</sup>. They recalled Henry Cromwell from Ireland<sup>5</sup>, and restored the Parliamentary Commissioners, dismissing the Council which had done such good work<sup>6</sup>. On June 15, they set free some of Cromwell's prisoners<sup>7</sup>. These had never been very many, and were probably now the fewest consistent with safety. On July 31, 1654, there had been forty-five in the Tower<sup>8</sup>, but on September 1, following, Cromwell had set twenty-three at liberty<sup>9</sup>. In January, 1659, five months after his death, there were only twenty-five<sup>10</sup>, and these had since been reduced to eighteen<sup>11</sup>.

*Finance.*

The accounts from the finance committee were alarming. On May 20, they reported that there were arrears owing to the army and navy of nearly two millions<sup>12</sup>. On June 8, the committee presented

<sup>1</sup> Journals, June 6.

<sup>2</sup> Journals, June 7.

<sup>3</sup> Whitelock, 681. Journals, June 6, 1659.

<sup>4</sup> Whitelock, 680.

<sup>5</sup> *Cromwelliana*, p. 184.

<sup>6</sup> Ludlow, II. 665.

<sup>7</sup> Journals, June 15.

<sup>8</sup> Calendar, VI. 273.

<sup>9</sup> Calendar, 353, 354.

<sup>10</sup> Thurloe, VII. 598.

<sup>11</sup> Thurloe, VII. 622.

<sup>12</sup> Journals, May 20, 1659.

another report, shewing that two millions and a quarter would be required to meet the expense of the forces to December 1, and that the utmost to be expected from the Customs and Excise was a little over £700,000<sup>1</sup>. To meet these deficiencies the Parliament on June 18 voted the entirely inadequate assessment of £50,000 a month in the three kingdoms<sup>2</sup>, and weakly haggled with the farmers of the Excise, who were £200,000<sup>3</sup> in arrear, for an extension of time to settle their claims<sup>4</sup>.

As might have been anticipated, the friends of the exiled king were not slow to take advantage of these difficulties. A passage in Clarendon<sup>5</sup> testifies to the delight of the Royalists on the return of the Rump, and to the increased facilities of conspiracy on the withdrawal of the Protectoral system. A wide-spread scheme for an insurrection was set on foot<sup>6</sup>, and a part of it came to a head. Sir George Booth, a member of Richard's Parliament, appeared at the head of Royalist troops in Cheshire, and, though the rising was easily suppressed by Lambert, the incident shewed the disunion in the nation. Whitelock, himself a Presbyterian, expressly says that Booth was supported by the Presbyterian ministers, while the Independents offered to raise three regiments for the Parliament<sup>7</sup>. By the Treaty of the Pyrenees, which was completing about this time, the quarrel of Spain and France was being

*Activity  
of the  
Royalists.*

*Booth's  
rising.*

<sup>1</sup> Journals, June 8, 1659.

<sup>2</sup> Journals, June 18.

<sup>3</sup> Journals, May 20, 1659.

<sup>4</sup> Journals, July 4.

<sup>5</sup> *History*, III. 522.

<sup>6</sup> *History*, III. 525.

<sup>7</sup> Whitelock, 682.

compromised, and Charles confidently expected support from at least one of the contracting parties<sup>1</sup>.

In the face of these facts Parliament did make some attempt at energy. On August 24, a monthly assessment of £120,000 was proposed<sup>2</sup>, and on September 1<sup>3</sup>, the vote was carried for a sum of £100,000. On September 21, the House ordered the defaulting excise-farmers to be taken into custody<sup>4</sup>.

*Lambert.*

But the defeat of Booth had raised up a formidable rival to the Parliament. Lambert had long fancied himself to be a neglected man. He had been disappointed of the command in Ireland by the appointment of Fleetwood to the deputyship. He had been angered by the clause in the *Petition and Advice* which gave Cromwell leave to name his own successor. The command against Booth and its success emboldened him to seek revenge.

*Supported  
by the  
English  
army.*

On September 22, the officers of the "Northern Brigade," as Lambert's troops were called, presented a petition to the House, demanding arrears of pay, and claiming that Lambert should be appointed Major-General of the army<sup>5</sup>. On the following day the House met the petition by a resolution that no more general officers should be appointed<sup>6</sup>. The rest of the troops took up the cause, and on October 5 Desborough presented another petition<sup>7</sup>, signed by Lambert, and apparently approved also by Fleetwood<sup>8</sup>,

*Its  
demands.*

<sup>1</sup> Clarendon, III. 538.

<sup>2</sup> Journals.

<sup>3</sup> Journals.

<sup>4</sup> Journals.

<sup>5</sup> Whitelock, 684.

<sup>6</sup> Whitelock, 685. Journals, Sept. 23, 1659.

<sup>7</sup> Whitelock, 685. Journals, Oct. 5.

<sup>8</sup> Thurloe, VII. 755.

which contained the formal demands of the army. The petition claimed—

1. "Countenance" for the officers of the army, especially for those of the Northern brigade.
2. Punishment of maligners of the army.
3. Liberty for the army to petition the Parliament.
4. Payment of arrears.
5. Recognition and employment of those who had remained faithful during the insurrection.
6. Freedom from interference in discipline.
7. The appointment of officers with the approval of a "Committee of Nomination" chosen from the army.
8. Provision to prevent the expiry of Fleetwood's commission<sup>1</sup>.

On the following days the House considered these demands seriatim. To the first it gave a general assent; the second it refused; the third it allowed, with a caution; in answer to the fourth it voted two months' pay to the troops; to the fifth it gave a general assent. Here it stopped, and, suddenly veering round, passed a resolution depriving Lambert, Desborough, Berry, and Kelsey of their commissions, apparently for some correspondence with Colonel Okey<sup>2</sup>. The remainder of the petition it referred to a committee, and vested the government of the army in seven commissioners, Fleetwood, Monk, Ludlow, Haselrig, Walton, Morley, and Over-

*Their  
treatment  
by the  
Parliament.*

<sup>1</sup> Cf. the petition in T. P. XLVI.

<sup>2</sup> Whitelock, 686. Journals, Oct. 12, 1659.

ton<sup>1</sup>. This vote, according to Fleetwood's statement<sup>2</sup>, was assented to by only forty-two members.

*Dissolu-  
tion by  
Lambert.*

The next day Lambert forcibly dissolved the Parliament<sup>3</sup>, actual bloodshed being only just avoided<sup>4</sup>. Clarendon tells a story of Lambert's conduct, which, if it be true, shews that Lambert had an almost Cromwellian touch of decision and rapidity in him<sup>5</sup>, but his behaviour in a subsequent crisis, when he conspicuously failed in nerve, renders the account very improbable.

Thus ended the first episode of the year of anarchy.

*The  
Council of  
Officers.*

On the same day (October 13) the Council of State, apparently overcome by the force of circumstances, agreed to allow the council of officers to make a new constitution<sup>6</sup>. On the 17th, this Council appointed Fleetwood commander-in-chief and Lambert major-general in England and Scotland<sup>7</sup>, thus complying with the wishes of the Northern Brigade, but running the serious risk of offending Monk, whose appearance on the scene was now imminent.

*New Army  
Commis-  
sion.*

The Council placed the appointment of all other officers in the hands of a committee of six, comprising Fleetwood, Lambert, Vane, Desborough, Berry, and Ludlow<sup>8</sup>, and on October 18, drew up a formal manifesto, justifying the conduct of the army<sup>9</sup>, which

<sup>1</sup> Ludlow, II. 722, and Journals, Oct. 12.

<sup>2</sup> *Answer to the Humble Remonstrance of Col. Morley*, p. 11 (pub. Nov. 28, 1659. Camb. Lib. x. 28, 43).

<sup>3</sup> Whitelock, 686.

<sup>4</sup> Ludlow, II. 723—726.

<sup>5</sup> *History*, III. 543.

<sup>6</sup> Whitelock, 686.

<sup>7</sup> Whitelock, 686.

<sup>8</sup> Whitelock, 686. Ludlow, II. 714.

<sup>9</sup> Thurloe, VII. 765.



appeared on the 27th, a previous hasty piece to the like effect, entitled *The Armies Plea for their present Practice*, having also appeared<sup>1</sup>. The *Declaration of the 27th*<sup>2</sup>, which was dated from Wallingford House, Fleetwood's residence, charged Haselrig with a deliberate misrepresentation to the House of the actions of the Northern Brigade, and the House itself with a deliberate attempt to upset the whole of the Cromwellian settlement by rushing through a Bill to repeal all enactments made since the dissolution in 1653. No mention of this Bill appears on the Journals of the House, and, though this is by no means conclusive evidence, it is quite possible that the army may have been mistaken. But it is more than likely that Haselrig and the extreme Republicans by their conduct at the crisis seriously and unnecessarily irritated the army. Even Ludlow, a staunch friend of the Republican party, says at the time that Haselrig, "who took upon himself to be the principal Manager of affairs in Parliament, was a man of a disobliging carriage, sour and morose of Temper, liable to be transported with Passion, and to whom Liberality seemed to be a Vice<sup>3</sup>." But the patience of the army, notwithstanding their provocations, was strikingly shewn when on the 26th they appointed a Committee of Safety with all the powers of the recent Council of State<sup>4</sup>, for though the exact lists of the twenty-three names comprised in it differ in one important particular as well as in minor details in the two authorities who profess to record them<sup>5</sup>,

*The Armies Plea.*

*The Declaration.*

*The new Committee of Safety.*

<sup>1</sup> T. P. xvii. 931.

<sup>2</sup> T. P. xvii. 167.

<sup>3</sup> Ludlow, II. 718.

<sup>4</sup> Whitelock, 687.

<sup>5</sup> Whitelock, 687. Ludlow, II. 715.

*Attempts  
to frame a  
new Con-  
stitution.*

both agree that the Republicans, Vane, Salwey, Sydenham, Harrington, and Ludlow, were included, as well as the moderate men, Whitelock and Strickland. Ludlow, Salwey, and Vane at first declined to act<sup>1</sup>, but they must afterwards have relented, for we find that they form half of the sub-committee of six appointed on November 1<sup>2</sup>, to “consider of a Form of Government;” and on the 26th we find it recorded by a member of the sub-committee<sup>3</sup> that they “proceeded in preparing a *Form of Government*, wherein Vane was hard to be satisfied, but did much stick to his own apprehensions.”

*The  
Letter to  
a Friend.*

During this crisis there was no lack of advice from the philosophers. On October 20, Milton had written his *Letter to a Friend concerning the Raptures of the Commonwealth*<sup>4</sup>, in which he sadly reproaches the army with their expulsion of the Parliament, but evidently without any knowledge of the alleged proceedings of October 10, relative to the repeal of the Protectorate statutes. He urges the immediate appointment of a Council of State, “whereof as many to be of the Parliament, as are undoubtedly affected to these two Conditions proposed,” i.e. “Liberty of Conscience to all professing Scripture to be the Rule of their Faith and Worship; and the Abjuration of a Single person<sup>5</sup>.” (This advice was, as we have seen, practically followed in the appointment of the Committee of Safety.) Mutual confidence between this Council and the officers is to be secured

<sup>1</sup> Ludlow, II. 730.

<sup>2</sup> Whitelock, 687.

<sup>3</sup> Whitelock, 690.

<sup>4</sup> *Prose Works*, II. 779—781.

<sup>5</sup> *Letter to a Friend*, II. p. 780.

by a league to ensure the maintenance of all in their posts for life; and "That the Army be upheld," says Milton sadly, "the necessity of our Affairs and Factions will constrain long enough perhaps, to content the longest Liver in the Army." "If such a Union as this," he continues, "be not accepted on the Army's part, be confident there is a Single Person underneath<sup>1</sup>."

Milton's plan had at least the merit of possibility. The weakness of it was that it depended on the continuance of the agreement between the Republican and the military members of the Committee of Safety. But Prynne, who at this crisis began to bestir himself again, put out, on October 31, a rival plan which is too characteristic of Presbyterian pedantry to pass unnoticed. Prynne's plan, which was *Prynne*, contained in a pamphlet with a title unusually long, even for Prynne<sup>2</sup>, was that the peers should voluntarily assemble and issue writs for a Parliament "according to the former usage;" that the freeholders should likewise voluntarily choose their own sheriffs<sup>3</sup>

<sup>1</sup> *Letter to a Friend*, Prose Works. II. p. 780.

<sup>2</sup> See *A Short, Legal, Medicinal, Useful, Safe, Easy Prescription to recover our Kingdom, Church, Nation from their present dangerous, distractive, destructive Confusion; and worse than Bedlam Madness: seriously recommended to all English Freemen, who desire Peace, Safety, Liberty, and Settlement.* (Somers Tracts, VI. 533. Camb. Lib. x. 28, 42.)

<sup>3</sup> It is thoroughly characteristic of Prynne that he recommends the election of sheriffs, not on grounds of expediency, but as a matter of strict legality, quoting, as his authority, certain ancient charters and writs which, if not actually overridden by express statute, had been obsolete for centuries.

at the next county courts, and thereupon proceed to election of members. Against any of the officers or soldiers who should interfere with his scheme, Prynne brandishes the terrors of treason. He seems quite serious in believing that his plan is feasible.

*Monk.*

But it is now high time that we turn to another figure, whose appearance was so soon to exercise such a great influence on affairs. By general testimony<sup>1</sup> Monk's rule in Scotland had been a brilliant success. On the death of Cromwell he had found himself with a disciplined army in command of a tranquil and prospering country. He had accepted Richard's succession without apparent demur, but was observed to betray a jealousy of Lambert's subsequent rise in power<sup>2</sup>. Still, however, he remained inactive till the ferment occasioned by Lambert's suppression of the Parliament had subsided, when he was approached by Fleetwood and the Committee of Safety with a view to a junction of forces<sup>3</sup>. Fleetwood's letter was dated November 4<sup>4</sup>.

*Professes  
to treat  
with  
Fleetwood.*

Although it is probable that he never forgave Fleetwood for the appointment of Lambert as his superior officer in Scotland, Monk professed acquiescence, and sent commissioners to treat with Fleetwood's emissaries on the terms of an union<sup>5</sup>. Ludlow says<sup>6</sup> that this step was merely intended to delay matters till the expiration of the assessment in January brought affairs to a crisis; and Coke relates<sup>7</sup>

<sup>1</sup> Coke, *Detection*, 410. Burton, iv. 168. Clarendon, iii. 549, &c.

<sup>2</sup> *Detection*, 411.

<sup>3</sup> Whitelock, 688.

<sup>4</sup> Whitelock, 688.

<sup>5</sup> Whitelock, 689.

<sup>6</sup> *Memoirs*, ii. 750.

<sup>7</sup> *Detection*, 412.

that Monk was enraged when he discovered that his commissioners had actually made terms, which they very soon did. The terms provided for a committee of nineteen (nine officers and ten civilians), to settle the qualifications for members of a new Parliament, and a council, consisting of the superior officers in the army, fleet and garrisons, to frame a constitution.

Monk now saw that it was necessary to strike. He accordingly summoned a convention of two deputies for every shire and one from each borough in Scotland, with a view to securing the peace of his government during his absence<sup>1</sup>. The accounts of this convention vary. Whitelock<sup>2</sup> says that Monk's solicitations met with little response; but Coke, who seems better informed of Monk's movements, alleges<sup>3</sup> that the convention voted a subsidy of £30,000 and a force of 20,000 men.

At any rate Monk seems to have felt himself safe in leaving Scotland for a while, and, soon after, started southward on that mysterious march which held England spell-bound during the winter of 1659—1660. At first he had to encounter difficulties and desertions<sup>4</sup>, but gradually encouragements also appeared. The army in Dublin secretly tendered its allegiance to him<sup>5</sup>. At York he was warmly received by the city<sup>6</sup>, and by Fairfax, who, so Clarendon says<sup>7</sup>, was at this time in receipt of a commission

*Prepares to leave Scotland.*

*Begins his march.*

*Is supported by, The Irish Army. York. Fairfax.*

<sup>1</sup> Whitelock, 690.

<sup>2</sup> *Memorials*, 690.

<sup>3</sup> *Detection*, 413.

<sup>4</sup> *Detection*, 412.

<sup>5</sup> Ludlow, II. 781—806.

<sup>6</sup> *Detection*, 416.

<sup>7</sup> *History*, III. 554.

from the king, but did not venture to hint a restoration, even to Monk. Before he reached London Monk had received addresses of welcome from Devonshire<sup>1</sup>, Bedford and Norfolk<sup>2</sup>, Leicester<sup>3</sup>, Warwick<sup>4</sup>, Yorkshire<sup>5</sup>, Chester, Salop, Stafford<sup>6</sup>, and Oxfordshire<sup>7</sup>. The London apprentices, not an entirely unimportant body since the changes of fortune in Royalist families had sent youths of good birth to seek their fortune in trade<sup>8</sup>, also sent in a petition<sup>9</sup>.

*Disunion  
in the  
Committee  
of Safety.*

Meanwhile the Committee of Safety had fallen entirely to pieces. On December 13, the army had once more published resolutions reiterating their political demands<sup>10</sup>. There was no change in them. But the committee, composed of irreconcilable elements, was a bundle of jealousy and confusion. Whitelock ventured openly to propose the recall of Charles. Fleetwood consented, but was afterwards overborne by the Republicans<sup>11</sup>. Ludlow proposed the return of the Rump, but was also overruled<sup>12</sup>.

The situation was certainly very difficult. The assessment would expire in January, the Excise and Customs on December 31, and the committee possessed no machinery to raise money. Monk was marching steadily on London with his army. The Royalists were daily becoming bolder. There was

<sup>1</sup> Calendar, XIII. 330.

<sup>3</sup> Calendar, XIII. 335.

<sup>5</sup> Calendar, XIII. 356.

<sup>7</sup> Calendar, XIII. 361.

<sup>9</sup> Calendar, XIII. 344.

<sup>11</sup> Whitelock, 692.

<sup>2</sup> Calendar, XIII. 341.

<sup>4</sup> Calendar, XIII. 340.

<sup>6</sup> Calendar, XIII. 341.

<sup>8</sup> Clarendon, III. 483.

<sup>10</sup> Whitelock, 691.

<sup>12</sup> *Memoirs*, II. 756.

jealousy amongst the army chiefs. Two events only seemed to point to a decision of some kind. The fleet declared in favour of a return of the Rump<sup>1</sup>, and two of the extreme Republicans, Haselrig and Morley, were raising the nucleus of a Parliament army in Portsmouth<sup>2</sup>. These slight omens were accepted, and on December 26, by general consent the Rump was allowed to return<sup>3</sup>.

The policy of the Parliament was at first firm enough. They courted Monk, and displayed open hostility to the English army. On the day following their return they ordered the disbanding of all troops raised without authority of Parliament, except those commanded by Monk<sup>4</sup>. On December 31, they appointed a new Council of State of thirty-one, of whom only twenty-one were to be members of Parliament<sup>5</sup>. The names were chosen by ballot, and included those of Monk, Vice-Admiral Lawson, Cooper, and Fairfax, but not those of Fleetwood and the English officers<sup>6</sup>. The Parliament secluded Vane from the House<sup>7</sup>, expelled Sydenham, and sent Salwey to the Tower<sup>8</sup>, for acting on the Committee of Safety. Lambert, Desborough, Berry, and other officers were ordered to leave town<sup>9</sup>, and, on their delaying to retire, were threatened with imprisonment<sup>10</sup>. Articles of impeachment were exhibited against Ludlow, who had failed to secure Dublin for

*Final  
return of  
the Rump.*

*New  
Council of  
State.*

*The Par-  
liament  
courts  
Monk, and  
defies the  
English  
army.*

<sup>1</sup> Ludlow, II. 777.

<sup>3</sup> Whitelock, 692. Journals.

<sup>5</sup> Whitelock, 694.

<sup>7</sup> Whitelock, 694.

<sup>9</sup> Whitelock, 694.

<sup>2</sup> Ludlow, II. 763, 781.

<sup>4</sup> Journals, Dec. 27, 1659.

<sup>6</sup> Journals, Jan. 2, 1660.

<sup>8</sup> Journals, Jan. 17.

<sup>10</sup> Journals, Jan. 14.



the Parliament<sup>1</sup>. On January 6, Monk was formally invited to London<sup>2</sup>. On the 25th, he was met by Parliamentary Commissioners (Scot and Robinson) at Leicester<sup>3</sup>, and on February 6, he was obsequiously received by the House<sup>4</sup>.

But the arrival of Monk had not cleared away difficulties. Apparently the House had by this time realized the necessity of conciliating the main body of the army, for, in curious contrast with their treatment of the officers, they had on January 23 published a Declaration of Policy, in which nearly all the principal claims of the army were recognised<sup>5</sup>. They had made some progress towards a settlement, by resolving that a new Parliament should be called under the distribution scheme of 1653<sup>6</sup>, with the substitution of the old forty-shilling franchise for the household suffrage<sup>7</sup>. They had continued the Customs and Excise for three months<sup>8</sup>.

*Finance.*

There was in fact need for prompt action of some kind. The finance committee on February 2 reported<sup>9</sup> that the revenue from October 12 to Dec. 27 (not including the assessment) had been less than £115,000, or just half its proper amount. At this crisis, the City of London, the mainstay of the House in former troubles, shewed signs of revolt. Coke says that the Common Council had formally resolved to pay no more taxes until a free Parliament was

*The city  
shews  
itself  
hostile to  
the Par-  
liament.*

<sup>1</sup> Whitelock, 694.

<sup>3</sup> Whitelock, 695.

<sup>5</sup> Camb. Lib. x. 28, 42.

<sup>7</sup> Journals, Feb. 8.

<sup>9</sup> Journals.

<sup>2</sup> Calendar, XIII. 303.

<sup>4</sup> Whitelock, 696.

<sup>6</sup> Journals, Feb. 4, 1660.

<sup>8</sup> Journals, Dec. 27, 1659.



elected<sup>1</sup>. At any rate the House and the City became enemies, and the former took a very high-handed course. They ordered Monk to dismantle the walls of London and break down the gates<sup>2</sup>, and passed a resolution to alter the constitution of the City<sup>3</sup>.

*The Parliament orders Monk to dismantle the walls.*

With some hesitation Monk obeyed the order, but, on venturing to suggest a milder course for the future, he was sharply reprimanded by the House<sup>4</sup>. This foolish step was followed by another not calculated to conciliate the popular general. On February 11, Parliament passed an Act appointing commissioners for the government of the army<sup>5</sup>. Although his name was included in the five proposed as commissioners under the Act<sup>6</sup>, Monk disapproved of the policy of the measure<sup>7</sup>; and it is evident that the former ardour of the House on his behalf was cooled, for a proposal to make him an essential member of the quorum was rejected<sup>8</sup>, and it is probable that in any case he was disappointed at not receiving the sole command. On January 12, he offered his friendship to the City, and was received with enthusiasm<sup>9</sup>.

*He obeys, but counsels moderation.*

*He abandons the Parliament.*

And now the cry for a "free Parliament," which had been rising in England in the wake of Monk's army, could no longer be disregarded. The ever-active Prynne opened a tremendous battery of con-

*"A free Parliament."*

<sup>1</sup> *Detection*, 418.

<sup>2</sup> *Whitelock*, 697.

<sup>3</sup> *Whitelock*, 697.

<sup>4</sup> *Ludlow*, II. 826.

<sup>5</sup> *Whitelock*, 697.

<sup>6</sup> *Journals*, Feb. 11, 1660.

<sup>7</sup> *Whitelock*, 695 (ed. 1732).

<sup>8</sup> *Journals*, Feb. 11, 1660.

<sup>9</sup> *Whitelock*, 697. *Ludlow*, II. 827.

*Prynne.*      stitutional eloquence against the sitting House. In his *Case of the old Secured, Secluded and now Excluded Members, Briefly and truly Stated*<sup>1</sup>, his *Brief Necessary Vindication of the Old and New Secluded Members*<sup>2</sup> and his *Conscientious, Serious, Theological, and Legal Quæres propounded to the twice-dissipated, self-created Anti-Parliamentary Westminster Junctio*<sup>3</sup>, he reviewed with bitter sarcasm the history of the Rump, pointed out the absurdity of its claims to be regarded as a constitutional body, and urged the recall of the 203 survivors of the excluded members. This time he did not appeal in vain. Parliament offered heavy bribes<sup>4</sup>, but Monk was persuaded to join the plan<sup>5</sup>, and on February 21, the long-banished members, "the first whereof was W. Prynne, tied to a great Basket-Hilted Sword<sup>6</sup>," returned to the House. In a speech made upon this occasion<sup>7</sup> Monk recommended the establishment of a Commonwealth, without kingship or a House of Lords, a "moderate, not rigid, Presbyterian government, with a sufficient liberty for consciences truly tender," and the appointment of a Council of State to settle the governments of Scotland and Ireland, and to summon a new Parliament on the distribution of 1654. How far this advice was genuine, it is difficult to say. Monk was never troubled with consistency.

The House acted upon this advice. The mem-

*Return of the secluded members.*

*Monk's proposals for a settlement.*

*Acted on by the House.*

<sup>1</sup> T. P., VII. 511.

<sup>2</sup> T. P., VII. 519.

<sup>3</sup> T. P., 583.

<sup>4</sup> Journals, Feb. 15, 1660.

<sup>5</sup> Whitelock, 698. There was also a petition from the Irish officers in favour of the plan. (Thurloe, VII. 817.)

<sup>6</sup> *Detection*, 419.

<sup>7</sup> Somers Tracts, VI. 550.

bers of the Rump had withdrawn in disgust<sup>1</sup>, and, after the inevitable little revenge with regard to the resolutions of December, 1648<sup>2</sup>, it passed a vote for the meeting of a new Parliament on April 25<sup>3</sup>, and chose a Council of State, which comprised Monk, Fairfax, Cooper, Denzil Holles, William Waller, Maynard, and St John, but none of the Republican names of note<sup>4</sup>. On March 2, it accepted the Confession of Faith of the old Assembly of Divines, with the exception of Articles 30 and 31<sup>5</sup>, and on March 14, passed an Act establishing a scheme of Presbyterian church government<sup>6</sup>. The Covenant was ordered to be republished<sup>7</sup>. On February 21, Monk was made Captain-General and Commander-in-chief, and the army commission vacated<sup>8</sup>. On March 5, Monk was also given the joint command of the fleet with Montagu<sup>9</sup>. On March 16, the Parliament dissolved itself<sup>10</sup>, and on the following days writs for a new Parliament, in the names of "The Keepers of the Liberties of the Commonwealth of England<sup>11</sup>," were issued on the old basis of representation.

Did the Parliament really desire a Restoration? It seems not unlikely. The aim of the Presbyterians had always been, in theory at least, the maintenance of the ancient lay constitution, and the recent republication of the Covenant seems to shew that

<sup>1</sup> *Detection*, 419. Ludlow, II, 864.

<sup>2</sup> Journals, Feb. 21, 1660.

<sup>4</sup> Journals, Feb. 22, 1660.

<sup>6</sup> Journals.

<sup>8</sup> Journals, March 21, 1660.

<sup>10</sup> Journals, March 2.

<sup>3</sup> Whitelock, 698.

<sup>5</sup> Whitelock, 699.

<sup>7</sup> Journals, March 5, 1660.

<sup>9</sup> Journals, March 2.

<sup>11</sup> *Detection*, 421.

these views were unchanged. A speech is preserved in the Somers Tracts<sup>1</sup>, which, if it was really delivered after the return of the secluded members, shews that the House would allow Royalism to be openly advocated. The House set free Sir George Booth on bail<sup>2</sup>, and released Lord Craven's estate.<sup>3</sup> It placed the whole power of the army and navy in the hands of a man whom it could not believe to be ardently opposed to the Stuarts<sup>4</sup>.

Charles's policy was now very straightforward. He had only to win Monk (Montagu was already won), and the game was his own.

*The  
Royalist  
policy.*

The account of the negotiations given in Clarendon<sup>5</sup> shews that Monk was a complete time-server. He probably foresaw the result of the elections, but he declined to commit himself until the facts were beyond dispute. Then he made terms, and the Restoration was accomplished. But the country really committed suicide. Had the elections been unfavourable to the Royalists, Monk would have declined to risk a hair for the king; in any event except the very improbable one of an Independent majority, he stood to win. A Presbyterian House would very likely have offered him the Protectorship.

*Elections  
favourable  
to Charles.*

But there was no chance of such an event. The army holding disdainfully aloof, the Cavaliers in the

<sup>1</sup> vi. 553.

<sup>2</sup> Journals, Feb. 22, 1660.

<sup>3</sup> Journals, March 15.

<sup>4</sup> See also a pamphlet entitled *A Discourse for a King and Parliament* (T. P. v. 147), published about this time.

<sup>5</sup> *History*, iii. 573—574.

counties and the middle-classes in the towns, the one from zeal, the other from sheer weariness of political conflict, exerted themselves to return Royalist candidates. The writs excluded those who had served under the late king<sup>1</sup>, but the exclusion was disregarded. Lambert, who at a critical moment escaped from the Tower, was captured by Monk's officer<sup>2</sup>, failing at the last in personal courage. Milton made one more effort to save the Commonwealth<sup>3</sup>. But Fairfax threw his weight into the scale, and it only remained for the Parliament to vote the formalities.

*Milton.*

*Fairfax.*

These were very few. On April 25, the two Houses met. The Lords at first were only ten<sup>4</sup>, with one exception old peers. But they rapidly increased, till on the 27th they numbered 44<sup>5</sup>. On May 1, Monk announced the arrival of letters from the king, containing the well-known terms<sup>6</sup>. Only Monk's army was recognised in the Declaration. The Presbyterian ministers made some attempt to secure a promise of conformity to their views<sup>7</sup>, but without success. The leading Cavaliers issued a declaration disavowing revenge<sup>8</sup>, and the Parliament proclaimed the king, without terms<sup>9</sup>. The English army, deserted by its officers, made no sign, and silently disbanded.

*The Restoration.*

<sup>1</sup> Ludlow, II. 860.

<sup>2</sup> Whitelock, 701.

<sup>3</sup> *The Ready and Easy Way to Establish a Commonwealth*, Prose Works, II. 783.

<sup>4</sup> Lords' Journals, April 25, 1660.

<sup>5</sup> Lords' Journals, April 27.

<sup>6</sup> Journals, May 1, 1660.

<sup>7</sup> Clarendon, III. 601.

<sup>8</sup> Clarendon, III. 587.

<sup>9</sup> Journals, May 7.

It is impossible not to feel a deep sympathy with it. Upon its shoulders had fallen the burden and heat of the day. Amid countless temptations it had preserved a self-restraint and constancy of purpose unparalleled in military annals. Had it chosen to resist, there was nothing to oppose it. But it felt that its work was done, and its members, with honourable dignity, silently withdrew.

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