

Thesis presented

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DURING THE PROSECUTIONS OF OLIVER AND RICHARD GROWELL.

for the M.A. Degree.

April 1929.

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C O N T E N T S .

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The introduction of a second chamber after a period of government by a single House, may be regarded as an interesting political experiment. There was a considerable body of opinion, even among those who had supported the abolition of

the House of Lords in 1549, to the effect that some kind of second House was necessary. Many, however, did not wish to restore an hereditary House; while, on the other hand, Cromwell and his supporters felt strongly the need for

INTRODUCTION.

The Upper House of 1658-9 was a short-lived experiment. It sat for only a fortnight in Oliver Cromwell's lifetime, and never met again after the dissolution of Richard Cromwell's Parliament, in April 1659.

The setting up of a second House was one of the provisions offered by Parliament to Cromwell in the Humble Petition and Advice. This petition was passed by a House favourable to the Protector and anxious for a settled constitution. When the two Houses met, the composition of the Commons had altered, and they refused to recognise a second House as part of the constitution. Under Richard Cromwell the Other House at length obtained recognition, after it had been sitting for two months. Not once did the two Houses act together, owing to the refractory attitude of the Commons, who realised when it was too late that the collaboration of the Upper House might have helped them to crush the Army party, and to prevent the collapse of Richard Cromwell's government.

The introduction of a second chamber after a period of government by a single House, may be regarded as an interesting political experiment. There was a considerable body of opinion, even among those who had supported the abolition of

the House of Lords in 1649, to the effect that some kind of second House was necessary. Many, however, did not wish to restore an hereditary Upper House; while, on the other hand, Cromwell and his supporters felt strongly the need for some power to act as a balance in the constitution, and believed that only a body similar in nature to the old House of Lords could fulfil this function. Various suggestions were put forward; the Republicans desired a select senate of the best men — "optimates" — in the Roman fashion; naturally largely chosen from their own number. Others proposed a second House possessing a "balance of property", to provide the necessary element of stability.

The second House actually established was not intended to be hereditary, but was composed of those of the Parliamentary party whom Cromwell judged most suitable; representatives of the Army and Navy, members for Scotland, Ireland and Wales, the great Officers of State, London Aldermen, and a large proportion of country gentlemen. Unfortunately the position of the new House was not made clear. The Petition and Advice, produced by a mutilated Parliament, was an unsatisfactory document which gave rise to much controversy. It was never read a third time, was drawn up in parts and passed in parts, and various provisions were added later, known as the "Humble Explanatory and Additional Petition and Advice", which was then. This put the old Lords in a very difficult position.

hurried through the House just before the dissolution. Indeed, from what little contemporary evidence we have, it seems likely that the second House was thrown in as an additional inducement to Cromwell to accept the Crown, and that its future position was very little considered. No doubt it was thought that if Cromwell became king, the other House would fall naturally into the place of the old House of Lords. This is substantiated by the fact that the Commons carefully defined the judicial privileges of the second House, which had been matters of controversy between themselves and the Lords.

When Cromwell refused the Crown, the Other House was left in an anomalous position. It might, with some justification, have been regarded as a "select senate"; but when it met it tried to regard itself as a successor of the House of Lords, deliberately copying the old procedure, and attempting to claim the same powers. Cromwell himself seems to have accepted this view; but there was a most important objection. If the House of Lords was to be revived, the old Lords, or at least, those who had been faithful to Parliament, had a right to sit; and if they were willing to take their places, difficulties would at once arise as to the hereditary dignity of the old Lords, and the life tenure of the new creations.

The Commons assumed that the new House was not a House of Lords, nor even a House of Parliament, until recognised by them. This put the old Lords in a very difficult position.

If they were not a House of Lords, was a new procedure to be evolved, and, more important still, a new relationship to the Commons? To the Republicans and Fifth Monarchy men the Other House was merely a creature of the Protector, to be used by him to thwart the Commons. The revenue which had been settled by the Petition and Advice could not be altered without the consent of the Protector and both Houses; the members of the Other House had the Army and Navy in their hands, and were appointed by the Protector, and therefore dependent on his favour for their position. Certainly, if the project succeeded, the Upper House would be a far more important factor in politics than it had been before. Cromwell chose the best men of his party; shrewd lawyers such as Glyn and Whitelocke; travelled and cultured men like Broghill, Lockhart and Fiennes; thinkers like Pierpoint and St. John, whose ability was recognised by all parties. The Republicans were afraid that if such men controlled the Upper House it would not be content to follow the dictation of the Commons. It was speedily perceived by Cromwell's enemies that he was forging an instrument even more dangerous to Republican principles than the old House of Lords.

The Other House played an important part in the affairs of Richard Cromwell. Richard accepted a second House as part of the constitution, and did his best to induce the Commons, now elected freely by the old method, to recognise it. The

Commons, in disregard of their own interests, as it proved, never really accepted by the Commons, and unable to do more utterly refused to accept the Other House, and in spite of the intrigues of the Army leaders, listened to long speeches by the Republican leaders, when what was wanted was a firm basis of support for Richard's government. The Army officers in the Other House were now beginning to look upon the second House — in which they were well represented — as a stronghold for resistance to the fast-increasing Royalist sympathy in the Commons and the country. It was rumoured that Desborough had offered to help Richard govern through the Other House without the help of the Commons. The "select senate" which the Army proposed in 1659 was very much the same thing as the Other House, and showed that the Army leaders recognised the need for some body in which they might predominate, if their views were to prevail. The Other House might have served this purpose, if they had not so hastily destroyed it.

The history and proceedings of the Other House are little mentioned in the chronicles of the time, save in derision. Royalist historians, writing after the Restoration, bitterly scorned it; Republicans, like Ludlow, objected to it because they thought it would bring back the Monarchy. It remains one of the curiosities of English constitutional history, the creation of a written instrument, but ill-defined,

never really accepted by the Commons, and unable to do more than become entangled in the controversies which its anomalous and precarious position involved.

Chapter I.

EARLY OPINIONS OF AN UPPER HOUSE.

The English constitution had grown as circumstances dictated, and the problem of the nature and whereabouts of sovereignty in its modern form only gradually emerged as controversies on the respective rights of King and Parliament developed in the seventeenth century. The character of the underlying issue was very inadequately realized at first. In actual fact government was royal, and the Crown undoubtedly possessed many of the attributes of sovereignty. It was natural, especially with the record of the Tudor government, to regard the King as sovereign. On the other hand, Parliament was the legislature and had the power of taxation; it was beginning to claim that its legislative and taxative powers were not only complete but exclusive, while it was increasingly led to put forward claims to check and control the executive. Though this was not often consciously expressed, or indeed realized, the situation was tending more and more to involve the questions as to where

sovereignty lay, as to how far sovereignty was absolute, and, necessarily therefore, as to the relations between the legislature and executive. The subject was not expressed in terms of abstract rights, but in particular cases. The status of Parliament

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sovereignty lay, as to how far sovereignty was absolute, and, necessarily therefore, as to the true relations between the legislature and executive. The quarrel was not expressed in terms of abstract rights, but in particular claims. The claims of Parliament led only to frequent deadlocks, and in consequence of a final deadlock in which Parliament came nearer than ever before to claiming complete sovereignty, civil war resulted. This led to the breakdown of all the machinery of government, and with the events of war and the execution of the King, the victorious party was faced with the same problem in a more acute and embarrassing form. There was ^a the very practical need for some working solution by which the country could be governed, and that involved the creation of a competent executive. Political theorising was rife; many experiments were tried, and more suggested. The particular circumstances in which the experiments were tried added greatly to the difficulties, and did much to prevent their success. The Parliament which remained from 1649-53 was in no way representative; but a free election would have restored the old system.

The Army was a serious impediment to any solution; its success and discipline had won the war for Parliament, and it alone kept the Commons in power; though it was equally capable of removing them, for it was profoundly scornful of sincerely desired the collaboration of Parliament in his work.

the claims of the remnant of the House to represent the nation. The victory of Parliament had seemed at first to establish the supremacy of the Commons. The legislature and executive were virtually combined, for the Commons governed through Committees of the House. This position, however, could not last in the circumstances, and it still left the problem of the executive unsolved. It seemed that no solution could be reached until the Army were removed, but on the other hand, if the Army should be removed, the old régime would return. The experiments of the Commonwealth period contributed nothing to the ultimate solution of the constitutional problem, except to make clear the seriousness of the difficulty. The vital fact of successful rebellion was all that remained, but this was enough to ensure that no solution which ignored Parliament would be possible.

The problem of those in whose hands the executive lay had been to secure a government which could govern. Strafford had viewed with contempt the pretensions of the Commons; what was needed was a competent executive. To him a representative assembly was no proper critic or judge of administrative problems; it could only hamper the government, not collaborate with it and still more not control it. Circumstances drove Cromwell to a somewhat similar conclusion, though his point of view was not entirely that of the administrator, and he sincerely desired the collaboration of Parliament in his work.

He grew bitterly impatient with the Rump, for while it sat and talked, the country might be ruined. He was finally driven to dissolve what he felt was a sham Parliament, and the constitutional problem became more acute than ever.

The first serious attempt to solve the problem was a written constitution, the Instrument of Government. This attempted to set up a constitution in which the executive and legislative functions should be separated, each having its due part in the government. The arbitrariness of the Commons was to be balanced by the veto of the Protector. This constitution failed; nothing like it had ever been tried before, and it could not be made workable. The Commons asserted their power, and Cromwell asserted his veto. A written constitution was not enough to solve the difficulty. The situation was such that a working government was absolutely necessary. The Instrument of Government ^{had been} drawn up by a group of officers, who were growing jealous of Cromwell's power, and did not wish to see him ruling independently of their support. The country was held down by the Army, and the hated Major-Generals; royalist feeling increased day by day. The government existed from hand to mouth, surrounded by difficulties at home and abroad. The constitution was never stable, and no one knew what was going to happen from one day to another.

See MSS. ed. Warner, *Commonwealth*, III, 73-9.
Whitely to Nicholas, 2/18 Oct., 1655.

Moderate men began to feel that something must be done to alter this situation. It was suggested that the old constitution might be restored, with Cromwell as King. The restoration of the House of Lords, about which so much opprobrious language had been used, would, however, have stirred up a hornet's nest. Nevertheless the uni-cameral legislature of recent years had proved very unsatisfactory. Many of Cromwell's supporters, who hated the idea of setting up the old Lords, were now converted to the view that a second chamber of some kind was necessary. It was thought that from the point of view of practical policy, it might be a good thing to add others than the old Lords to the second House. Various schemes seem to have been in the air for some time previously. In 1655 a correspondent of Secretary Nicholas wrote to say that a Parliament was to be summoned "to consist of Lords and Commons; ye Lords to be composed of such of ye old complying nobility as will humble ^uyourselfes to this way, and of ye severall governors of counties, which are ye principall men of ye army"¹. There is a curious parallel between the ideas which produced Barebone's Parliament, and those from which the other House resulted. A newsletter of 1653 says, "The management of the government is now resolved to be by a Sanhedrim of 70

1. Nicholas MSS. ed. Warner, Camden Soc. III, 78-9. Whitley to Nicholas, 8/18 Oct., 1655.

2. Clarke MSS. Camden Soc. ed. Fifth, III, 4.

3. Carlyle Letters and Speeches of Oliver Cromwell, ed. Lodge, III, 343.

of the best men that can be thought of in England"¹. By the Petition and Advice, between forty and seventy was to be the number of the Other House. In 1653 "Noe professed lawyer is to be of the number". There was later much grumbling about the lawyers in the Other House. "Nor," the newsletter continues, "must any member of this optimacy [i.e., of the 'Sanhedrim'] hold any beneficial office of the Commonwealth." This was a matter of controversy in the Commons, while Cromwell's Lords were sitting. "If any of the army bee chosen, wee heare they must lay downe their commissions", it was laid down in the earlier scheme; this was a wise precaution, which shows that it was far more carefully thought-out than the scheme for the Other House. In 1653, "Four Scotchmen are to bee of the aforesaid number to represent their nation"². The earlier scheme is near enough to that of the Other House to show that the latter was not the bolt from the blue that it appears in the chronicles of the time.

Cromwell had never been averse to monarchic government on principle; he declared that he was not "wedded and glued"³ to any particular form of government, and he let it be known that he was anxious for a constitution which might lead to a settlement of his difficulties. His attitude was

1. This was Harrison's idea. See Ludlow's Memoirs, ed. Firth, I, 358.

2. Clarke MSS. Camden Soc. ed. Firth, III, 4.

3. Carlyle Letters and Speeches of Oliver Cromwell, ed. Lomas, III, 362.

attacked by his enemies; as early as 1647 Wildman had said of him, "O my once much honoured Cromwell, can that breast of yours, which was the quondam royall pallace of principles of fredome and justice ... harbour such a monster of wickedness as this regall principle?"^{1.} At the debates of the Council of Officers in 1647, Cromwell had rebuked those who thought that there could be no peace or safety while the King and Lords had any influence in the government. This was regarded as inconsistency, for all remembered Cromwell's quarrel with Manchester, and the remarks attributed to him on this occasion. "Is this that Cromwell who professed to Manchester's face, that England would never flourish, untill he was onely Mr. Montague, nor the publicke affaires be managed successfully, whilst a House of Peers are extant,"^{2.} cried Wildman. Nevertheless, it became clear in the 1647 debates that Cromwell and Ireton wished to keep the House of Lords as a consultative body. They thought it might be used with advantage, since the country was accustomed to it. Cromwell had no prejudice against the nobility, and did not share the hostility of the levellers to the Lords as a class. He had all the country squire's respect for the gentry, and the inborn English reverence for good birth. "A nobleman, a gentleman, a yeoman, that is a good interest of the nation,

1. Wildman, Putney Projects. T. Tracts E.421, p. 37. See also Manchester's Quarrel with Cromwell, ed. Masson, Camden Soc. Introd. lxxv, Holles's Memoirs, ed. Maseres, I, 32.

2. Wildman, Putney Projects, p. 42.

and a great one", was his sane comment in connection with the fantastic schemes of the levellers.^{1.} Although for war he preferred "a plain russet coated captain, that knows what he fights for, and loves what he knows", to a swaggering cavalier "a gentleman and nothing else", he said sincerely, "I honour a gentleman that is so indeed".^{2.} He himself had friends among the nobility, whom he respected, and admired; and he was certainly anxious for the co-operation of men of culture and experience in his work.

Parliaments consisting of a single House had not proved workable. Could something be done with a Parliament otherwise constituted? Really, of course, the root of the trouble lay in the anomalous position of both Cromwell and his Parliaments. To Cromwell himself, the rule of the Saints was not an unattractive vision. "I have prayed and waited for the day to see union and right understanding between the good people", he wrote to his friend Hammond;^{3.} yet as he became more closely aware of the needs and responsibilities of government, of the threads by which it was bound to the life of the nation, he realised that the reformation he had long desired, "to deliver this nation from oppression and slavery, to accomplish that worke that

1. See Firth in Macmillan's Magazine, "Cromwell and the House of Lords", V. 71, p. 151.

2. Carl. Cr. ed. Lomas, I, 154, Aug. 1643.

3. Ibid., III, 390.

God hath carried us on in, to establish our hopes of an end of justice and righteousness"¹, could only be accomplished within narrowest limits. His position depended upon the Army, and the country hated the dominion of the sword; if he called a free Parliament, it would deprive the Army of their power, but it would also deprive him. He clung to power, believing himself called by God to accomplish the salvation of the people, and hoping that he might yet find some compromise to reconcile the country to his aims. Two years after the abolition of the House of Lords, he called a meeting, "with divers members of parliament, and some chief officers of the army", in order "to consider whether a republic, or a mixed monarchical government will be best to be settled; and if anything monarchical, then in whom that power shall be placed". He explained that it was his opinion, "if it may be done with safety, and the preservation of our rights both as Englishmen and Christians, that a settlement of somewhat with a monarchical power in it, would be very effectual"². He hoped that monarchical element in the constitution would check the power of the Army, and he knew that unless he found some intermediary between himself and the Commons, he would never be able to make his government a success.

1. Clarke MSS, I, 379.

2. Whitelock, Memorials, ed. Oxford, 1853, III, 372-3-4.

created

The difficult situation/by the trial of Naylor in December 1656, confirmed Cromwell in his desire to find a "tertius arbiter". He explained his attitude with great earnestness and vigour to the officers of the Army in March 1657, when they came to him to express their dissatisfaction with the Petition and Advice. "It is time to come to a settlement," he declared, "and lay aside arbitrary proceedings, so unacceptable to the nation. And by the proceedings of this Parliament you see they stand in need of a check or balancing power ... for the case of James Naylor might happen to be your own case. By their judicial power they fall upon life and member, and does the Instrument enable me to control it?" He told them angrily, "I am sworne to make good all you doe right or wrong", and accused them of meddling with the government. "You are offended at a House of Lords," he went on heatedly, "I tell you y^t unless you have some such thing as a balance you can not be safe, but either you will grow upon ye Civill liberties by secluding such as are elected to sit in P^t.... or they will grow upon yr liberty in Religion.^{1.}"

It is not known to whom was due the idea of including a second House in the constitution. Contemporary letters

1. Lansd. MS. 321.f.314. Morgan to H. Cromwell, 3 March 1657. Another account of the same interview says, "hee ... thought it convenient that a check should bee put upon the unlimited power of this Parliament ... for that by the same law and reason they punished Naylor they might punish an Independent or Anabaptist, whereby the interest of the godly people ... could not bee secure, as the government is now establish't". Clarke MSS, III, 92.

and memoirs are very vague on the subject of the authorship of the Petition and Advice. Packe, by whom it was introduced so suddenly on February 23, indiscreetly confessed, "to one sate by him" (he was a very talkative man) "y^t he had never read it"¹. Sydenham, one of the most active of the Army party, at once moved that a Committee should be appointed to find out the contrivers of the remonstrance; which shows that the names of the authors had been kept secret. Packe's statement is to some extent borne out by Whitelocke, who knew something about the document before it came into the House. "I declined the first delivery of the Petition and Advice to the Parliament, not liking several things in it; but Sir Christopher Packe, to gain honour, presented it first to the House, and then the Lord Broghill, Glyn, and others, put it forward."² No doubt Whitelocke's advice was asked, as an able lawyer and as a man who would probably be favourable to a more settled constitution.

St. John, to whom Cromwell was said to have appealed to draw up a constitution in 1653, seems to have had nothing to do with the production of the Petition and Advice, though contemporaries accused him of having a hand in it. Thurloe, once St. John's secretary, declared, "Nor was he, (to my

1. Lansd. MS. 871 f.294. Morgan to H. Cromwell, 24 Feb., 1657.

2. Whitelocke IV, 289.

knowledge,) advised with in the Petition and Advice"^{1.} This seems quite likely, as St. John had withdrawn from public affairs, and was occupying himself with his judicial business. He did not take part in the Conferences concerning the Kingship later on, and he never sat in the Other House. Probably he objected to the Petition and Advice as a compromise, since he seems to have believed in government by King, Lords and Commons.^{2.}

Thurloe, Cromwell's secretary, may have known something of the business; he often acted as an intermediary between Cromwell and his friends. Indeed, a Royalist agent reported that "the design is revived by Thurloe, as Wildman tells Sexby, of making Cromwell King"^{3.} Baillie, who was in London at the time, says that it was "laid by a few of the Protector's fastest friends, not above five"^{4.} Major Packe, speaking in Parliament in 1659, declared that "A gentleman came with a paper in his hand he found it I know not where. I saw it before that gentleman found it". This indicates that a number of people had seen the petition before it was produced, and were probably asked to support it in the House. "It was brought in irregularly against the orders of the House, to alter the government, by a

1. Thurloe VII, 914, Papers, ed. Birch, VII, 914.

2. See art. St. John, D.N.B.

3. Cal. Clarendon S. P. III, 247.

4. Baillie's Letters, ed. Laing, Bannantyne Club, III, 558.

gentleman that found it on the way as he came from Lord ^{1.} —."

This can only mean Lord Broghill, who, it seems was the principal mover. Ludlow says that Broghill and Glyn were the chief promoters of the bill.^{2.}

The Petition and Advice ~~is~~ as much favoured by the lawyers, whose hatred of the Army might be an additional inducement to them to support a new civil constitution. Indeed, it may be that the project of a new second chamber was a deliberate attempt to set up a constitutional bulwark against sudden revolutions engineered by the Army. Sir Philip Warwick thought that the Petition and Advice was "an arrow pulled from the quiver of Sir Thomas Widdrington, though it was headed by Cromwell's own ambition; for Widdrington was a good lawyer, but naturally a cautious and timorous man, and he well knew how great security the ancient laws in being gave unto all actors that moved under or with a crowned head"^{3.}

Another factor seems to have been concerned in forwarding the scheme. From the despatches of Bordeaux, the French ambassador,^{4.} and from Burnet ^{5.} (writing a good deal later), it appears that the wishes of the City had a good

1. Goddard MS. B.M., p. 149, 8 Feb. 1659. Burton Diary, ed. T. Rutt, IV, 216.

2. Ludlow Memoirs, ed. Firth, II, 22.

3. Warwick Memoirs, ed. 1913, p. 419.

4. Bordeaux to Servien, 1 March, 1657. Bordeaux to Mazarin, 5 March, 1657. Berchet Transcripts, P.R.O.

5. History of My Own Time, ed. Airy I.

deal of weight, in regard to the Petition and Advice. The bill was introduced by a London Alderman, and this was taken as a sign that the City would support the new constitution; for its interests would naturally be enlisted in support of any plan for stabilization. Trade would benefit in a settled state of affairs.^{1.}

Whether Cromwell knew anything of the projects which were being discussed among his friends, is a disputed question. His enemies declared that the Petition and Advice was his own invention. Philipps, nephew of the Latin secretary John Milton, writing in 1661 with a royalist bias, says the Protector's friends "did but work after the Copy secretly prescribed them, and as they had private Encouragement and Instructions from the Person they seemed to Court".^{2.} Ludlow, always untrustworthy in regard to Cromwell's motives, says that Cromwell, thinking a new constitution necessary, had it drawn up by his creatures;^{3.} whereas Thurloe was most urgent in his anxiety to assure his correspondents, Monk in Scotland, and Henry Cromwell in Ireland, that his master knew nothing of the Petition and Advice. He wrote a long letter to Monk, explaining in detail the proceedings in Parliament:- "I doe assure

1. Heath Flagellum, ed. 1663, 179. 681.

2. Baker Chronicle, ed. Phillips. 1665, p. 558.

3. Ludlow, II, 21.

you, it arises from the Parliament only; his Highness knew nothing of the particulars until they were brought into the House"¹. A contemporary newsletter states that "His Highness knew nothing of a Bill for Kingship until the day before Colonel Mill's acquainted him therewith"².

Cromwell had, however, let it be known that he was not averse to the alteration of the constitution, although he repeatedly declared that he had not sought a higher place. In his speech on February 4, 1659, he said that the Petition and Advice was "given me by this Parliament, by you especially of the Commons, who did, in reference to the ancient constitution frame it... There is ne'er a man within these walls can say, Sir, you sought it ... and you that were then in the legislative capacity agreeing upon such a state of government as that was which you brought to me, and I sought not of you"³. He made his conviction clearly known, however, that a second House was necessary. "I did tell you, at a Conference concerning it, that I would not undertake it, unless there might be some other Persons that might interpose between me and the House of Commons, who then had the power, to prevent tumultuary and popular spirits, and it was granted that I should name

1. Thurloe to Monk, Egerton MSS. 1618, p. 51, 24 Feb., 1657.

2. Clarke MSS. III, 92. "The whole business is so managed that the Protector is left out of it," wrote Nieupoort. Thurloe, VI, 84-5.

3. Carl. Cr. ed. Lomas III, 503, 4 Feb. 1658.

another House.^{1.}

The Parliament of 1656 met with the intention of coming to a constitutional settlement. It was known that many people were scheming to offer the Crown to Cromwell. "Every body gives out that they will be for peace and settlement, and are great friends to the government,"^{2.} wrote Thurloe to Henry Cromwell. Heath sums up the attitude of the various parties towards the Kingship, - "All other things did moreover seem to conspire to the same purpose, except the levelling Fifth Monarchy party, and Lambert; for the Presbyterians and other Sectaries, who had their hands full of Sacrilegious and Treasonable Pennyworths of Ecclesiastical and Crown and Delinquent's lands, were most eagerly desirous of a settlement of the Government by law, that might secure and confirm their purposes;^{cha} the more indifferent Royalists preferred any legal (no manner how or what) Authority, rather than be continually tasked and oppressed by the outrageous unlimited violence of the Major-Generals"^{3.} The exclusion of about a hundred members, and the absence of many more in protest, reduced the House to about one-third of its full numbers.^{4.} Many of the ablest Republicans, such as Scot and Haslerig, who were

1. Carl.Cr. ed. Lomas, III, 189.

2. Thurloe, V, 349, 24 Aug., 1656.

3. Heath, Flagellum, 1663, p. 177.

4. Firth, Last Years of the Protectorate, I, 16.

likely to oppose a monarchic government, were excluded; though Cromwell protested later that this was the work of the Army.¹

The events leading up to the creation of a second House make clear the problem which it was hoped that another House would solve. Although this was the most pliable of Cromwell's Parliaments, it was not always in agreement with him. The Commons were beginning to realize that they needed some check on Cromwell. If he disagreed with them, he dissolved Parliament, like any king. He was far more powerful than Charles I. had been and they could not fasten blame for his acts on ministers. Often the Commons were not clear what they wanted themselves, but that did not make them any the less angry with Cromwell when he neglected to follow their advice, or took matters into his own hands.

The case of James Naylor, the Quaker, brought up the question of the control of the executive, which had been a matter of controversy between Cromwell and all his Parliaments, and displayed that gulf between Protector and Commons which a second House might possibly bridge. In October 1656, Naylor's case was brought before Parliament, and on December 16, a heavy sentence was laid upon him for blasphemy. Cromwell sent a letter to the House on December 26, saying, "on

¹ Lansdowne MSS., B.M., 821 f.314. "He is bound to inform himself in whatsoever he finds encroaching on any of them. As you are constituted, your power is joined with his in the jurisdiction..." Speech by Lambert, 28 Dec., 1656 Barber I, 235.

behalf of these nations, and not knowing how far such proceedings (wholly without us) may extend in the consequence of it, we desire that the House will let us know the grounds and reasons whereupon they have proceeded"¹. The Commons were angry at this interference. The Protector's letter might be taken as a sign that he thought they were going beyond their legal powers, and perhaps usurping the functions of the House of Lords. They based their judgment on the assertion that they were the supreme power in the Commonwealth. This attitude was highly irritating to Cromwell, who maintained that his oath compelled him to safeguard the people's liberties, which were menaced by an all-powerful Parliament.² It was this deadlock in particular, which convinced Cromwell of the need for a second House.

Even over the question of taking a firm stand in Naylor's case, the Commons were divided. The question of the judicial power was a difficult matter, since it had belonged to the Lords under the old constitution. Was not the Commons a purely legislative body? Some members boldly questioned whether they had a right to condemn Naylor.

1. C.J. VII, 475.

2. "His Highness ... knows not by what way you have proceeded, whether upon the judicatory or legislative. He is under an oath to protect the people, both in freedom of their consciences, and persons, and liberties. He is bound to inform himself in whatsoever he finds encroaching on any of them. As you are constituted, your power is joined with his in the jurisdiction..." Speech by Lambert, 26 Dec., 1656 Burton I, 225.

Others declared that the power of the Lords had fallen to the Commons. "As to the jurisdiction, I suppose it is no less than the power of a Parliament, the House of Lords united. We have no need of them, I hope,"^{1.} said Mr. Downing. It seems obvious, nevertheless, that some of the members had begun to realise, as they never had before, the uses of a House of Lords. A clear-sighted member summed up the position in these words — "Here is your power asserted on one hand; the supreme magistrate, on the other hand, desiring an account of your judgment. Where shall there be a tertius Arbiter?"^{2.}

The scheme for an Upper House was, in its origin, a secondary of the 2. ^{1.} was intended to supplement the House of Commons as "a third estate, in the nature of a House of Peers", when Cromwell became King. However, in the excitement and strife of parties contending for and against kingship, this adjunct of the plan seems to have been pushed into the background of political interest.

The chief supporters of the Humble Petition and Advice were a group of Cromwell's friends, the lawyers, and the "country party". The most clear-sighted of Cromwell's personal supporters, led by Lord Broughill, a man who had carried the respect of all parties, held the view that, for the good of the country, a legalised constitution was necessary, to prevent anarchy or military

1. Burton, I, 248.

2. Ibid., I, 249.

despotism. The best remedy for these evils was a return to the old form of government, to which the nation was accustomed, and under which the laws would run smoothly.

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The scheme for an Upper House was, in its origin, a corollary of the offer of the Crown to Cromwell. It was intended to supplement the House of Commons as "a third estate, in the nature of a House of Peers"¹, when Cromwell became King. However, in the excitement and strife of parties contending for and against kingship, this adjunct of the plan seems to have been pushed into the background of political interest.

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1. Clarke MSS, III, 94.

2. Their speeches at the Kingship conferences express this attitude. See Somers, Tracts VI, "Monarchy Asserted".

3. Harl. Misc. III, 481.

despotism. The best remedy for these evils was a return to the old form of government, to which the nation was accustomed, and under which the laws would run smoothly. The lawyers, men like Whitelocke, Glyn and Lenthall who were anxious to serve the existing government as long as they could, were highly in favour of the Bill. Burnet expresses their traditionalist point of view very clearly. "All the lawyers, chiefly Glyn, Maynard, Fountain, and St. John ... said, no new government could be settled legally but by a king, who should pass bills for such a form as should be agreed on... No warrants could be pleaded but what were founded on, or approved of by, a law passed by king, lords, and Commons."¹ It was obvious, moreover, that a settlement was all to their good. They felt the extreme difficulty of administering a law which had grown up around the king's person, and was based on the idea of the king as the fountain-head of the law.² Further, they desired above all things, to get rid of the uncomfortable and dangerous predominance of the Army. The Army leaders notoriously regarded all lawyers with contempt; Colonel Pride was credited with the desire to hang up the gowns of the lawyers beside the Scottish colours in Westminster Hall.³

1. Burnet, Own Time, ed. Airy I, 122-3.

2. Their speeches at the Kingship conferences express this attitude. See Somers, Tracts VI, "Monarchy Asserted".

3. Harl. Misc. III, 481.

The "country party", which was composed of men with a certain inclination in the direction of royalism, and of influential country gentlemen who were anxious for a settlement, led by Sir Richard Onslow, a man of standing in his own county¹ of Surrey. This party worked hard to induce Cromwell to accept the Crown, but sheered off very suddenly from the whole scheme when, on his refusal, it was proposed to pass the Petition and Advice without the offer of the title.² Possibly they objected to the new House out of loyalty to the old Lords.

The merchants and the City of London, as has been seen, desired above all a settled government, which could not be turned out or changed suddenly. The merchants wanted peace with Spain, and hoped that a more stable constitution would not only ensure this, but improve trade generally. The representatives of the City were avowed supporters of the Petition and Advice.

Besides these Parliamentary groups, others were apparently willing to support the scheme. "The nobility," wrote Bordeaux, "think it will re-establish their dignity, and embrace the change in the government with joy."³ Indeed, it was thought by many people that Cromwell meant to restore

1. See Venetian Transcripts, P.R.O. March 6/16, 1657.

2. Thurloe, VI, 281, 12 May, 1657. *Thurloe to H. Cromwell.*

3. Bordeaux to Brienne, Fr. transcripts P.R.O., 28 Feb./8 March, 1657.

the old Lords; at least, those who favoured his cause. Lockhart wrote to Thurloe that Falconberg was of opinion, "that the intended settlement will be very acceptable to all the nobility and gentry of his country"¹.

The attitude of the Royalists was uncertain. On the one hand, they hoped that the inauguration of the new House would, by bringing in the old Lords, help towards the restoration of the King. On the other hand, though they realised that the Upper House was a step towards the reconstruction of the old constitution, they could not decide whether it would ultimately prove an advantage to them or not. At present, Cromwell was too strong for them; but if the power came into weaker hands, they might, through the other House, have a chance to cause trouble.

The chief opponents of the Petition and Advice were the Army leaders. Without them there would have been little organised or vocal opposition. They felt that they would lose all their influence if a settled state of affairs with King, Lords and Commons were established. At the moment, though Scotland and Ireland had to be garrisoned, there was no fighting for them to do, and they interfered in politics chiefly through jealousy and selfishness. Cromwell was not ^{a man} to be bullied; they would

1. Lockhart to Thurloe, 31 March, 1657. Thurloe VI, 134.

2. Burnet, Own Times, I, 72-3.

It was, of course, easy to be wise after the event, but have no excuse for their interference if the new government was accepted, and no force behind them if the Army were disbanded. Bordeaux observed that they foresaw their ruin in the change of government; they fear, he said, "that Cromwell will attempt to engage in his service persons of condition in order to conciliate the nobility"¹. It was generally suspected that Cromwell hoped to placate the nobility, and reconcile them to his government, especially as his two younger daughters were at this time married to members of the nobility. Most of the Army leaders were republicans, and very much against a House of Lords. If there were to be another House, they were determined that it should not be a restored House of Lords. Moreover, they had learnt in the last years an impatience with Parliaments, which was not, as in the case of Cromwell, kept in check by a sense of the practical needs of the country, and a sincere desire to gain the sympathy of the people. "Ludlow ... thought when the Army judged the Parliament in the wrong, they might use violence, but not otherwise, which gives the Army a superior authority, and inspection into the proceedings of the Parliament". Burnet adds that "this shows how impossible it is to set up a Commonwealth in England"².

1. Bordeaux to Brienne, 2/12 March, 1657. *ibid.* in D.S.B.

2. Burnet, Own Time, I, 78-9.

3. Bordeaux's despatches are full of rumours concerning the change of government. See also the despatches of Silarius, Venetian Ambassador, F.R.O.

It was, of course, easy to be wise after the event, but he touched on the root of the matter, the dependence of the whole régime on the standing Army.

This Army was not merely in a dangerous position of ascendancy, it was full of wild theories and strange sects, whose claims threatened the chances of any settlement at all. The Anabaptists and levellers, to whom any form of monarchic government, and presumably any such lesser abomination as an Upper House, was repulsive, endeavoured to cause a rising to prevent the success of the new scheme which seemed to them a betrayal of all they had fought for.

The offer of the Crown was made, not unexpectedly, by Cromwell's second Parliament. On Monday, 23 February, 1657, Sir Christopher Packe, a London alderman who was anxious to curry favour with the government for financial reasons of his own, rose in his place, and producing a paper, declared that "It was somewhat come to his hand tending to the settlement of the nation, and of liberty, and property". This announcement was received with great excitement, since it had long been expected, and the enemies of the government had been hoping to prevent its introduction.

1. Packe had been involved in difficulties over his office as Commissioner of the Customs. See art. in D.N.B. Packe, and Fifth Last Years of the Protectorate, I, 129-30.

2. C.J. VII, 496.

3. Bordeaux's despatches are full of rumours concerning the change of government. See also the despatches of Giavarina, Venetian ambassador, P.R.O.

with the authorship of the paper were a further cause of strife. Packe, said an eye-witness, was well backed, but he added to the uproar by letting it be known that he himself had not read the paper. Sydenham moved for a committee to find out its contrivers, and Captain Baynes moved that Packe might be called to the bar.^{1.} "The poor gent. was toss'd from place to place, down almost as far as the Bar, and then he was brought up again."^{2.} Ludlow attributes the chief opposition to the "Major-Generals and soldiers party"^{3.} For three hours it was debated whether the paper should be read. Eventually this was decided upon by a majority of ninety.^{4.} There was another hard struggle after this. "They held us out till five at night before it could be resolved to resume it this day."^{5.} Someone moved for a Grand Committee; obviously, an attempt to provide opportunities to block the bill. Luke Robinson, a determined Republican, proposed that the paper should be burnt by the hangman, so great was his indignation.

The first thing next morning, it was ordered that the Judges and the "Gentlemen of the Long Robe ... shall

1. Lansd. 821 f.294, Morgan to H. Cromwell, 24 Feb., 1657.

2. Goddard MS., p. 149. They "fell upon Packe for his great presumption in bringing a business of that nature into the House, in such an unparliamentary way, that they bore him down from the speaker's chair to the bar of the House of Commons"... Ludlow, II, 21.

3. Ludlow, II, 21.

4. C.J., VII, 21.

5. Lansd. 821 f.290, Jephson to H. Cromwell, 24 Feb., 1657.

constantly attend the service of this House; and not depart without leave"¹. This day was taken up with the question as to whether the paper should be debated as a whole, or in parts. The hostile members still pressed for a Grand Committee, but on the Wednesday, after a long debate the House voted against it by 118 to 63.² The following week was spent in debating the bill article by article. The second and fifth provisions dealt specifically with the second House. Unfortunately the debates on the matter have not been recorded, since Burton, so useful for Cromwell's last Parliament, fails us here. It was generally thought that the Other House would prove "a very hard and doubtful question"³. Reynolds told Henry Cromwell, "that wee feare will most stick with us, is the ballance, or howse of Lords, as some call it"⁴.

Throughout the long struggle over the Petition and Advice the Army leaders fought hard to prevent Cromwell from accepting the Crown; they just managed to do this, but they were unable to prevent the rest of the constitution from being accepted, although the proposal for an Upper House was not at all in agreement with their views.

1. C.J. VII, 496.

2. Ibid.

3. See Firth, Last Years, I, 141.

4. Reynolds to H. Cromwell, Lansd. 823 f.19, 3 March, 1657.

They were not, however, wholly agreed in their opposition. Lambert was bitterly opposed to the whole scheme, and throughout led the opposition;^{1.} it was feared that he would stir up trouble in the Army.^{2.} His followers, Sydenham, Pickering and Strickland, also did their best to be obstructive; whereas Desborough and Fleetwood were anxious not to go too far, they did not wish to be entirely compromised if the Petition and Advice should pass. Thurloe observed that they opposed the Kingship with all earnestness, "but thinke the other thinges in the Petition and Advice are very honest".^{3.} On February 27, Cromwell sent for the officers, and talked to them so roundly that their violence abated at once. He accused them of interfering and disturbing the government, and making his position impossible. "You would have this P^t called; it was against my Judgm^t but I could have no quietness till it was done wⁿ they were chosen you garbled them and put in whom you pleased by ye Instrum^t I am sworne to make good all you doe right or wrong..." He went on to say that a House of Lords was necessary as a balance to preserve civil liberty. "You may easily judge," wrote Morgan to Henry Cromwell, "y^t this hath given occasion to

1. Giavarina, Feb. 27/March 9. Ven. Trans., P.R.O.

2. Thurloe, VI, 74. Thurloe to H. Cromwell, 24 Feb 1657

3. Thurloe, VI, 219. Thurloe to H. Cromwell, 21 April, 1657.

H. Gardiner, Genl. Hist., 355/47

many heady people to consider"^{1.} Bordeaux reported that Cromwell's speech was long and weighty, and that the officers retired without showing resentment.^{2.} Next day they were much quieter, "and very willing and desirous to be satisfied"^{3.} Three of the Major-Generals, Whalley, Goffe and Butler, were now prepared to accept a House of Lords.^{4.}

On March 5, the second article, "That your Highness will for the future be pleased to call Parliaments consisting of two Houses..."^{5.} was discussed. Bordeaux reports that "there was a good deal of difference"^{6.}, but Thurloe, on the other hand, says that it passed "very unanimously"^{7.}, and without a division. The article laid down that the Protector was to call Parliaments consisting of two Houses, "in such a manner and way, as shall be more particularly afterwards agreed"; ^{Parliaments so composed} ~~the second House~~ "being your great Council, in whose affection and advise yourself and this people will be most safe and happy"^{8.}

1. Morgan to H. Cromwell, Lansd. 821 f.314, 3 March, 1657.
2. Bordeaux to Brienne, 2/12 March, 1657.
3. Lansd. 821 f.308. V.Gopkin to H. Cromwell, 3 March, 1657.
4. Burton, I, 385.
5. Gardiner, Const. MSS., p. 336 449
6. Bordeaux to Mazarin, 5/15 March, 1657.
7. Clarke MSS., III, 93.
8. Gardiner, Const. MSS., 336 449

Articles three, four, five and six dealt with the powers of the two Houses, and the qualifications of their members. On March 11, the House discussed article five, and resolved that Cromwell should choose the members of the Upper House, and the Commons approve them. It was also arranged that the qualifications for members of both Houses should be the same. "The Other House is to bee called by writt in the nature of the Lords' House, but is not to consist of the old Lords, but such as have never been against the Parliament, but are to be men fearinge God and of good conversation, and such as his Highness shall be fully satisfiyed in, both as to their interest, affection, and integrity to the good cause", wrote Thurloe, explaining the new House to Monk. "And wee judge here that this House thus constituted will bee a great security and bullwarke to the honest interest, and to the good people that have been engaged therein; and will not bee so uncertaine as the House of Commons, which depends upon the election of the people."^{1.} The numbers of the Upper House, according to article five, were to be between forty and seventy, with a quorum of thirty-one. This was passed, with the number of the quorum altered to twenty-one.^{2.} Unlike the old House of Lords, no proxies were to be

1. Clarke MSS., III, 93.

2. C.J. VII, 501.

allowed; the memory of the way in which proxies had been used was too recent. "The Trust committed to them is Personall, and not to be executed by deputies", said the Speaker, when he presented the Petition and Advice to Cromwell.^{1.}

The next day, it was agreed that members of the Upper House were not to be removed "and no new ones admitted to sit in their rooms"^{2.}, without the consent of the House itself. Thurloe optimistically expected that "if that House bee but made good at first, it is likely to continue soe for ever, as farre as man can provide"^{3.}. The Petition did not actually say that the members were to be nominated for life, and this vagueness was probably studied.

The important question of the limitation of the judicial powers of the new House, included in article five, was referred to a Committee of forty-eight members. A few days later, on the 17th, Whitelocke reported the decisions of this Committee, which were accepted with merely verbal alterations.^{4.} These provisions very carefully laid down what judicial powers the other chamber

1. Add. 6125 f. 64.

2. Gardiner, Const. MSS., ⁴⁵² 339.

3. C.J. VII., ^{Charles MSS. III 93} 501.

4. C.J. VII, 506.

should possess. The judicial powers of the old lords had been ill-defined, and were inclined to grow; they had been tending to establish and define vague precedents in terms of modern law. The Commons were determined to give no opportunity for controversy or encroachment. It was laid down "That the other House do not proceed in any civil cause, except in writs of error, in cases adjourned from inferior courts into the Parliament for difficulty, in cases of petition against proceedings in Courts of Equity, and in cases of privileges of their own House; that they do not proceed in any criminal causes whatsoever against any person criminally, but upon an impeachment of the Commons assembled in Parliament, and by their consent; that they do not proceed in any cause, either civil or criminal, but according to the known laws of the land, and the due course and custom of Parliament; that no final determinations of judgments be by any members of that House, in any cause then depending ... as Commissioners or Delegates, to be nominated by that House; but all such final determinations and judgments be by the House itself, any law or usage to the contrary notwithstanding"¹. In this way, and particularly by the last phrase, the Commons arbitrarily settled what was

1. Gardiner, Const. MSS., 239⁴⁵²

still, in some aspects at least, either controversial or indefinite.

There is no evidence that discussion of the articles bearing on the Upper House ^{was} were either extensive or heated; the House seems to have considered only one question important, that of the Kingship. The powers of the new House were worked out in a very desultory way. Its constitution was drawn up piecemeal, and the debates on the matter were pushed on quickly for fear of the Army making trouble. It was a very delicate subject, involving many side-issues, which Cromwell's supporters did not wish to have brought up. They hoped that the new institution would justify itself. Parliament was very clear about what the new House must not do, but extremely vague as to what it might do. It was referred to, for want of a better name, as the "Other House". Cromwell's supporters hoped that it might presently be called a House of Lords.

On March 31, the Petition and Advice was offered to Cromwell for his assent. The Speaker, making a commentary on the articles of the bill, styled the clauses about the new House "a self denying Request, a modest condescension, to admitt others into the Bosome of soe great a Trust as y^t of legislative, and a very jealous point, therefore the desire of the Parliam^t may not be deemed unreasonable to have the Approbation of those

Persons thus intromitted, that they may know whom they trust". He laid great stress on Parliament's desire that Cromwell should accept all or none of the provisions:- "They are bound up in one linke, or chayne, or like a building well knit, and cemented, if one stone be taken out it loosens the whole, the rejection of one, may make all the rest unstable, and unpraefirable"^{1.} A great many people thought that the second House was undesirable if Cromwell refused the Crown.

Cromwell delayed his decision, putting off his eager supporters/^{time} after ^{Accepte,} time. Early in April he refused the Crown; Parliament hereupon resolved to make the offer a second time. Cromwell hesitated, but on April 21, a definite step was taken when he presented the Committee sent by Parliament to hear his views, with a paper of comments and emendations with regard to the Petition and Advice. He expressed his approval of the Instrument, except for the offer of the Crown,^{at the interview} "I think you have provided for the liberty of the People of God, and for the liberty of the nation. And I say he sings sweeter that sings a song of reconciliation betwixt these two Interests,"^{2.} he declared. This^e paper contained, among other things, a comment on article five concerning

1. Add. 6125 f.64.

2. Carl.Cr.ed. Lomas, III, 101.

the nomination of members of the Other House:- "It seems to be doubtful who shall nominate them after this turn, which ought to be cleared". To this phrase Cromwell had added in the margin, (the paper itself was in Thurloe's handwriting) "the chief to nominate"^{1.} He explained in his speech that he meant, "if any shall be subsequently named, after the Other House is sat, upon any accidental remove or death ... you do not say 'How'"^{2.}

On April 24, this matter came up in the House, and the whole question of the nomination of the members of the Upper House was debated. Mr. Bond declared that it was fittest for Cromwell to have the nomination.^{3.} "Another member protested, saying that Cromwell's nomination would be equivalent to a command:- "This will be the way to set up another House quite contrary to the interest of the House of Commons. You intend them as a balance, a medium between the House and the single person. Otherwise of necessity they must adhere to the interest of the single person, and so cease to be that balance and medium that they were intended for"^{4.} In this speech the objection which was presently to be levelled against the new House is put very clearly. But the House was so anxious to

1. Ibid., III, 492.

2. Ibid., III, 109.

3. Burton, II, 21.

4. Ibid

finish the business, that in spite of these misgivings, it settled the matter in the Protector's favour.

Cromwell refused the Crown for the second time on May 8. This was a great set-back to his friends. "Will Pierpoint and Generall Montague will never trust to politicks any more, and the little secretary tells me that he seeth now that nothing is so considerable in any busynes as Simplicity. All the lawyers are turned Quakers, who before boasted they would make penknives of the souldyer's Swords... Little Hampden, Sir Jack Hubbart and Jack Trevor I doubt are very angry, they had strong dreames of being lords, but now they are awake find themselves but country gentlemen," wrote Henry Cromwell's father-in-law. There was a rumour that the dissatisfied party lead a scheme of their own to produce. Many thought that a settlement was hardly to be hoped for if the Petition and Advice failed, and all except the extremists desired a settlement. "Sword dominion is too sweet to be parted with ... and the truth is ... that the single issue, the main dread is, that the civill power shall swallow up the military", said a newsletter, explaining the attitude of the officers.

Upper House by the Commons was discussed on June 24.

1. Lansd. 822 f.75.

2. Carte MSS. 227 f.84.

3. Burton, III, 618.

Various proposals were discussed in the House, as Fleetwood moved "that the approbation and nomination may be in his Highness". Perhaps he hoped that Cromwell's newsletter reports that the House was considering whether the Petition should be entirely abandoned, or a new title more acceptable to Cromwell found, or the Petition with the title of Protector retained, "and such things as may be therein conceived inconsistent with this title ... expunged, as the House of Lords and such like ..." In actual fact a simpler and easier course was adopted. It was finally decided to change simply the title, and on May 25 Cromwell gave his assent to the Petition and Advice with this alteration only. There ^{were} was, however, various other matters to be cleared up, and these were attended to in what was called the "Additional and Explanatory Petition and Advice". The constitution of the other House was afterwards attacked on the grounds that the Petition and Advice was no secure foundation. "It was read ... in parts (there was no Committee) and passed in parts, and never read a third time, but engrossed and passed... Loose papers were afterwards presented to the Protector they be before you. 2. some think they ought to be named for his satisfaction."

The question of the approval of members of the Upper House by the Commons was discussed on June 24.

1. Clarke MSS., III, 108.

2. Burton, III, 216.

3. Ibid., II, 297.

4. Ibid., II, 298.

It is obvious that the Commons were beginning to suspect that the Lords would be brought in some way. Fleetwood moved "that the approbation and nomination may be in his Highness"^{1.} Perhaps he hoped that Cromwell would include a large number of the Army officers in the new House — a proceeding which would not have been approved by the Commons. There was another reason. "Some persons will scruple to have their names scanned over here"^{2.}, said Jones. Another member expressed the wish that they "might put somewhat of a real confidence in his Highness"^{3.}, and pointed out the delicacy of discussing the characters of suggested members - "Whereas men shall be tossed up and down here, and their lives ripped up". Col. Sydenham retorted that this would be all to the good, for the choice would have to be of men whose lives would "abide a tumbling and a trial". He added suspiciously that unless the Commons could oversee the members chosen, "I shall very much fear, what I did at first, a returning of another line". Desborough, who was pretty certain of a place in the new House, was against the Commons' interference. "If his Highness send you a list of names, and they be before you, and some think they ought to be named that are left out, they will stir up obstruction in the approbation of others."^{4.}

1. ^{Burton} Ibid., II, 297.

2. Ibid., II, 293.

3. Ibid., II, 297.

4. Ibid., II, 298.

It is obvious that the Commons were beginning to suspect that the old Lords would be brought in sooner or later. One member suggested a list of things which these should sign if they were to enter the Other House, to approve of the death of the late King, of laying aside his family, and of taking away the House of Lords. Mr. Goodwin, a determined opponent of the new House, stood up and moved "to know what this other House shall be; whether it shall be an Upper or a Lower House, or one equal with yourselves?"^{1.} This was a very vexed question later on, and one which, at the moment, Cromwell's supporters desired to shelve. Fiennes, a trusted friend of Cromwell, suggested that "to put this approbation upon them may seem to lessen that power that you intend them in the constitution".^{2.} A division was taken, at which only 131 members voted - many having purposely absented themselves - and Cromwell was given the sole choice and approbation of the members, by a majority of 49.^{3.}

The Explanatory Petition and Advice contained the oath to be taken by members of both Houses of Parliament. It also laid down that the summons to the Other House were to be drawn up "in due form of law ... by which

1. ^{Burton} Ibid., II, 300.

2. Ibid., II, 300.

3. C.J., VII, 523.

summons the said persons shall be respectively commanded to be, and personally to appear at a certain place and time ... to give their advice and assistance, and to do such things concerning the great and weighty affairs of this Commonwealth, as to the other House of Parliament doth appertain by the Humble Petition and Advice"¹. The persons so summoned were declared to be the other House of Parliament, "and shall, and may without further approbation of this House, from such time of their meeting, proceed to do and perform all such matters and things as the other House of Parliament ought to do..."²

The general public seems to have thought that the new House would have "much of the power of the late House of Peers"³. It was recognised in the Petition and Advice as one of the estates of the realm, without whose consent the revenue should not be altered,⁴ or "the standing forces of this Commonwealth ... be disposed of"⁵. People noticed, however, that the prospective members were not called lords. The Republicans hoped to prevent the recognition of them as lords. Richard Cromwell wrote to his brother:

1. Gardiner, Const MSS., 349⁴⁶³

2. Ibid., 349-350.⁴⁶³

3. Clarke MSS., III, 91.

4. Gardiner, Const. MSS., 339⁴⁵³

5. Ibid., 340.⁴⁵³

"I hear that ye Howse hath made themselves the Comons, by voting a nother Howse, they are affraide of tythes, the ffeather in the cap is allowed to none but such gal-lants that waite upon ladyes"¹.

Cromwell gave his assent to the Additional and Explanatory Petition and Advice on June 26, and Parliament was dissolved. A solemn inauguration of the new constitution took place, and the Protector was invested with a Sword of State and a gold sceptre. "What needed he that, seing he was still but Protector?" says Behemoth. "Now there was to be another House ... now he was an absolute monarch," is the answer.²

The selection of members for the new House was a difficult matter, for a great deal depended upon Cromwell's choice. Whitelocke describes the deliberations at which he was present:- "The protector often advised about this and other great businesses with the lord Broghill, Pierpoint, myself, Sir Charles Wolseley [all of whom received writs for the other House] and Thurloe^e, and would be shut up there three or four hours together in private discourse, and none were admitted to come in to him; he would sometimes be very cheerful with us, and laying aside his greatness, he would be exceeding familiar with us ...

1. Lansd. 821 f.324. H. Cromwell to Thurloe, 26 Nov., 1657.

2. Hobbes Behemoth, ed. Tönnies, 190.

he commonly called for tobacco, pipes, and a candle, and would now and then take tobacco himself; then he would fall again to his serious and great business, and advise with us in these affairs, and this he did often with us, and our counsel was accepted and followed by him, in most of his greatest affairs"¹. Henry Cromwell wrote to Thurloe, that he was glad "his Highness consults with Mr Pierpoint in that weighty affair of the other House"². A newsletter of 24 November says:- "Yesterday and to-day the Councell have spent much time in considering other members for the other House, but their names are not yet known"³. This long period of expectancy shows how careful was the consideration that Cromwell gave to the choice. It also rebuts the accusation of his enemies that places in the other House were promised beforehand to those who would support its creation. Even Thurloe, Cromwell's confidant, did not know till the very last who were to be the members. "The choosing members for the Other House (they being of so great power, and being to be continued for their lives, and being also so many in number) is not onely a very great worke, but of that nature as will admitt of no repentance for the Errors that may

1. Whitelocke IV, 289-290.

2. Thurloe VI, 633. H. Cromwell to Thurloe, 25 Nov., 1657.

3. Clarke MSS., III, 127.

4. Montague to Cromwell, 26 Nov./3 Dec., 1657.

5. Thurloe VI, 647-8. Thurloe to H. Cromwell, 1 Dec., 1657.

happen in it," wrote Henry Cromwell to Montague. "I doe not see how any Maske can vayne his H^s very Intentions and Inclinations in the choice of these men, by whose affections and dispositions, wee may guesse very much of our future settlement.^{1.}" Montague as a valued supporter of the government was kept in close touch with the progress of affairs. "His Highnesse sitts now close up on the consideration of ye other howse he hath out of his great list extracted 80 these must go through the furnace againe, and w^{ch} will prove gold and w^{ch} drosse, a little tyme will show"^{2.} Thurloe told him.

On November 26 Bordeaux wrote home to say that not a single writ had yet been sent out, and he began to doubt whether there would be another House.^{3.} The writs, according to Thurloe and others, had to be sent forty days before Parliament met, obviously it seemed to all concerned that the old procedure should be followed.^{4.} On December 1, ten days before the writs had to be sent, Thurloe wrote that Cromwell had "made some progresse in the business of the other house; but nothinge is yet brought to any conclusion. The difficulty proves great betweene those, who are fitt and not willinge to serve,

1. Carte MSS., 73 f.151. H. Cromwell to Montague, 18 Nov. Cp. Thurloe's remark, "A mistake here will be like that of warre and marriage; it admits noe repentance". Thurloe, VI, 609.

2. Carte MSS., 73 f.166.

3. Bordeaux to Brienne, 26 Nov./3 Dec., 1657. Dec. 1657.

4. Thurloe VI, 647-8. Thurloe to H. Cromwell, 1 Dec. 1657.

and those who are willinge, and expect it, and are not fit... I assure you, that there is not yet any one man fully resolved upon yett; and noe man is able to say, who they shall be"^{1.} Maidston, a friend of Cromwell, writing to explain the situation to Winthrop in America, declared, "It was noe smal taske for the protector to find idoneous men for this place, because the future security of the honest interest, seemed (under God) to be layd up in them ... so barren was the land of persons of quality spirited for such a service, as they were not to be found"^{2.} This was Cromwell's difficulty; he wanted men in whom he could find something of his own idealism, not those who would not understand either himself or his aims. He had the opportunity now of chooding men who thought as he did, but he could not find enough. "This forced him to make it up of men of meane ranke, and consequently of less interest, and upon tryall, too light for balance, too thin for a screen, and upon the point ineffectual to the designe, being made a scorne by the nobility and gentry and generality of the people."^{3.} On December 8, Thurloe wrote that the list was not yet finished although in two days the writs had to be sealed. "I begin to guess who they are like to be..."^{4.}

1. Thurloe VI, 647-8. Thurloe to H. Cromwell, 1 Dec., 1657.

2. Thurloe, I, 766.

3. Ibid.

4. Thurloe VI, 665. Thurloe to H. Cromwell, 3 Dec., 1657.

On Thursday, December 10, the list — apparently of sixty members — was completed.^{1.} "This evening late his H with much difficulty finished the list for the other house,"^{2.} wrote John Jones to Montague. The writs were then made. The form in which they were to be drawn up had been a matter of much discussion. Were the writs to be identical with those sent to the old House of Lords? On 26 June it had been ordered "That it be referred to the Commissioners for the custody of the Great Seal ... by and with the advice of such of the Judges as they shall think necessary to call to their assistance, to prepare and frame a writ for summoning the members of the other House of Parliament to meet at such a time and place as shall be appointed by his Highness; and such list being so agreed on, the Commissioners of the Great Seal are hereby authorised and required to Seal and issue forth such writs unto such persons as by his Highness under his Sign-Manual shall be directed and appointed"^{3.} Apparently the advice of the Judges was asked early in October; Bordeaux the French ambassador, who had much of his information from Cromwell's relation, Sir Oliver Fleming, wrote on October 9, that "the judges have been gathered together last week to resolve the form^{4.} of the writs to be sent to the members of the Upper Chamber"

1. It appears from contemporary evidence that Lenthal and Richard Hampden were summoned rather later and as the list in the Petty Bag (see infra) contains 62^{including theirs,} presumably the list of Dec.10, contained 60 names.

2. Carte MSS., 73 f.174.

3. Muc.Pol. No.369, June 25-July 2, 1657. C.J. VII,576.

4. Bordeaux to Brienne, 9/19 Oct., 1657.

A newsletter of November 17 gives the rumour that was about, that "the Judges being lately required by his Highnesse to make the forme of the writt whereby the intended members of the other House might be called to sit in Parliament, their answer was that until his Highness did accept the title of King no legal writs could be made, nor House of Peers constituted"¹. This had been one of the arguments of Glyn, the Lord Chief Justice at the Kingship Conferences². However, the writs were drawn up, and the traditional forms used, obviously with deliberate intention. Unfortunately the only writ which survives is a copy of that addressed to Richard Cromwell³. The other writs must have been slightly different, as Richard stood in the position of the heir to the throne. In 1659 the Commons discussed the question whether the members of the Upper House were called lords in the writ, and Sir Arthur Hasling was asked to produce his writ; whereupon a member declared, "I have seen the writ; they are called lords"⁴. One of the Clerks of the Petty Bag, John Thompson, whose duty it was to write out the writs, complained to Fiennes and Lisle, the Commissioners of the Great Seal, because "his labour had been increased by the alterations in the

1. Clarke MSS., III, 127.

2. See Somers Tracts VI, "Monarchy Asserted".

3. Gardiner, Const. MSS., 350 k64

4. Burton, IV, 66. p. 243.

writs for Parliament, the copying out of ancient writs for precedents", etc.^{1.} A document was drawn up containing the writ in the form agreed upon, addressed to Richard Cromwell and adding a list of 61 other names, with the words "lett the like writts be addressed to the respective Persons underwritten dated as aforesaid..." [9 Dec.] This document was deposited in the Petty Bag, and a copy of it made by Thompson was used by the clerk when the members of the Other House came in and were sworn.^{2.}

Journal of the House of Commons is a satirical work by an anonymous republican called A Second Narrative of the

State of the House of Commons. This describes the members of the new House, giving a brief description of their Merits and Deserts, and censures Cromwell's choice collectively as "the most and worst, flattering courtiers, corrupt lawyers, degenerated merchants, and a sort of luke-warm well-to-do country-gentlemen and citizens, most of them well-affected to the new government."

The satirical description made by contemporaries and recorded in some modern histories, that the Other House consisted "a confused collection of nobodies", is not founded on the facts. Even the Second Narrative

1. C.S.P.D., 1658-9, p. 263.

2. Add. Ayscough MS. 3246. See also Noble House of Cromwell, I, 371. The writ given in Old Parliamentary History is dated December 10. O.P.H., XXI, 166.

Chapter III.

THE PERSONNEL OF THE OTHER HOUSE.

The most elaborate contemporary comment on the personnel of the Other House is a satirical tract by an anonymous Republican called A Second Narrative of the late Parliament. This denounces the members of the new House, giving "a brief description of their Merits and Deserts"^{1.} and describes Cromwell's choice collectively as "his sons and kindred, flattering courtiers, corrupt lawyers, degenerated swordsmen, and a sort of luke-warm indifferent country-knights and citizens, most of them self-interested salary-men"^{2.}

The accusation frequently made by contemporaries and repeated in some modern histories, that the Other House contained "a tattered collection of nobodies"^{3.} is not justified by the facts. Even the Second Narrative

1. Harleian Miscellany, ed. Park, III, 475.

2. Ibid., 489.

3. G. Stirling-Taylor, Oliver Cromwell, p. 327.

admits that there were some gentlemen of good estate among the new lords; "such were Mr Pierpoint, Mr Alexander Popham, Sir Richard Onslow, Sir Thomas Honeywood, Mr Edmund Thomas, Sir Gilbert Gerrard, and others"¹. As the G.E.C. Peerage points out, "the great majority of the members were of gentle birth, and many were of ancient lineage. Their pedigrees and arms are accorded in the Visitations, and even those who were engaged in trade ... were, for the most part, cadets of old county families. Of the 62 members ... only two (i.e., Berry and Pride) are of obscure origin, and three or four others are of doubtful status... With these few exceptions Cromwell's Lords were English gentlemen, if the Heralds' Visitations are any criterion of gentility"². The accusation can only refer to the two London aldermen, who were traders, and the Army officers, many of whom had raised themselves by ability during the wars. Of these latter, Berry had been a clerk in some iron-works; Cooper was a salter in Southwark; Desborough was stigmatised as a "plowman", because he had been a farmer; Barkstead was a goldsmith in the Strand before he took up arms; Hewson was a cobbler; Pride, a foundling, had been a drayman, and was now a brewer; and Shippon had

1. Harl. Misc., II, 489. ibid. I, 45; Clarendon II, 500-2; ibid. III, 478.

2. G.E.C. Peerage, ed. Gibbs, IV, 586.

3. See ibid. 45.

4. Harl. Misc. III, 478.

begun his career as a common soldier in the low countries, where, contemporary gossip asserted, he had been a waggoner under Sir Francis Vere.^{1.}

Practically all Cromwell's male relatives, by blood or marriage, received writs; indeed, they comprised nearly a third of those summoned; when the House met, twelve out of forty-three of those who came were Cromwell's kinsfolk. This does not seem to have been due to a deliberate desire to swamp the House with his own kin; many of them were in high positions of state and would in any case expect to be chosen. Not all, — for example, Fleetwood and Desborough — were entirely attached to his interest. It is somewhat surprising that most contemporary criticisms do not comment at all on the fact that as many as eighteen of Cromwell's relations received writs. Ludlow is an exception; he points out that among those who sat were "particularly such as were related to those in power".^{2.} Even the Second Narrative, usually so unsparing in its comments, only alludes to the fact in the collective disparagement already given,^{3.} and in a note to the effect that all but four were "salary-men, sons, kinsmen, and otherwise engaged to the Protector".^{4.}

1. See Walker Hist. of Indep. I, 45; Clarendon II, 508-9; Harl. Misc. III, 478.

2. Ludlow II, 32.

3. See supra p 54.

4. Harl. Misc. III, 475.

my heart to God in choosing men that I hoped would not only Most of the new lords were of the squire class; they were country gentlemen of good estate, of the type that had been influential in the Civil War period, and as individuals, generally respected. The majority had sat in the Commons at some period of their career, and were men of political experience and ability.

While the new House contained Cromwell's most influential supporters, it was also as widely representative as was possible in the circumstances. Cromwell chose six^{ten} of the old peers who had been prominent supporters of the dissenting party in the Lords, the great officers of State of the Commonwealth, the chief lawyers, some of the most influential Army commanders, a good proportion of well-to-do country gentlemen, two important London aldermen, and representatives of Scotland, Ireland, and Wales. He angrily defended his choice to the Parliament at the dissolution on February 4, 1658. "You granted it that I should name another House, and I named it with integrity; I did. I named it of men that can meet you wheresoever you go and shake hands with you and tell you it is not titles, it is not lordship, it is not this nor that, that they value, but a Christian and an English interest."

This was Cromwell's own attitude. "Men of your own rank and qualities," he continued, "and men that I approved

3. A marriage was proposed in 1652 between Henry Cromwell and Wharton's daughter, and but for the reluctance of the lady, would have taken place. See art. Wharton in D.N.B.

my heart to God in choosing, men that I hoped would not only be a balance to a Commons House of Parliament, but to themselves, having honest hearts, loving the same things that you love, whilst you love England, and whilst you love religion... I pitched upon men that I hope will be willing to sacrifice their lives for these good interests.^{1.} Such words show how much he hoped of the Other House, and that he realised that a very great deal depended upon the wisdom of his choice.

The most important immediate question was whether the old Lords would consent to sit. They were men of wide experience and political ability, and their adherence to Cromwell at this critical time would be taken as a lead by many people.^{2.} If they accepted the new House, it might have a chance of success. Perhaps Cromwell hoped that the House would gradually draw in many of the old nobility, who were at the moment doubtful whether the new government would be enduring, and were waiting to see what it would be best to do.

Wharton^{3.} Lord Wharton, who was a close friend of Cromwell, had received a summons, and was doubtful whether to sit or not. He had been a staunch supporter of the popular cause in the Lords, and was repeatedly asked by Cromwell

1. Carl. Cr. ed. Lomas, III, App. p. 505.

2. "Some 5 or six lords called to sitt with them whoe may give countenance to the designe." Carte 80 f. 749.

3. A marriage was proposed in 1652 between Henry Cromwell and Wharton's daughter, and but for the reluctance of the lady, would have taken place. See art. Wharton in D.N.B.

to take part in the Government but could not make up his mind to do so, owing to scruples concerning the execution of the King and the abolition of the House of Lords. "If I know my heart, I love you in truth", wrote Cromwell to him in January 1650, "you was desired to go along with us: I wish it still... You were with us in the Form of things: why not in the Power. I am persuaded your heart hankers after the hearts of your poor friends."^{1.} Carlyle pictures him "having withdrawn from all management, into a painful inquiring condition. One of your zealous Puritans and Patriots, but much troubled with cautious dubitations; involved in 'reasonings', in painful labyrinths of constitutional and other logic"^{2.} Cromwell did not cease to supplicate him, for Wharton was a man after his own heart. "I poor, I, love you!" he wrote. "The Lord persuade you, and all my dear friends. The result of your thoughts concerning the late transactions I know are your mistakes by a better argument than success. Let not your engaging too far upon your own judgments be your temptation or snare."^{3.}

Saye When Wharton received his summons to the Other House he wrote to ask Lord Saye, who had also been sent a writ,

1. Carl. Cr. ed. Lomas, I, 521-2.

2. Ibid., I, 520.

3. Ibid., II, 19.

what he intended to do. Saye had been a very active supporter of the Parliamentary party, and his shrewdness and ability had been of the utmost use to them. He had disapproved of the execution of the King and the abolition of the House of Lords, however, and since that time had lived in retirement. Clarendon styles him "of a proud morose and sullen nature", and stresses the fact that he was "proud of his quality, and of being distinguished from other men by his title, as any man alive"¹. In his answering letter to Wharton, which fully justifies his nickname of "Old Subtlety", he displayed considerable bitterness against the present government, and expressed his disapproval of the abolition of the House of Lords, which, he declared, had been the "chief remedie and prope" to keep the constitution steady; it had been "as the beame keeping both scales, Kinge and people, in an even posture without incroachments one upon another". He condemned with much vigour the idea of calling a few old peers with the rest of the new lords, thereby causing the former, in his opinion, "to destroye theyr owne rights and the rights of all the nobylitye of England", and declared that it would be treason to their order for any of the peers to attend the House. He went on to condemn

1. Clarendon II, 547.

2. Clarendon I, 242.

the subversion of the old government, and (as usual) the behaviour of the lawyers, to whom the new régime was "dominion if it succeed, but rebellion if it miscarry" — an argument which he thought "fitter for hobbs and atheists then good men and christians". He assured Wharton that he intended to lay his writ by, "and sitt still, if I be sent for by force I cannot withstand it, but when I come up I will speake"¹.

It seems likely and natural that the old peers sounded one another in the matter, or at least that some waited to see what the others would do; certainly they all came to the conclusion that to join the Other House would be an acknowledgment of its right to take the place of the House of Lords. This letter of Saye's expresses their point of view.

Warwick The Earl of Warwick had been the most important peer to join the Parliamentary party, not only "because of much the greatest estate of all who favoured them"², but also because he had been the instrument by which Parliament had secured the Navy. A man of strong Puritan prejudices, he had been in opposition to Charles I's government throughout, and had been closely connected with many parliamentary leaders, though his main interests

1. Carte MSS. 80 f.749. Pub. by Firth in E.H.R. X, p. 106.

2. Clarendon I, 242.

3. Ludlow, II, 32.

had been in commercial and colonial ventures. He had been a very popular figure, especially with the seafaring classes, for he was obviously a convivial and companionable man, but of recent years had played practically no part in domestic politics. He was, however, a personal friend of Cromwell, "they had a fast friendship, though neither their humours or their natures were alike"¹, according to Clarendon. Warwick had borne the Sword of State before the Protector at his second inauguration, and his grandson ^{Warwick} Cromwell's daughter Frances in the same year. Warwick's name was first in precedence on the list of the old peers summoned², and it seemed likely from his personal relations with Cromwell that he might sit. His rank, prestige and personal popularity might have done much to secure the success of the Other House, but he was, for one thing, getting on in years, and also, although he was no rigid autocrat, was not prepared to rub shoulders with all and sundry. Ludlow says "he would not be perswaded to sit with Col. Hewson and Col. Pride, whereof the one had been a shoemaker, and the other a drayman"³.

Manchester It is probable that the Earl of Manchester, who had married Warwick's daughter, may have influenced his

1. Ibid., VI, 90.

2. The Lords took precedence according to the dates at which their peerages had been created. The same order was observed in the Other House. See note in Peerage IV, 585.

3. Ludlow, II, 32.

father-in-law. Manchester had been closely connected with Cromwell in the early campaigns of the Civil War, but the two men held widely different views, and represented different elements in the Parliamentary party. Cromwell was the leader of the Independents, who wanted wide changes in Church and State, the Earl was the most prominent of the Presbyterian party, who desired to see Presbyterianism established, with a constitutional king. Manchester himself felt that whatever the King might do he was still King. He was, moreover, firmly convinced of the dignity and worth of rank, and accused Cromwell of being, "one who has avowed his desire to abolish the nobility of England"¹. He had no sympathy with the idea of a Commonwealth, and, of course, with the abolition of the House of Lords. His popularity — for according to Clarendon he was "universally acceptable and beloved"² — naturally made the Protector anxious to gain his support, but he was not willing, by accepting a place in the new second chamber, to acknowledge that the House of Lords was in truth abolished. Like the other peers summoned (except Eure) he would neither sit nor give any excuse for his abstention.³

1. Baillie, II, 229. See also Manchester's Quarrel with Cromwell, ed. Masson, Camden Soc., Introd.

2. Clarendon, I, 243.

3. MSS. of the House of Lords, IV, 522.

Mulgrave The other two ^{others} peers summoned were Mulgrave and Eure.

Mulgrave had been an inconspicuous and somewhat silent member of Saye's party in the Lords throughout the Civil War, and like Saye, had disapproved of the events of 1649. He had, however, accepted a seat on Cromwell's Council, in 1654. His respect for Saye's opinions, besides his own age and infirmity, may have accounted for his absence.

Eure George Lord Eure was the only member of the old peerage who took his seat. He is described in the Second Narrative as being not very bulky or imperious for a lord, and it was thought that he hoped to mend his fortunes by adhering to the Protector. He was personally insignificant, and generally despised by his fellow-peers; his adhesion to Cromwell was regarded with scorn:- "The Protector being so well satisfied with his principles, and easiness ... to be brought up to do whatever their will and pleasure is, and to say no, when they would have him".

Fauconberg Cromwell's son-in-law. He succeeded to his peerage in 1652. (He is described supra p. 75.)
Fiennes Eight of the great officers of State were summoned.

These included Fiennes and Lisle, the two Commissioners of the Great Seal. Nathaniel Fiennes, a shrewd, clear-headed lawyer, of sound judgment and solid learning though ambitious and tenacious of power, was one of the ablest members of the Parliamentary party.^{2.} Like most

1. Harl. Misc. III, 487. on the subject, see the

2. Carlyle's description of him, "broad jaw, and short snub face full of hard sagacity". Carl. Cr. III, 46.

3. Harl. Misc. III, 475.

young men in his position, he had travelled extensively on the Continent and had evidently made intelligent use of the opportunity. Clarendon attributes ^{an} hostility to the established Church — he was an eloquent member of the "root and branch" party — to his observations in Switzerland and Geneva and Scotland; he agreed with Cromwell in thinking that religious toleration was desirable. His surrender of Bristol in 1648 had involved him in personal disaster,^{1.} and he had retired ~~about~~ till 1647, when he was exculpated. He was excluded from Parliament by Pride's Purge because he urged that the King had yielded enough by the Treaty of Newport. He did all he could to get the Protectorate established on a firm basis, and became, unlike his father, a staunch supporter of Cromwell. In 1654 he was admitted to the Council, and next year became Commissioner of the Great Seal, a very lucrative office. Clarendon commends his singular merit and fidelity to the party that he served, and says he was "of extraordinary use to them in those Counsels that required the best understanding".^{2.} The Second Narrative calls him a "lover of Kingship and monarchy";^{3.} in the Parliament of 1656 he was an active supporter of the Petition and Advice and a member of the

1. For pamphlet-literature on the subject, see the catalogue of the Thomason Tracts.

2. Clarendon, III, 255.

3. Harl. Misc. III, 475.

Committee for urging Cromwell to accept the Crown. In and, according to Clarendon, because "an entire confidence many things he was in strong sympathy with Cromwell; and instrument of Cromwell". As one of the Commissioners unlike the violent Republicans, he did not desire excessive change, and realised that England could be best governed in the form to which the people were most used. The president of the Council, Henry Lawrence, was "For his merits and greatness being after the old mode, a friend and kinsman of Cromwell. He had retired abroad he was taken out of the late Parliament, to be the mouth before the Civil War began, and only ^{1.} of the Protector in that other House." He played an important part in the new House, in spite of his father's disapproving attitude.

Lisle John Lisle, Fiennes' colleague, had the reputation of "a severe and clouded republican". A lawyer by profession, he rose to be a colonel in the Parliamentary Army, and was one of the most virulent prosecutors of the trial of the King. This in itself was enough to incur the deadly hatred of the royalists; he was besides regarded as an unscrupulous and incompetent lawyer, and was obviously a very unpopular figure. A contemporary pamphlet denounces "the cruelty, the malice, and the subtlety of his spirit", and Whitelocke speaks bitterly of his corruption and lack of knowledge of the law. He had been made a member of the Council of State in 1649,

1. Ibid.

2. Noble, I, 373-4.

3. E1040, p.3, Oliver Cromwell's Life-Guard.

4. Henry Lawrence, 111.

5. E1023, p.19. Lawrence held the same precedence on the list as the President of the Council in former times.

and, according to Clarendon, became "an entire confident and instrument of Cromwell"¹. As one of the Commissioners for administering the oath to the members of the Upper House, he took an important part in its proceedings.

Lawrence

The president of the Council, Henry Lawrence, was a friend and kinsman of Cromwell. He had retired abroad before the Civil War began, and only returned in 1646. To Cromwell's annoyance, he disapproved of the execution of the King. However, he strongly supported the Protectorate, and, according to a contemporary, "contributed much to the setting up of the Protector and a single person, affirming that "no other foundation could stand"². He was a devout man, said to be ^{of} one the Baptist persuasion. Milton, who was his friend, praised his ability and learning, and called him a man "summo ingenio optimisque artibus"³; he was the "virtuous father" of the sonnet. Lawrence supported the Petition and Advice, and was said to be "a great adorer of Kingship"⁴. A contemporary says of him, "He was thoroughpac'd, and one no doubt who hath well feathered his nest, being also one of the Lords of the Other House"⁵.

1. Clarendon VI, 60.

2. Mystery of the Good Old Cause, E1923, pp.18-19.

3. Smart, Sonnets of Milton, p. 111.

4. Harl.Misc. III, 476.

5. E1923, p.19. Lawrence held the same precedence on the list as the President of the Council in former times.

Pickering

Sir Gilbert Pickering, the Chamberlain of the Household, came next in order of precedence. A man of good estate, with a legal training, he had distinguished himself in the wars. He had been one of the King's judges, and was "a great stickler in the change of government from kingly to that of a commonwealth"¹... He was a member of all five of the Councils of State, and became Lord Chamberlain in 1655. The Second Narrative says that he obtained this appointment because he was "so finical, spruce, and like an old courtier"². Pickering seems to have created an amazing impression upon his contemporaries. Walker describes him as "first a presbyterian, then an independent, then a Brownist, and afterwards an anabaptist"³; he was "a most furious fiery implacable man; was the principal agent, in casting out most of the learned clergy; a great oppressor of the country"⁴. When the offer of the Crown was discussed, Pickering, although one of Cromwell's intimate friends, vehemently opposed it. Nevertheless, he accepted a seat in the Other House, where his father-in-law Montague, also sat.

Cleypole

John Cleypole, the Master of Horse, who had married Cromwell's favourite daughter, was the son of an old neighbour of Cromwell, who had been associated with him

1. Harl. Misc. III, 477.

2. Ibid.

3. Sufferings of the Clergy, p. 91.

4. Court and Kitchen of Elizabeth Cromwell, 1644, p. 16.

in opposition to ship-money; the son seems to have concerned himself little with politics, and had played only a small part in the Civil War. He was primarily a country gentleman, with a great interest in sport.^{1.} Prim Lucy Hutchinson called him and his brother-in-law Henry "debauched ungodly Cavaliers"^{2.}, and the author of the Second Narrative hints that he hardly came up to the standard of the saints.^{3.} He seems to have been a man of culture, for he was a friend of Wren. During the Commonwealth, he was closely connected with the ceremonial of the Court,^{4.} at both Cromwell's inaugurations he was very prominent. A Presbyterian and a man of moderation, he had openly opposed the continuance of the rule of the Major-Generals,^{5.} and had recently shown his dislike of the violence of Parliament against Naylor.^{6.} From all that one can gather, he was a man of much geniality and few animosities. He sat in the Other House during both Protectorates, and supported Richard against the Army.

1. H.M.C.R., VII, p. 460.

2. Mem. of Col. Hutchinson, ed. Firth, 298.

3. Harl. Misc., III, 480.

4. He was one of the Lords of the Bedchamber, and received the Dutch ambassador in state in 1654.

5. His opposition was taken as an indication of Cromwell's opinions. "Mr. Cleypole's son-in-law first stood up, which was unusual for him to do at all... This motion was a clear direction to the sycophants of the court." Ludlow, II, 20.

6. Burton, I, 77.

Whitelocke

The two Commissioners of the Treasury received writs. The more important of them was Bulstrode Whitelocke, who is now remembered more as the author of the Memorials bearing his name than as one of the leading lawyers of the period. He was a follower of Coke¹ and a pupil of Selden. Although he complied with the changes of government and made the best of them, he seems to have believed in the old form. He says in his Memorials, "It was put upon me to draw an Act to take away the House of Lords, wherein I desired to have been excused", in regard I was not in the House when the Vote passed, and had declared my opinion against it"². The great adventure of Whitelocke's life was his embassy to Sweden in 1653-4, where he distinguished himself³. On his return he was knighted by Cromwell and given his Treasury post. He constantly speaks of Cromwell's expressions of trust in him, and of his influence over the Protector. "I know," he reports Cromwell saying on one occasion, "your faithfulness and engagement in the same good cause as myself ... and I know your ability in judgment, and your particular friendship and affection for me..."⁴ He liked to think he was in the thick of the

1. Ranke, III, 9.

2. Memorials II 521

3. While he was dancing with Queen Christina she informed him that she had heard that all the nobles were of the King's party, and none but "méchaniques" for the Parliament", "but I see you are a gentleman, and have been born a gentleman." Journal of the Swedish Embassy.

4. Memorials, III, 468.

secret history of the time. When the Petition and Advice was drawn up, Whitelocke knew all about it, though, being a cautious man, he refused to introduce it to the House. He was very anxious to prevail upon Cromwell to accept the Crown.^{1.} In 1658 a patent was signed for making Whitelocke Viscount Henley, but he thought it best not to accept the honour,^{2.} although he sat in the Upper House during Oliver's and Richard's rule with the title of "Bulstrode Lord Whitelocke".

Sydenham

Colonel Sydenham, the other Commissioner of the Treasury, had been one of the founders of the Protectorate, and was very active during the last part of Cromwell's rule. He was a man of vigorous and decided views. In 1649 he had been one of the tellers for the minority in favour of the House of Lords; but he became a zealous Republican later on. "He helped, no question, to change the government, and make those laws against kingship... hath a princely command in the Isle of Wight, is one of the Commissioners of the Treasury; by all which he is grown very great and considerable"^{3.} says the Second Narrative. Sydenham strongly opposed to the Petition and Advice, and joined with Lambert and Fleetwood and

1. According to Whitelocke, he had previously suggested to Cromwell an accommodation with Charles II. As Cromwell refused this Whitelocke seems to have thought the next best thing was for the Protector to be King. Memorials IV 126

2. H.M.C.R. II, 152.

3. Harl. Misc. III, 478.

the Army party. He did not approve of the offer of the Crown, or of the second House. When at length he found the current of opinion too strong, he took to sulking in secret. "Sidnam hath absented himself from the house of late, who was most furious"^{1.} wrote a correspondent of Henry Cromwell. Nevertheless, he took his seat in the Upper House, "And, although he hath not been thorough-paced for tyranny in time of Parliaments, yet it being forgiven him, is judged of that worth and merit to be every way fit to be taken out of the House to leave a negative voice in the other House ... hoping that thereby he may be redeemed, as never to halt or stand off for the future against the Protector's interest"^{2.} was a contemporary comment.

Jones Philip Jones, the controller of the Household, was a Welshman who had "had the chief governance and superintendance of all publique affairs in South Wales"^{3.} He was a strong supporter of Cromwell, and helped "to advance the General, his master, to be Protector; for which goodly service, himself was advanced to be one of his Council..."^{4.} but was attacked for his political

1. Lansd. 821 f.314.

2. Harl.Misc. III, 478.

3. E983, p.3, An Act against Philip Jones.

4. Harl.Misc. III, 479. Mystery of the Good Old Cause, p. 10.

versatility by a Republican, who called him "a Presbyterian, an Independent, a Cavalier, a Defrauder of the Publique Revenue. A thorough paced Protectorian; for and against the godly; for the Single Person and the other House ... for anything and everybody that will reward him"¹. When it was proposed to offer the Crown to Cromwell, Jones supported the Petition and Advice, and was a member of the Committee appointed in 1657 to convey the offer. He was evidently in close touch with the Protector, for he was one of those consulted about calling a second Parliament in 1658. He was anxious to establish the Protectorate on a legal basis and disliked the interference of the Army in politics; later he was one of Richard's strongest supporters.

A large proportion of Army officers were summoned to the Other House. This was unfortunate, but unavoidable. Those who had promoted the project had hoped that it would help to balance the influence of the Army by standing firm with the Commons and the Protector against the interference of the Army in politics. Cromwell was obliged to choose a large number of officers, however, for they would have made trouble immediately unless they were summoned; and he hoped also to placate some of them in this way, by reconciling them to a place in the

1. E983, p.5. 12 Queries.

civil constitution, to dis sever them from the interest of the Army. Later the Commons regarded with suspicion the fact that the members of the Other House controlled most of the regiments of the Army, and the presence of the officers did much to increase the animosity of the Commons against the new House.

Fleetwood

Charles Fleetwood, Lieutenant-General of the Army, was one of the most prominent of those officers summoned.^{1.} He came of an old Lancashire family, and had married Bridget Cromwell; he was said to have hopes of succeeding his father-in-law. Clarendon calls him "a weak man, but very popular with the praying part of the Army".^{2.} He was a religious enthusiast, who had a flow of eloquence and could weep at will.^{3.} The Royalists mocked "the whining folly of his spirit".^{4.} Milton, on the other hand,^{5.} praises him for his humanity, and gentleness. He had great influence with the Sectaries in the Army, and could be a dangerous enemy for this reason. Cromwell admired him for his powers of praying; "I desire thee to know I most dearly love thee, and indeed my heart is plain to thee as thy heart can well desire".^{6.} A royalist declared

1. He was the son of Sir Miles Fleetwood of Aldwinkle. Bate says that in order "to get an honest living [he] applied himself to the study of the Common law". Elenchus ed. 1685, II, pp. 55-6.

2. Clarendon, II, 340. Letter to Cromwell, 2 Dec., 1655.

3. According to one pamphleteer, had he lived in the time of Noah, "his tears would have gone near to have drown'd the Ark itself". E. 669 f. 23.

4. E. 1040.

5. Defensio Secunda in Milton's Works, ed. Mitford 324

6. Carl. Cr. ed. Lomas, II, 451, 22 June, 1655.

that Fleetwood's hair "came off with being much streak'd on the head by the olde Oliver"^{1.} He had been Deputy in Ireland from 1652 to 1655, but had made trouble with the Sectaries, and had been recalled. Hewson, who was one of Fleetwood's mind, praised his "sweet healing peaceable spirit", and demands his restoration, as "a refreshment to all the godly in this nation"^{2.} Fleetwood, who seems to have been a sincere republican, was restless and discontented during the later part of the Protectorate; "Fleetwood drives his trade with the Anabaptists and Quakers, but will never be Lord Mayor of London for want of apprehension, design, and courage," wrote a Royalist. "His virtues are meekness, justice in promise, and readiness to oblige a few."^{3.} He accepted the amended Petition and Advice, and sat in the Other House, but he never ceased to intrigue with the inferior officers of the Army, whose favour he was anxious to keep. His desire to be Cromwell's successor kept him loyal to the government, but under Richard Cromwell he was the leader of the party which engineered the dissolution of Parliament, and the overthrow of the Protectorate.

1. E669 f.23.

2. Thurloe IV, 276. Hewson to Cromwell, 2 Dec., 1655.

3. Cal. Clar. S.P. III, 239-240.

4. Harwick's Memoirs, ed. 1813, p. 363.

5. Rebellion, II, 309.

6. Engl. Hist. V, 314.

Skippon

Philip Skippon received a summons to the Other House, not because he was a politician, but because Cromwell desired to reward him for his many services. He was a soldier of fortune who had fought in the Netherlands, and his valour and skill in the Civil Wars had won the admiration of all parties.^{1.} Vicars quotes the popular saying that "hee lived like an Angel, prayed like a saint, and fought like a lyon".^{2.} In religious opinions he was a "high Presbyterian";^{3.} like Cromwell, he believed that the soldiers would fight better if actuated by the religious spirit. He took little part in politics, although he had pleaded in the Commons for peace with the King, and had refused to sit among the judges of the High Court.^{4.} Clarendon says he was altogether illiterate, and a contemporary satire represents him saying, "I sit here, and hold the cards, but know no more how to play than a post".^{5.} Probably both these comments are exaggerations, but it is certain that Skippon spoke

1. "Never did I see any man so patient, so humble, so truly wise in all his actions as he." See Cotton Hist. of Barnstaple, p. 320. Whitelocke records his speech to the city train-bands, and says that "the soldiers were more taken with it than with a set, formal oration". Memorials, I, 190-1.

2. Parliamentary Chronicle, Vol. III, "To our Warlike Worthies".

3. Warwick's Memoirs, ed. 1813, p. 383.

4. Rebellion, II, 509.

5. Harl. Misc. V, 314.

seldom, and with difficulty, in the House. He was a zealous republican, but he interfered little in politics, confining himself to his work as Major-General of the City, and commander of the militia. He seems to have accepted the new constitution without many qualms, and took his seat in the Other House. He was very old by this time, and may have acquiesced for this reason; he also received a large salary from the government, which he did not wish to risk losing.

Whalley

Edward Whalley, the Commissary General of the Horse, was Cromwell's cousin. He was much sneered at because before the Civil Wars he had been "a woollen draper, or petty merchant"¹. One of the royalist writers, however, concedes that he was "a gentleman of good family"². Whalley had been an able and successful soldier; he supported Cromwell throughout, until the offer of the Crown which he opposed. He held very strong views in religious matters. Baxter, the chaplain of his regiment, writes that "Colonel Whalley ... grew odious among the Sectarian commanders at the Headquarters for my sake; and he was called a Presbyterian, though neither he nor I were of their judgment in several points"³. He was a member of

1. El923, p.34. Mystery of the Good Old Cause, p.34. HarlMisc. IV, 482. Heath Chronicle, p. 372.

2. Warwick Memoirs, ed. 1813, p. 343.

3. Baxter, Reliquiae Baxterianae, ed. Sylvester, p. 55.

Mr. Goodwin's Church. Warwick calls him "a ridiculous fanatic", and "a crackbrained fellow"^{1.} Whalley sat in the Upper House until its final dissolution, and became a strong supporter of its rights; Ludlow reports a quarrel between Whalley and Col. Ashfield concerning the new House, Whalley being in a great passion because Ashfield attacked it.^{2.}

Ingoldsby

Colonel Ingoldsby was another cousin of the Protector. He was a jolly, good-humoured country squire, who had a great affection for both Protectors. He had no pronounced political views, being genial and easy-going, and "of equal civility to all men"^{3.} He had signed the King's death-warrant, but reluctantly according to his own account. His enemies regarded him as a satellite of the Protector, and one who would "make no scruple to do whatever he will have him"^{4.} In religious matters, Ingoldsby was "no great friend to the Sectaries"^{5.} whose dour creed did not suit his "sprightly humour"^{6.} He was a good friend to Richard Cromwell, who liked his cheerful

1. Warwick, Memoirs, 343.

2. Ludlow, II, 61.

3. Clarendon, VI, 222.

4. Harl. Misc. III, 455.

5. Clarendon, V, 122.

6. Noble, II, 187.

4. Harl. Misc. I, 224.

company; when one of the Sectaries protested against the inclusion of any but the godly in the Army, Richard for once in his life spoke up boldly: "Here is Dick Ingoldsby, who can neither preach nor pray, and yet I will trust him before ye all"^{1.} Ingoldsby sat in the Other House until its dissolution, and supported Richard vigorously to the last, urging him to take a strong stand.

Pride

Sir Thomas Pride was one of the least reputable, and apparently one of the most vulgar of Cromwell's colonels. According to a contemporary royalist newspaper, he was in his youth a beggar, who had "kept for divers years together a heard of swine", after which he had gone to London "and served a brewer, in carrying of firkins, running of errands and such like"^{2.} He was taunted with being "heretofore a Drayman"^{3.} in the pamphlets of the time. He was a very useful man to Cromwell, and "one that would venture upon anything that was commanded by him"^{4.} It was Pride who carried out the delicate operation of eluding the suspected members in 1648. He was much ridiculed, because in the interests of order in the City, he killed the bears and game-cocks;

1. Ludlow, II, 63. See Harl. Misc. III, 482.

2. Mercurius Elenoticus, 3 Sept., 1649. See Noble, I, 417.

3. E.1040, p.2. Oliver Cromwell's Life Guard. See Peerage (G.E.C. ed. Gibbs), IV, 630.

4. Harl. Misc. I, 284.

his enemies made fun of "the massacre of the poor beavers, by that Knight-errant, Sir Thomas Pride"¹. When a member of Parliament complained about "evill counsellors who advised his Highness without deeres", Pride in a rage said that the member should be called to the bar; whereupon a wit called out: "'Twere fitter to call you to the barr for killing the beares"², amid great applause. Pride had little sympathy with Cromwell, although his daughter had married Cromwell's nephew. He was no statesman, and had a great grievance against lawyers; so much so that the writer of the Second Narrative remarked that the lawyers would be glad to have his company and friendship in the Other House, "for that there is now no fear of his hanging up their gowns by the Scottish colours in Westminster Hall"³. He was a staunch adherent of the Army party, and had got into trouble early in his career for supporting the grievances of the soldiers, but he was anxious to keep in favour with the government, for he had a contract to supply beer to the Navy. Nevertheless, it was Pride who led the final spirit of opposition against Cromwell's acceptance of the Crown. "Get me a petition drawn, and I will prevent it", he told Desborough. This petition, signed by many officers,

1. Carte MSS. II, 83.

2. Lansd. 822 f.277.

3. Harl.Misc. III, 481.

4. C.S.P. 1656-7, p. 295, Feb., 1657.

convinced Cromwell of the danger of alienating his supporters in the Army, and contributed greatly towards his refusal.^{1.} Pride's inclusion in the Other House was probably due to a desire to reconcile him with the new constitution; a satire expresses his own view of his elevation as that of a boorish democrat. "I was as warm in my leather-jacket as in my scarlet-cloke ... cloke and jacket, I was the same man."^{2.}

Barkstead

Sir John Barkstead, the Governor of the Tower, was another of those whose inclusion in the Other House was much ridiculed on account of his obscure birth. According to Dugdale he had been "a seller of thimbles and bodkins of silver"^{3.} in the Strand. He had been made Governor of the Tower in 1682, and had acted with great severity in this position, and also as Major-General of London and Middlesex; his rule was feared and hated by the Republicans and Royalists. He acted as a kind of Chief of Police, and took a large part in the spy-system of the Commonwealth.^{4.} Cromwell in his speech to Parliament on 17 September, 1656, declared, "there was never any design on foot but we could hear of it out of the

1. Ludlow, II, 25-7.

2. Harl. Misc. III, 138-9. *is lamentation.*

3. A Short View of the Late Trouble, ed. 1681, p. 450. Lilburne declared at his trial in 1653 "that it was fitter for him to be selling his thimbles and bodkins than to be sitting in judgment on a person so much his superior". Cal. Clar. S.P. II, 245.

4. C.S.P.D. 1656-7, p. 295, Feb., 1657.

Tower. He who commanded there would give^{us} an account"^{1.}
 The royalists looked upon him as "a great confident of
 the Usurper"^{2.} He was styled "a thoroughpaced Agent of
 all Governments"^{3.}, and the Second Narrative describes him
 as "one of the life to fulfil the Protector's desires,
 whether right or wrong, for he will dispute no commands
 nor make the least demur". He sat in the Other House
 throughout its brief existence.^{4.}

Hewson.

Sir John Hewson was the object of countless satires
 in the literature of the Commonwealth, for he had only
 one eye, and in his youth had been a cobbler.^{5.} Clarendon
 calls him "a fellow who had been an ill shoemaker, and
 afterwards clerk to a brewer of small beer"^{6.}, but the
 latter part of the statement is not substantiated. Hew-
 son's military ability was generally recognised; he acted
 with great vigour in Ireland with Cromwell, and became
 Governor of Dublin. He was a dour Anabaptist, given to
 extempore prayers and long preachings.^{7.} Henry Cromwell

Berry

1. Carl.Cr. ed. Lomas, II, 524.
2. Harl.Misc. I, 286.
3. Mystery of the Good Old Cause, p. 23.
4. Harl.Misc. III, 482.
5. T. Tracts, E.669, Hewson's Lamentation.
6. Rebellion, MI, 158.
7. See Rushworth, VIII, 974.

had found him troublesome, as he was the leader of the Anabaptists in Ireland. The Second Narrative says that Hewson was "of much merit"^{1.} in the Protector's esteem, but whether this is true or not, Cromwell certainly had some difficulty in keeping him quiet. He sided with the Army throughout, for he was no politician, and had little patience with Parliaments. After the offer of the Crown to Cromwell he "rose up in indignation", and said that the Parliament was worse than the Devil, for the Devil offered the kingdoms of the world to Christ but once", but that they offered it twice, "and for it give reasons to destroy not only themselves but all the three nations"^{2.} Cromwell's choice of Hewson "to help cobble the crazy state of the nation"^{3.}, as a member of the Other House was much criticised. No doubt Hewson was chosen for the same reason that he was knighted - in order to reconcile him to a government under which he had already begun to chafe. of the Army; later on, he was to intrigue with

Berry. James Berry, whom Baxter describes as "a favourite of Cromwell"^{4.}, seems to have attracted the latter's notice owing to his religious sentiments. Berry broke away from

1. Harl. Misc. III, 481.

2. Cal. Clar. S.P. III, 278.

3. Harl. Misc. I, 287.

4. Baxter Reliquiae Baxterianae, ed. Sylvester, p.57.

Goffe.

his old friend Baxter in the early days of the Civil War and followed Cromwell.^{1.} His ignoble origin was much denounced. Baxter, who knew him best, says he had been "a clark of Ironworks".^{2.} He rose rapidly to an important position in the Army, and was President of the Ajutators in 1647. According to Baxter, he was one of the chief promoters of the Instrument of Government.^{3.} He was appointed Major-General for his native district on the Welsh border, and incurred the contempt of those who knew his humble origin. Unlike most of his fellow-officers, Berry favoured Cromwell's acceptance of the Crown, and was attacked for his "complying principles".^{4.} Although much sneered at for ignorance and illiteracy, he seems to have been a man of good understanding and varied knowledge; Baxter praises his "very good-natural Parts, especially mathematical and mechanical".^{5.} Cromwell probably "included him as representing the more captious element of the Army; later on, he was to intrigue with the inferiour officers and sectaries against Richard.

1. Ibid., 51. "My old bosom friend, that had lived in my house and been dearest to me", p. 57.

2. Ibid., 97-8.

3. Ibid., 72. *Notes*; Goffe invariably proposed a proper meeting. *Clarks MSS. Introd. lxxiv.*

4. Harl. Misc. III, 483.

5. Baxter, p. 57.

Goffe.

Colonel Goffe, the son-in-law of Cromwell's cousin Whalley, was a religious enthusiast of the most devout type. He was the son of a Puritan divine, and his brother, according to Noble, was Chaplain to Henrietta Maria.^{1.} Goffe was apprenticed to a salter in London before the Civil War. He had distinguished himself at the prayer-meetings of the officers during the war by his high-flown eloquence;^{2.} the inferior officers much admired him on this account. He was in sympathy with many of the ideas of the Fifth Monarchy men, although he did not share their hope for the immediate rule of the Saints. Goffe was Cromwell's trusted friend and helper, and the Protector, who was attached to him,^{3.} described him as "a gracious man, if I know one". In the Commons Goffe was mocked for his adherence to the Protector, and when he advocated a closer unity of the House with Cromwell's ideas, a member said jeeringly, "Something was expressed as to hanging about his neck like pearls".^{4.} Goffe supported the offer of the Crown, and naturally took his seat in the new House. He received

1. Noble, I, 426.

2. Firth says that "Cromwell in difficulties generally moved for a Committee; Goffe invariably proposed a prayer-meeting". Clarke MSS. Introd. lxxiv.

3. Carl. Cr. ed. Lomas, III, 471, 19 Nov., 1655. (Earl

4. Burton, I, 362.

5. Mystery of the Good Old Cause, 21923, p. 2.

Cromwell's dying injunctions and faithfully supported Richard, though it was hinted that he had hoped to succeed Cromwell.^{1.}

Clarke.

It is exceedingly doubtful whether Colonel Clarke received a writ for the Upper House, as his name only appears in a list drawn up by Thurloe.^{2.} He had been an infantry colonel in the Civil War, and was known to be "deeply engaged to uphold the Court interest".^{3.} He had married a relative of Thurloe,^{4.} and the latter may have added Clarke's name to his list on his own account, or after a half-promise from Cromwell to consider Clarke. It is noticeable that none of the officers of the Army (except Clarke) if it is true that he received a writ) refused to sit in the Other House, in spite of the fact that many of them were convinced Republicans.

Desborough.

The two Generals of the Fleet received writs for the Upper House, and both sat. Desborough, who was Cromwell's brother-in-law, was described by a contemporary as "a man of very mean extraction and estate, being a poor farmer in the country".^{5.} He was one of the most

1. Harl. Misc. III, 483, Mystery of the Good Old Cause, E.1923, pp. 51-2.

2. See Appendix D

3. Harl. Misc. III, 456.

4. His sister, according to the Second Narrative (Harl. Misc. III, 456), but apparently his niece (C.S.P.D., [1658-9, p. 187]).

5. Mystery of the Good Old Cause, E1923, p. 8.

influential officers in the Army, and held many important places under the Protectorate.^{1.} Clarendon describes him as "a fellow of rough and rude temper"^{2.}; his blunt and overbearing manner gave offence to many people. He was primarily a soldier, and did not shine as a politician. He opposed the Petition and Advice when it was first produced, but pretended to accept it after it had been amended, and the offer of the Crown left out. As a member of the Other House he worked covertly against Cromwell, and in alliance with Fleetwood intrigued with the sectaries to set up a Republic. Later on, although he continued to sit in the Upper House, he made trouble for Richard, and eventually helped to force his nephew to dissolve Parliament.

Montague.

Edward Montague — more famous as the Earl of Sandwich — was a cousin of the Earl of Manchester, who apparently through the influence of his strongly partisan relatives, had joined the Parliamentary party and become a Colonel in the Army. His close friendship with Cromwell,^{3.} "to whom he passionately adhered", had caused him to become a staunch adherent of the Protectorate.^{4.} In 1656 he was appointed one of the Generals

1. Councillor of State, Commissioner of the Treasury, Governor of Yarmouth, one of the Lords of the Cinque Ports.

2. Clarendon VI, 7.

3. Clarendon VI, 17.

4. He was known as "a great Presbyter" in his religious views. Cal.Clar.S.P. II, 217.

of the Fleet, but he returned from sea at intervals to take part in politics. He was anxious that Cromwell should accept the Crown, being a great lover of law and order. In spite of his birth and connections, he supported the formation of a second House that would not be a House of Lords; from the time that the project was mooted he was consulted and kept informed about the numerous questions and difficulties which it involved including the actual choice of members. The refusal of his relatives, Manchester and Crew, to sit had no influence on his own action. His attendance in the Other House was only possible, however, when there was no need for his presence with the Fleet. He came to Richard Cromwell's Parliament, and was anxious to support him against the officers, but was unable to leave his naval duties for long.¹ He had a genial, benevolent nature, and was generally liked;² a man of no violent political school, he was not really identified with the Cromwellian régime, and was as willing to serve Charles II as Cromwell.

Packe.

Sir Christopher Packe and Sir Robert Tichborne were London aldermen summoned by Cromwell in order that the Upper House might be as representative as possible

1. His absence on the high seas was excused by the House on March 11. MSS. of the House of Lords, IV 642

2. See Granger, Biog. Hist. II, Pt. I, 144.

3. Whitelocke, Memorials, IV.

4. Clarendon, IV, 25.

5. Earl. Misc. III, 181.

of all the supporters of the Protectorate. Packe had been a woollen merchant; Tichborne was a linen-draper in his youth; both were well-known in the City. Packe was a bold, vigorous, quarrelsome man, who was constantly involved in financial scandals,^{1.} but who had a good deal of influence on the commercial and economic policies of the government. Cromwell consulted him about financial matters, for he was a power in the City as one of its richest and most influential merchants.^{2.} His weight did much to keep the City on Cromwell's side. In 1656 it was proposed to send Packe to Sweden as ambassador, "to manifest the engagement of the City in the business"^{3.} Clarendon says that the fact that Packe presented the Petition and Advice "as an argument that that potent body was well affected to that government, and would have joined ... in the defence of it"^{4.} It was insinuated by the enemies of the new constitution that Cromwell had excused Packe the payment of £16,000 due to the Treasury from the time when he was Commissioner of Customs, in return for the presentation of the Petition.^{5.}

1. He was Treasurer of the fund for the Piedmontese Protestants and had difficulties in the matter. See art. Packe, D.N.B.

2. In 1656 the London hackney coachmen presented him with a piece of plate to stand their friend. C.S.P.D., 1656-7, p. 75.

3. Whitelocke, Memorials, IV, 219

4. Clarendon, IV, 28.

5. Harl. Misc. III, 461.

The alderman was very ambitious, and hoped to increase his wealth under the new government. Cromwell was anxious to keep him faithful, and knighted him in 1655; no doubt Packe regarded his new honour as a stepping-stone to his ambition.

Tichborne. and Sir Robert Tichborne was chiefly distinguished for his religious views; he was an Independent of the narrowest and most intolerant type. A royalist calls him "a man ... delivered up to faction, and of so obstinate a spirit against Order and Piety..."^{1.} He was a bitter enemy of the royalists, who detested him as a grasping low-born intriguer.^{2.} Cromwell knighted him in 1655, and he became Lord Mayor in the same year. A contemporary satire represents his satisfaction at the thought of being made a lord: "We desire you to assure yourself, that you shall not find us backward in promoting and carrying on this design, tending so much to the destruction of all the ancient nobility and gentry of the nation"^{3.} He sat in the Upper House under both Protectors, and seems to have been a devoted adherent of Oliver, though not of his son. In April 1658, he

1. E1040, p. 3.

2. Holles says that in 1647, when Fairfax turned out the Lieutenant of the Tower, he put in "an Independent, one Tichburn, a linen-draper". Mem. ed. Maseres I, 290.

3. E1019, The Tragical Actors, p. 5.

presented a loyal address from his militia regiment to
 the Protector;^{1.} however he intrigued with the Army party
 later on, against Richard. Ludlow says that when Richard
 was finally deposed, Tichborne than attempted to restore
 him — perhaps alarmed by the confusion which threatened
 and the possibilities of the restoration of the King.^{2.}

Glyn.

Various lawyers were summoned, besides those who
 sat in their official capacity. Among these were the
Lord Chief Justices Glyn and St. John. Glyn was a man
 of great ability^{3.} who, like most of the lawyers, thorough-
 ly disliked the unsettled state of affairs resulting from
 the Civil War. He had been appointed Chief Justice of
 the Upper Bench in 1655 by Cromwell, and supported the
 Protector in his desire for a settled constitution, for
 he hated anarchy, and the interference of the Army in
 politics. The Republicans called him "A Countenancer
 of Delinquents, a Protector of Malefactors, peevish and
 partial"^{4.} He took an important part in the intrigues
 leading up to the introduction of the Petition and Advice,
 of which he was one of the chief framers. He promoted
 the offer of the Crown to Cromwell, strongly supported

1. Merc. Pol. Ap. 15-22 April

2. Ludlow, II, 131, 149.

3. He "helped to bait the Earl of Strafford", and made
 a long and able speech at his trial". See Harl. Misc.,
 III, 479. Nelson II, 124.

4. E983, 12 Queries, p. 3.

the scheme for a second House, and sat in the Other House throughout.

Lenthal. William Lenthal¹ was not summoned by Cromwell until the first list had been sent out. He had been prominent as Speaker of the Long Parliament, and had adhered to Cromwell apparently because he believed it to be his interest to do so. The royalist Clarendon and the republican author of the Second Narrative both denounce his changeableness.² He shared the desire of other lawyers for a better constitution and supported the Petition and Advice and the offer of the Crown.³ He bewailed the fact that he could not sit in the Lower House because of his appointment as Master of the Rolls, and could only sit as assistant in the Upper House. As will be seen later, the judges, as in the old House of Lords, were intended to sit as "assistants" in the House, though they were not sent writs. His complaint coming to Cromwell's ears, a writ was sent, much to his delight, for he believed that it would confer nobility upon himself and his heirs.⁴ Throughout his attendance in the Upper House under Oliver and Richard, he supported the government against the Army party.

1. Within the parts as far as possible the order of the names in the Journal has been followed.

2. Clarendon, IV, 300. Harl. Misc. III, 480.

3. Clarendon says he was "a man of^a very narrow, timorous nature, and of no experience or conversation in the affairs of the kingdom", I, 221.

4. Ludlow, II, 31. "Was thought for his compliance and his money to deserve to be one of the herd of Lords in the Other House. Myst. of G.C.C., E1923, p.17.

St. John. Oliver St. John, Chief Justice of Common Pleas since 1648, was married to Cromwell's cousin Elizabeth, a lady to whom the Protector was much attached. From the first an open opponent of Charles I's government, he had made his reputation as defending counsel in the Ship-money case, and had been one of the most active lawyers in the Long Parliament. He was one of the most discussed men of the time, being regarded by royalists and republicans alike as a man of mystery, and a "dark^{1.} lanthorn"; he was believed to be behind most of the secret history of the Commonwealth. His ability as a lawyer was certainly very great, Clarendon describes him as self-contained and morose;^{2.} all his enemies believed that he had a great influence over Cromwell, and^{3.} thought him cunning and revengeful. Although he did not approve of the constitutional changes of the Protectorate, he maintained his friendship with Cromwell. It was thought that he was concerned in the drawing up of the Petition and Advice, but Thurloe strenuously^{4.} denied this in 1660. Apparently St. John, in spite of

1. E669, p.22, A ballad on the Parliament.

2. Clarendon, I, 183.

3. Holles Memoirs were dedicated to Cromwell and St. John, the latter being attacked violently as having "much of the blood of this kingdom to answer for". Maseres, I, 209.

4. Thurloe, I, 914. See Case of Oliver St. John, E1035.

his opposition to the government of Charles I. really believed in government by King, Lords and Commons. He refused to sit in the Other House, but it was said in Richard's time that he was the Protector's ablest adviser, though he remained in the background and never sat even in the Council. It was rumoured on Richard's downfall that St. John wished to restore him, but this seems unlikely for a man of shrewd judgment.^{1.}

Crew.

John Crew was the father-in-law of Montague. A lawyer himself, he came of a legal family, which had already distinguished itself by Parliamentary sympathies.^{2.} He was attached to the party of Pierpoint and St. John, and had hoped in 1648 for an accommodation with the King, of whose execution he strongly disapproved. Like the rest of the lawyers, he was a cautious man, disliking violent changes and inclining to traditionalist views. Although Montague sat in the Upper House, Crew refused; he was probably nervous of taking part in so dubious an experiment.^{3.}

A large proportion of country gentlemen were invited to sit in the Other House — about twenty-one

1. Pepys, ed. Wheatley, I, 72.

2. His uncle Sir Randolph Crew had been Lord Chief Justice and was deprived by Charles I.

3. In a speech against Lord Oxford he declared, "there must be a period and end ... of names and dignities ... for where is Bohun? Where is Mowbray ... nay ... which is more and most of all - Where is Plantaganet?" See Bisset, Hist. of the Commonwealth, II, 238.

Edward. in all. Of these, however, few took their seats.

Richard. Cromwell's eldest son Richard was himself in this category until 1657. When the second House was to be formed, Cromwell brought his son from the retirement in which, as Richard himself later declared, the Protector had designedly kept him,^{1.} and nominated him a member of the Upper House, in which he sat until his elevation to the Protectorship.

Fauconberg. Lord Fauconberg² was Cromwell's son-in-law. Lockhart told Thurloe that he was a brilliant, ingenious and hopeful young man, "in my opinion a person of extraordinary parts"^{3.} His relations were mostly cavaliers, and he himself had been absent abroad during the Civil Wars.^{4.} Cromwell hoped that the marriage of this young noble with his daughter would tend to conciliate^{the}/affections of the nobility, whose good wishes he was anxious to engage. Fauconberg hoped to raise himself by this marriage; he accepted the proffered seat in the new Upper House, and later supported his brother-in-law Richard to the utmost of his power, since he would lose his position if the King were restored. The Republicans, and especially the Army officers, were very jealous of Fauconberg's influence with Richard.

1. Clarke MSS. III, xxiv.

2. Should have been placed above p. 64.

3. Thurloe, VI, 125, 134. Lockhart to Thurloe 21 March 1657

4. "A neuter at least, if not disaffected to the cause." Harl. Misc. III, 480.

Howard. Charles Howard was a relative of Lord Eure. He was known to have considerable influence in the north, where his relatives were mainly Cavaliers. He had been captain of Cromwell's life-guards, and was apparently one of the Sectaries, since he was "a member of Mr. Cockain's church"^{1.} Howard received the only barony conferred by Cromwell, becoming Baron Gilsland and Viscount Morpeth.^{2.} The author of the Second Narrative says that "to be taken out of the House to have a negative voice in the other House might seem of right to belong to him, being also lorded before-hand"^{3.} He was to prove a staunch supporter of Richard Cromwell, whom he advised to arrest the Army leaders, offering to perform the task himself. Noble says that "he was the last friend of the Protector Richard's and would willingly have ventured his life to support his tottering greatness"^{4.}

Ph. Lisle. Philip Viscount Lisle was the eldest son of the Earl of Leicester. He had sat in the Long Parliament "making laws of treason against a single person", and^{5.}

1. Harl. Misc. III, 481.

2. Perfect Politician, p. 291.

3. Harl. Misc. III, 481.

4. Noble, I, 378.

5. Harl. Misc. III, 476.

was later a member of the Protector's Council, and, according to his contemporaries, "famous for his silence; men wonder what he did among them, unless it were because his Father kept him short". Baker says that he was "often absent and uncertain endeavouring as much as he could to appear a neuter". His devoted support of Cromwell was much disapproved of by his family; his father particularly made trouble and kept him short of money. In spite of this he sat in Oliver's and Richard's Upper House and signed the Proclamation declaring Richard Protector.

J. Fiennes

Pierpoint.

William Pierpoint, the son of the Earl of Kingston, had gained a reputation for great penetration and judgment, and was generally respected by his contemporaries. He sat in the Long Parliament, and was a friend of Cromwell, who referred to him as "my wise friend". Pierpoint disapproved of the abolition of the monarchy and House of Lords, and desired to see "the enthroning of the king ... with a moderate episcopacy..." After the King's death Pierpoint refused to take any part in politics,

1. E2111, T.Tracts.

2. Chronicle, ed. Phillips 1665, p.684.

3. See Sidney Papers, ed. Blencowe 511, App., p.260.

4. Whitelocke, I, 201.

5. Carl. Q. ed. Lomas, III, 290.

even though Cromwell sought his co-operation. The Protector consulted him concerning the Petition and Advice and the formation of the second chamber, and a writ was sent to him, but he did not appear. He seems to have had a good deal to do with the secret history of Richard's brief rule, and privately advised the Protector. His wisdom and moderation were commended by all parties, and he had the nickname of "Wise William".

J. Fiennes.

Lord Saye's third son received a writ, and, like his brother, took his seat. John Fiennes had served under Cromwell, who had commended his valour during the Civil Wars. Cromwell seems to have liked him, and probably their religious opinions had something in common. ^{1.} Fiennes was "in a kind such a one as they call a Sectary, but no great stickler"^{2.}, according to the Second Narrative. In politics he played little part, although he sat on the Council of State, the Second Narrative says that he "was much steered by old Subtlety his father"^{3.}, and hints also that it was on his brother's account that he was called to the Other House.

1. "I find him a gentleman of that fidelity to you, and so conscientious, that he would all his troops were as religious and civil as any, and makes it a great part of his care to get them so." Carl Cr. ed. Lomas, III, 239.

2. Harl. Misc. III, 486.

3. Ibid. for Norfolk 1654, and 1656.

Wolseley.

Sir Charles Wolseley was a gentleman of wealth and standing; he was "converted from a Cavalier in a good hour" ^{1.} -- apparently in 1653 when he sat in Barebone's Parliament, and helped to bring about its dissolution. ^{2.} He was very much against the Army party, and had a firm admiration for Cromwell, one of whose intimate councilors he became. He desired to see a more stable and lasting constitution established, and thought that this would be best accomplished if Cromwell accepted the Crown. He therefore supported the Petition and Advice, and was one of those whose counsel Cromwell sought on the many difficulties of the scheme. ^{3.} He was regarded as a man of good sense and ability by his contemporaries. He sat in the Upper House, with his relatives John and Nathaniel Fiennes, whose sister he had married, and was later one of the staunchest supporters of Richard Cromwell.

Hobart.

Sir John Hobart had married Richard Hampden's sister Mary, and probably on this account was summoned to the Upper House. He was "a knight baronet of the old stamp", ^{4.} of considerable estates in Norfolk. ^{5.} In

1. Harl. Misc. III, 477.

2. Clarke MSS. III, 9.

3. Whitelocke, IV, 289.

4. Harl. Misc. III, 486.

5. M.P. for Norfolk 1654, and 1656.

4. They were descended from Sir Francis Salsingham,

spite of the fact that he had strongly supported the Petition and Advice, he did not appear in the new House, and was apparently in favour of the restoration of the King.

Russell.

Sir Francis Russell was another connection of Cromwell's, and was long on familiar terms with him; his daughter had married Henry Cromwell, and to this, probably, was due his inclusion in the new House. He was a melancholy man, who seems to have irritated Cromwell at times. "Your father told me lately at our parting that the spirits of some men could not bare me, which I tooke to be somewhat of his owne minde likewise",^{1.} he wrote to his son-in-law. The royalists called him "godly Francis Russell".^{2.} The Second Narrative says he was "high flown, but not serious or substantial in his principles — no great zealot for the Cause".^{3.} He took his seat in the Upper House in both its sessions.

Wm. Strickland.

Sir William Strickland, brother of the better-known Walter,^{4.} was a severe Puritan, who did not altogether agree with Cromwell's religious and political aims. He spoke against the government in 1657 with vehemence;

1. Lansd. 821 f.173.

2. Cal.Clar.S.P. III, 370.

3. Harl.Misc. III, 485. Apparently "at the beginning of the war he was for the King". He was Governor of Ely in 1645 and of the Channel Islands in 1648.

4. They were descended from Sir Francis Walsingham.

probably a writ was sent to him in order to placate him, and "the rather for that his younger brother Walter is so great a lord, and by whom in all likelihood, he will be steered to use his negative voice -- to the interest of the Court"¹. In spite of his adverse views concerning the government, he took his seat and sat also in Richard's Parliament.

Gerrard.

Cromwell's cousin Mary Barrington married Sir Gilbert Gerrard, a gentleman of wealth and influence in Middlesex,² who received a writ, but never sat, in spite of his friendship for Cromwell. When the House was called over in February 1658, Gerrard was entered as being absent, "by reason of present indisposition of health"³. He did not take his seat in Richard's time; but after the latter's downfall was excluded from the Commons owing to his connection with the Cromwells. ^{Lucy} Mary Hutchinson calls him "a fierce Presbyterian"⁴.

Haslerig

Onslow.

Sir Richard Onslow was one of the leaders of the party of country gentlemen who, though they had originally

1. Harl. Misc. III, 486.
2. He was Paymaster of the Army in 1642 and later an influential member of the Committee of Both Kingdoms, - "For the services he rendered - he rose to many considerable places", E1923, p. 11. Noble, II, 43.
3. MSS. of the House of Lords, IV, 522.
4. Mem. of Col. Hutchinson p. 220.

supported Parliament, were dismayed by the unexpected consequences of the Civil War, and desired a stable constitutional settlement rather than any violent changes. They felt that the country would be governed more efficiently and peaceably if Cromwell became King. Onslow was "a great enemy of the wild and enthusiastic principles of religion that prevailed in those times...", and a man of moderation. He was one of the Committee who waited on Cromwell concerning the kingship, but he did not really approve of the scheme for an Upper House. A descendant who wrote a life of Onslow suggests that Cromwell may have won him over by the promise of "being a lord under this new establishment". At all events, Onslow took his seat, and sat in both Parliaments as "Richard Lord Onslow".

Haslerig.

Sir Arthur Haslerig, one of the best remembered figures in the Long Parliament, was the idol of the Republicans, who styled him "the Brutus of our Republick". He was a vigorous, talkative man, full of his own importance, and, according to Clarendon "an absurd, bold man". Since the expulsion of the Rump, Haslerig had been a

1. H.M.C.R. XIV, p.ix, 477-481.

2. Ibid.

3. Harl.Misc., IV, 190.

4. Clarendon, I, 300.

bitter enemy of Cromwell; and he deplored the influence of the military element in Parliament. "I have always acted wth the authority of parl^{mt} and never against it", he wrote to Monk, "and hold it my duty to submit to the authority of the nation... And have hazarded my all to bringe the military power under the Civill authority"¹. He was excluded from the Parliaments of 1654 and 1656, but Cromwell to placate him, sent him a writ for the Upper House. He was the only member of the Republican opposition summoned, and there was great curiosity as to whether he would accept the writ.² The Republicans received their hero with delight when he appeared in the Commons. "I will tell you truly why I will not take the Bishops' seat," he said, "because I know not how long after I shall keep the Bishops' lands." This was a very telling argument. "I like your company very well, gentlemen, and I do aspire no higher than to be a commoner of England."³ Haslerig led the opposition to the new House in the Commons. In Richard Cromwell's Parliament he joined with the Commonwealth's men to attack the government, and carried on the negotiations between the opposition in the Commons and the discontented Army

1. Egerton MS., 2618. Haslerig to Monk, 30 April, 1660.

2. Ludlow, II, 31-2.

3. Burton, II, 423-4.

officers, during the secret intrigues which led to the dissolution. The Second Narrative praises him extravagantly: "Instead of a negative voice in the other House, he will be honoured by after-ages as a rare phoenix, that of forty-four was found standing alone to his principles ... let all true English spirits love and honour him".^{1.}

Strickland

Walter Strickland, the brother of Sir William, is chiefly remembered for his work as political and intelligence agent of the Long Parliament at the Hague in the early part of the Civil War, in which work he had proved himself vigorous and pertinacious. Later on, in 1651, he went with St. John on an embassy to the United Provinces, which met with little success, and in which Strickland was somewhat relegated to the background by the forceful personality of St. John. Though he had been a zealous partisan, the violence of his feeling seems to have abated during the later years of the Protectorate. He was a member of the Council of State and sat in the Parliament of 1654 and 1656. Although he was opposed to the introduction of the Petition and Advice, he was not generally considered to be hostile to the offer of the Crown to Cromwell. In 1654 he had

1. Harl. Misc. III, 488.

2. Cardinal Civil War, IV, 143.

been appointed Captain of the Footguard at Whitehall,^{1.}
 Whitelocke calls him "an honest rational gentleman".^{2.} A
 contemporary pamphlet speaks of him as "one that can
 serve a commonwealth and also a prince, so he may serve^{himself and}
 his own ends by it".^{3.} Certainly he seems to have belonged
 to no particular political group. He probably received
 a writ in recognition of his services in Holland. He
 sat in both sessions, and was a member of Richard's
 Council.

Honeywood.

Sir Thomas Honeywood, the brother-in-law of Vane,
 was an Essex gentleman,^{4.} whose house had been a meeting-
 place and centre for the Parliamentary party during the
 wars.^{5.} He himself had commanded the Essex militia at
 Colchester in 1648. He was a man of character, ability,
 and considerable estates, who possessed a great deal of
 local influence. It was probably this, combined with
 his sympathy for Cromwell's policy, which ensured him a
 place in the Other House. If the old Lords would not
 sit, the next best people were country gentlemen of
 wealth and experience who were generally respected in

1. Ibid., III, 477.

2. Whitelocke, III, 287.

3. Harl.Misc. III, 477.

4. "Knight of the old stamp, a gentleman of Essex,
 of a considerable revenue." Harl.Misc. IV, 486. He
 was knighted in 1632.

5. Gardiner Civil War, IV, 148.

their own counties. Honeywood sat in the Upper House under Oliver and Richard, but when the Protectorate ended, he joined the Republicans.

Roberts.

Rous.

Sir William Roberts, according to the Second Narrative had been during the Civil Wars "a great committee man, and in much employment, whereby he well advanced his interest, and is grown a great man"¹. He had served in all Cromwell's Parliaments and the same writer says that he was "no doubt, of right principles to the Court interest, wherein his own is bound up"². As a member of innumerable committees, Roberts did a good deal of administrative work under the Protectorate; he was a Commissioner for the sale of forfeited estates, and of the Crown lands, and himself purchased Church property extensively. He supported the offer of the Crown to Cromwell, and, as a reward for his services, received a writ for the Upper House,³ where he sat until Richard's downfall.

G. Fleetwood.

Sir George Fleetwood, who has often been confused with the ambassador of the same name, was the son of Sir George Fleetwood of Bucks, and "one of the primitive props of that old cause"⁴. He was a member of the

1. Harl. Misc. III, 485.

2. Ibid.

3. "Is one that helps on the bondage in divers great committees where he sits, and is therefore (no question) the more fit to be taken out of the House to have a negative voice over the people; being so greatly experienced in that way already." Ibid.

4. Mystery of the Good Old Cause, E1923, p.10.

Council of State in 1653. A contemporary pamphlet^{1.} says he was a great favourite of Cromwell, by whom he^{2.} was knighted in 1656. He received a writ for the Upper House, and sat in both Parliaments.

Rous.

Francis Rous was the son of Sir Anthony Rous, a gentleman of Devonshire. He had long been known for his theological and devotional interests, and had represented one West country constituency or another in all the Parliaments since 1625. He had been at first a Presbyterian, but later became an Independent. He is still remembered for his metrical version of the Psalms, which is used with some revisions in the Scottish Presbyterian churches to-day. He was much admired by the Puritans for his learning — in 1644 he had been appointed Provost of Eton^{3.} — but Bate and Clarendon^{4.} despised him as a man of small understanding. He had been very active in attacking episcopacy, and "helped to change the government into a commonwealth". He was Speaker of Barebone's Parliament, and engineered the dissolution of that body. His interests were mainly

1. El923, p. 10.

2. Cromwelliana, p. 158.

3. Bate calls him "a smatterer in letters", Elenchus, ed. 1685, II, p. 163.

4. Clarendon says he enjoyed "an opinion of having some knowledge in the Latin and Greek tongues; of a very mean understanding. IV, 284.

religious, and his political ideal was something resembling the Jewish Commonwealth; but he accepted Cromwell's rule, and indeed, Granger says he looked upon Cromwell as a compound of Moses and Joshua¹. He seems to have been summoned because of his position at Eton, and perhaps as representing a type of Puritan opinion. He excused himself on account of illness — he was by this time a very old man — and died soon after².

Popham.

Alexander Popham was a well-known country gentleman, and the brother of Col. Edward Popham, the distinguished sailor. He played an important part in the administrative affairs of the Commonwealth. Noble describes him as "a man of great intrigue, little integrity, and considerable sway in the House of Commons"³. He seems to have been carrying on intrigues with the Royalists during the Protectorate. "Popham is believed to be a popular person, and discontented"⁴, wrote a royalist in 1653. Monk suggested to Richard Cromwell, before his Parliament met, that it would be well to form a new House of Lords which should include country gentlemen of good birth and influence as well as members

1. Biog.Hist., II, Pt.I, 72.

2. "Soon after were hanged upon his grave a standard, pennon &c and other ensigns relating to barons." Wood, Ath.Ox. ed. Bliss, III, 468.

3. Noble, I, 410.

4. Cal.Clar.S.P. II, 207-8.

Thomas

of the old nobility, ^{and} specifically mentioned Popham as being a very suitable person.^{1.} He had not, however, taken his seat in 1658, and had given no excuse when that House was called over.^{2.}

Hampden

Richard Hampden was the son of Oliver's famous cousin. He was "highly valued by his relation Oliver lord protector, for his father's sake, and beloved for his own".^{3.} To the sorrow of the republicans he had favoured Cromwell's acceptance of the Crown.^{4.} His name was added to the list of new lords after the first writs were sent out; "it is very likely that Colonel Ingoldsby, or some other friend at Court, got a cardinal's hat for him".^{5.} says the author of the Second Narrative, who could not forgive his desertion of his father's cause. Hampden took his seat in both sessions of the Upper House. He seems to have held strongly Presbyterian views. Baxter says that he was "the true heir of his famous father's sincerity, piety, and devotedness to God".^{6.}

Cassilis

1. Thurloe, VII, 387

2. MSS. of the House of Lords, IV, 522.

3. Noble, II, 76.

4. B.P.H. XXI, 168.

5. Harl. Misc. III, 487.

6. Baxter, Reliquiae, 448.

Thomas. Edmund Thomas was distantly related to Philip Jones and Walter Strickland. He was a Welsh gentleman of good estate,^{1.} and his son married Lord Wharton's daughter. He does not seem to have taken much part in politics, though he sat in^{the} Parliament of 1654. According to the Second Narrative he was "a great friend of Philip Jones's and allied to Walter Strickland, both of the Council, and brought in upon their account"^{2.} He accepted the writ, and appeared also in Richard's House, although for some reason he turned up later, and took the oath separately on Feb. 21, 1659.^{3.}

Cassilis. The members for Scotland included one Scottish peer, John Kennedy, Earl of Cassilis,^{4.} who had been a rigid opponent of the episcopal system in Scotland. He and Johnston of Warriston were the leaders of the anti-royalist party there. In 1649 he became lord justice general. Burnet, who married his daughter, considered him an admirable man, just and sincere, although of an "obstinate stiffness" and very eccentric.^{5.} Cassilis was a typical Scot's elder, very grave and solemn; in

1. "A gentleman of ancient descent in Glamorganshire, where he possessed a good estate." Noble I, 422.

2. Harl. Misc. III, 485.

3. House of Lords MSS. IV, 539.

4. Called erroneously in several lists "David" Kennedy.

5. Burnet, ed. Airy, I, 89.

6. Thorp, VI, 741.

a conference about the Scottish demands, he rebuked Newcastle for his "customary swearing"¹. He declined to come to terms with Cromwell, although he disagreed with his brother-noblemen. Probably he was summoned only as a compliment, for he was an old man,² and never took his seat.

Monk.

General George Monk, who was to be the main instrument in carrying out the Restoration, was a relative of the Earl of Leicester. He was a soldier of fortune, who had had much experience abroad.³ His services were of the utmost value to the Protector, and as Commander-in-Chief in Scotland he kept that dangerous and vital spot quiet and well-governed for the Protectorate. In spite of the fact that many people distrusted Monk, Cromwell, a shrewd judge of character, liked and trusted him. Monk had a soldier's desire for order and efficiency in government, but resented the rule of the sword. When he received his writ in 1658, he wrote to say that he would be glad to appear, but that the condition of Scotland was such that he could not well be spared.⁴ When this leaked out, it encouraged rumours

1. Cal.Clar.S.P. II, 54.

2. Born 1595.

3. He served in Holland under Frederick Henry, and in Vere's regiment. Ranke III, 265; Clarendon, III, 152.

4. Thurloe, VI, 741.

that he intended to desert Cromwell, but Thurloe declared that this was not the case, and that there was "not a man in all the 3 nations more loyal and dutiful to his Highness than he is, not one to whom his Highness is more indebted for weeding out of the Army ^{1.} troublesome and discontented spirits". Though the Royalists thought that "the only ties that have hitherto kept him from grumbling have been the vanity of constancy to his professions, and his affection to Cromwell's person" ^{2.}. Nevertheless Monk, although he never took his seat, adhered to Oliver and his son, until the latter threw in his hand. Before the meeting of Richard's Parliament he sent the Protector a letter of advice, containing many evidences of his sound judgment and statesmanlike grasp of affairs. ^{3.} ^{5.} taking his seat.

Lockhart.

Sir William Lockhart was a man of varied experience and wide talents. He was a Scot of "an ancient and knightly family" ^{4.}, who had been much abroad, and had served in the French Army. During the Civil War he had served the royalists with distinction; in 1650, however, owing to some insult real or fancied, he deserted

1. C.S.P.D. 1657-8, p. 324.

2. Clar.S.P. III, 413.

3. Thurloe, VII, ³⁸⁷

4. Noble, II, 223.

5. MS. of the House of Lords, IV, 522.

1. Charles II and two years later Cromwell enlisted his services. In 1656 he was given the important post of Ambassador to France.^{2.} His friendship with the Protector^{3.} resulted in his marriage to Cromwell's niece. He conceived a great admiration for Cromwell, and when addressing the inhabitants of Dunkirk, in 1658, "told them the Protector was a man of a vast comprehensive soul", who "sought the good of all his subjects"^{4.} This feeling was reciprocated by the Protector and his son. Richard said "there was not a person in the 3 nations whom he more esteemed, or who better deserved it". Lockhart acted with skill and tact as Cromwell's ambassador, and was generally admired for his way of dealing with Mazarin. Although he received a writ,^{5.} his duties abroad prevented him from taking his seat.

Warriston.

Johnston of Warriston had been one of the most active leaders of the Scottish opposition to Charles I. which produced the Bishops' Wars. His chief concern

1. Charles would not see him when he came to the King's camp in 1650, and he withdrew declaring that no King on earth should treat him in that manner. See Masson, Life of Milton, V, 47.

2. He was very successful in this post, and was recognised "as a man who could best cajole the cardinal [Mazarin] and knew well the intrigues of the Court". Clarendon, III, 775.

3. Clarke MSS. III, 23.

4. H.M.C.R., V, 193.

5. MSS. of the House of Lords, IV, 522.

had been resistance to episcopacy, and his whole career was governed by his ardent attachment to the Presbyterian system. "Presbytery was to him more than all the world"^{1.}, said his nephew Burnet. Johnston was a lawyer of keen and subtle intellect. Cromwell would have been glad to use his services, but their views clashed, for Warriston was bitterly intolerant, and an austere zealot.^{2.} He agreed with no party, and made himself disagreeable to all; he objected to the Prince's loose morals, as much as to Cromwell's religious policy. Eventually, however, he decided to acquiesce in the existing régime, came to London in 1656, and took service with the Protector as one of the administrators of justice in Scotland. Cromwell, who had long appreciated his ability, trusted him, and from this time, as Baillie reports "all the weight of Scots affairs" lay with him.^{3.} It was natural that he should receive a writ as a Scottish representative. He was not present, however, in Oliver's Parliament, "being sick"^{4.} He sat in Richard's time, and "manifested himself zealous for recognising the Lord Protector, and preached

1. Burnet I, 44.

2. See Carlyle's description of him. Carl Cr. ed. Lomas, II, 194.

3. Baillie, III, 430.

4. MSS of the House of Lords, IV, 522.

ad nauseam against "that tolleration and liberty of con-
science which God's word doth allow"^{1.}, according to a
contemporary. of the Council for the year 1653-4, winning

Broghill.

The only Irish peer summoned was Lord Broghill.
He held a unique position during the Protectorate, for
although one of the old nobility, he was not merely a
consistent supporter of Cromwell, but the main origi-
nator of the scheme for the new House. Broghill had
fought for the royalists in Ireland, and had gone into
retirement after the King's execution. According to
his Chaplain, Morrice, Cromwell sought him out in 1649,
and, in return for a promise to protect him against the
Council, persuaded him to assist in putting down the
Irish rebels.^{2.} From this time the two men were fast
friends, and Broghill, not only in Ireland but in all
ways, did his best to help Cromwell to restore order
and establish a constitution. He was a man of wide
culture, and shared with Cromwell a desire for peace
and good government rather than experiments or drastic
changes. Even the bitter author of the Second Narra-
tive finds little to say against him, describing him as
"a gentleman of good parts and wit", and "a lord of the

1. T. Tracts, E985.

2. Morrice, Boyle State Letters, pp. 10-11. See art.
Roger Boyle, by Firth in D.M.B.

3. See Boyle Tracts, VI, 232.

old stamp well gifted"^{1.} His work in Ireland was of first-rate importance, and ^{also} in Scotland, where he acted as President of the Council for the year 1655-6, winning golden opinions from all parties.^{2.} On his return he at once took an influential part in politics, for he was one of the small number whom Cromwell consulted on important matters, the Protector having a great respect for his judgment.^{3.} It was later said that he had as great a share in Cromwell's confidence as any man except Thurloe.^{4.} In the Parliament of 1656, Broghill was one of the principal men of the "Court party", and was looked upon by the Irish member as their leader. A moderate Presbyterian himself, he encouraged the Presbyterians to support the offer of the Crown to Cromwell. He was one of the Committee appointed to urge the Protector to accept the Crown, and spoke vehemently in favour of kingship at the Conferences.^{5.} He was anxious for a stable settlement, and apparently thought that the Petition and Advice would provide it.

1. Harl. Misc. III, 481. Evelyn mentions a performance in one of his plays. (Evelyn, ed. Wheatley II, 710), and Dorothy Osborne sent his verses to Temple.

2. Baillie III, 315, 325. Autobiography of Lady Anne Halkett, Cam. Soc., p. 105. Ludlow, II, 5.

3. Whitelocke, IV, 289. the speech for the dissolution of that body. See Oldmixon, House of Stuart, p. 100.

4. Budgell, Memoirs of the Boyles, 56-7.

5. See Somers Tracts, VI, 362.

4. Scholar of Caius College, Cambridge. Called to the Bar 1637.

After the Parliament of 1658 had proved unsatisfactory, he is said to have suggested that Cromwell's daughter should marry Charles Stuart, in the hope that the alliance would provide a future dynasty and thus solve the constitutional problem.^{1.} He of course took his seat in the Other House, and strongly supported Richard Cromwell, whom he served with great fidelity.^{2.}

H. Cromwell.

Henry Cromwell was summoned as Lord Deputy of Ireland. He had been sent thither in Fleetwood's place in 1655, and had been faced by many difficulties from the Army Officers and Anabaptists. Clarendon praises his work in Ireland, and it was generally recognised that he had more vigour than his brother.^{3.} He strongly approved of the Petition and Advice, and thought the new House would make a very useful institution if properly managed. He himself could not be spared from Ireland, and never took his seat.^{4.}

Steele.

William Steele was a lawyer who had been made Recorder of London in 1649. In 1655 he was sent to Ireland as Chancellor "at the Sollicitation of Fleetwood ... which roused a little the drooping ^{weirds} spirits of the

1. Boyle State Letters, p. 21.

2. He urged Richard to act fairly against the Council of Officers and composed the speech for the dissolution of that body. See Oldmixon, House of Stuart, p. 433

3. Clarendon, VI, 107. Lords, IV, 522.

4. Scholar of Caius College, Cambridge. Called to the Bar 1637.

1. Sectaries", says Bate. However, Steele was fully in accordance with Cromwell's government, and willingly accepted the Petition and Advice; he would have taken his seat in the Upper House, but he could not be spared from his work. He quarrelled with Henry Cromwell, who accused him of trucklings with the Anabaptists.^{2.} He believed in constitutional government, and had all the lawyers' dislike of an unsettled régime.

Thomlinson.

Colonel Thomlinson was notorious as the man who had taken charge of the King in 1648. Before the Civil Wars he was said to have been "a Gentleman Usher to a Lady".^{3.} He was an adherent of the Army party against the Parliament, and a Sectary with strong religious views. He was sent to Ireland to assist Fleetwood, and made constant trouble for Henry Cromwell, though the latter tried to placate him with a knighthood in 1657.^{4.} Thomlinson received a writ but did not sit in Cromwell's time, "being detained by sickness".^{5.} In Richard's Parliament, however, he took his seat as Matthew Lord Thomlinson.

1. Elenchus, p. 63.

2. Thurloe, VI, 416, VII, 199.

3. Mystery of the Good Old Cause, p. 26, E1923.

4. Cromwelliana, p. 169.

5. MSS. of the House of Lords, IV, 522.

Cooper.

Colonel Cooper is described in the Second Narrative as "sometime a shopkeeper, or salter, in Southwark"^{1.} He was a strong Sectary, and a member of Dr. Thomas Goodwin's church. He had been Major-General of North Ireland and Governor of Carrickfergus. He did not altogether approve of the Petition and Advice, and writing to Henry Cromwell explained his attitude. "My temper and disposition is not to bee violent in the prosecution of my owne mynde ... and though this matter, soe longe as it was in debat, was against my mynde, yet beinge now concluded by the major parte, I can and shall through the assistance of God, I hope, approve myselfe with as much faithfulnessse to it, as if I had been never soe much for the thinge in the first promotinge of it."^{2.} This attitude gave him the reputation of being "every way thorough-paced, and true to the new Court interest"^{3.} Cooper was in Ireland when he received his writ, and was very uplifted by the honour. "As for being one of that other House I ... doe indeed ... think myself veary unfit for that soe great imployment, and should rejoyce to see a person more fit appointed."^{4.} He took his seat in both Parliaments.

1. Harl. Misc., III, 484-4

2. Thurloe, VI, 157, Cooper to H. Cromwell, 31 March 1657

3. Harl. Misc., III, 484.. 485.

4. Thurloe, VI, 707. Cooper to H. Cromwell, 26 Dec. 1657

J. Jones.

Colonel John Jones, who was apparently intended to represent Wales, was, according to Ludlow, "so well beloved in his country that he did considerable service to the publick cause by his interest in those parts"^{1.} He married Cromwell's sister, and was thus allied to the Protector's interest. Nevertheless he was a strong Republican, and is therefore spoken of with respect by the Second Narrative.^{2.} He did not approve of the Petition and Advice, but he was offered a seat in the new House "as a bribe to keep him quiet"^{3.} He took his seat, but intrigued with the Army officers and did his best to subvert the Protectorate. Two other Welshmen who sat in the Upper House were Edmund Thomas and Philip Jones. of this next meeting," wrote an observer.

The Cavaliers did their best to add to the uncertainty, seeing in the divisions over the new House "a door opened for the restoring of their party"^{3.} Their attitude towards the newly created lords was one of the utmost scorn and mockery; ridicule was easy, and might be damaging. "We have a list of those dauntless knights whom Cromwell has designed for the composition of his

1. Mercurius Politicus, 394, 10-17 Dec., 1657.

1. Ludlow, II, 317.

2. "One of good principles for common justice and freedom." Harl. Misc., III, 485.

3. Noble, II, 215.

other House", wrote a correspondent of Secretary Nicholas, "among whom a brother of father Goff's and Hison, the ghesaker, who may bear his precludiary weapons. Sir Right's bones and an awl, for the worthy designs of his new nobility".^{1.}

Chapter IV.

The next generation of Lords, they tell us, are fools; it will be
THE UPPER HOUSE UNDER THE PROTECTOR OLIVER.

The Republicans were preparing to use their oppor-

The publication of the list of the new lords^{1.} aroused great interest, and the excitement increased as the time drew near for Parliament to sit. "All our talk is concerning the other House, as 20 Jan. is approaching, and what name shall be given it, also what will be the issue of this next meeting," wrote an observer.^{2.}

The Cavaliers did their best to add to the uncertainty, seeing in the divisions over the new House "a door opened for the restoring of their party".^{3.} Their attitude towards the newly created lords was one of the utmost scorn and mockery; ridicule was easy, and might be damaging. "We have a list of those doughty knights whom Cromwell has designed for the composure of his

1. Mercurius Politicus, 394, 10-17 Dec., 1657.

2. C.S.P.D., 1657-8, p. 258, 7 Jan., 1658.

3. Mem. of Col. Hutchinson, p. 298., 1657.

4. Ibid., p. 254, 13 Jan., 1657.

other House", wrote a correspondent of Secretary Nicholas, "among whom a brother of father Goff's and Huson, the shoemaker, who may bear his praeludiary weapons. Sir Hugh's bones and an awl, for the worthy ensigns of his new nobility"¹. The Marquis of Newcastle's comment was, "The next generation of Lords, they tell me, are fools; it will be a brave Upper House"².

The Republicans were preparing to use their opportunity. The new House gave them several lines of attack. It could be represented as too ill-defined to be of use, or as an attempt to go back to what they hoped had been destroyed, or as a new engine of tyranny set up by Cromwell to bolster up his power. At times they found themselves in the curious position of defending the rights of the old Lords. A pamphlet of 1659 expresses some of their general objections: "If a new House of Lords be erected, and part of the legislative power settled in them, is there not like to be continual emulation, heart-burning and strife, between the new-erected lords and the ancient nobility and gentry, not only those who engage in the King's quarrel, but also others that appear in the parliament's cause... And considering what a prejudice and hindrance the negative voice of the king

1. C.S.P.D., 1657-8, p. 232, 25 Dec., 1657.

2. Ibid., p. 254, 13 Jan., 1657.

and the house of Lords (depending upon him) hath formerly been ... how can the people of these nations groundedly expect any good from this check which is put upon their liberties by a new House of Lords?^{1.}"

To the Republicans there was a great deal at stake if the House should get itself recognised as in some sort a House of Lords. If the Commons allowed it to slip into the place of the old Lords, then it would claim co-ordinate authority with them, the power of vetoing laws, and the influence of the House of Lords in the constitution.

"But Peers without Kings
Are very useless things - " 2.

and the Republicans feared that the next step after the recognition of the new Lords would be the offer of the Crown to Cromwell again.^{3.}

Even before Parliament assembled, rumours were current that the old Lords would refuse to sit. Men wondered eagerly what they would do, for if they accepted the new House many others would follow their lead. Only^{Lord} Eure appeared, however, and his example was not followed by any of the old nobility except Cromwell's son-in-law Lord Fauconberg.

1. Harl. Misc., X, 428.

2. Rump Songs, E1823.

3. Bordeaux to Brienne, 11/21 Jan., 1658.

4. Journal of the House of Lords, IV, 306.
5. P.F.R. XII, 159. Warburton and Newdigate, Atkinson and Wynne, Nicholas Pury and Hill. See White-locks, IV, 329.

On 20 January, 1658 Cromwell's last Parliament met. The new Lords took their seats in the old House of Lords which had been refurnished for them.^{1.} At nine o'clock in the morning six members of the commission which had been appointed by the Explanatory Petition and Advice to receive the oaths of the Lords^{2.} "came into the Little roome within the Painted Chamber", and their Commission having been read by the Clerk of the Commonwealth in Chancery, took the oath themselves, and then administered it to those present.^{3.} The members of both Houses were required to swear to uphold the Protestant religion, to be faithful to the Protector, and to "endeavour ... the preservation of the rights and liberties of the people".^{4.} Forty-one lords appeared on the first day, and eight judges took their places as assistants.^{5.} Cromwell came down in state to the Lords' House, "3 great silver maces borne before him wth ye Lords Com^{rs} richly clad wth

1. "Order on a paper from Clem. Kinnersley for provision to be made for the other House of Parliament and rooms adjacent;- that 6 small rooms want hangings (of which he has none) and that the whole house wants furnishing with woollsacks, forms, andirons, chairs, and carpets, of which an estimate is given, - that Frost pay Kinnersley 200 £ on account, and he is to furnish the House and rooms as cheaply as he can, hang the rooms with baize striped stuff, and give accounts." C.S.P.D., 1657-8, p. 262.

2. Gardiner, Const.MSS.337 463

3. MSS. of the House of Lords, IV, 505.

4. Gardiner, Const.MSS, 349 462

5. O.P.H. XXI, 169. Warburton and Newdigate, Atkinson Hale and Wyndham, Nicholas Parker and Hill. See White-locke, IV, 329.

crimson robes trimmed with gold & lord Desborow bearing
 ye Sword all beare headed"^{1.} He came from his withdraw-
 ing room accompanied by the Lords Commissioners of the
 Great Seal, and ascended the Chair of State. Over his
 head was "a rich canopie of wrought gold"^{2.} When he had
 taken his seat, the lords were "placed by a herald at
 armes after the wonted manner"^{3.} The Usher of the Black
 Rod, Colonel Willoughby, was then sent to tell the Com-
 mons "that his Highness stayed for them"^{4.} He went
 through into the Commons House, and, standing in the
 middle of the room, said, "Mr. Speaker, his Highness is
 in the Lords' House, and desires to speak with you".
 The Speaker, in repeating the message to the House re-
 ferred to "the other House", but was called upon to
 correct his mistake.^{5.} The Commons followed their Speaker
 into the Lords' House, and Cromwell stood up to speak to
 them, the Lords standing bare-headed within the bar, and
 the Commons with their Speaker outside. This ceremony
 followed as closely as possible the procedure of Parlia-
 ment during Charles I's reign.^{6.}

1. Stowe MSS. 185 f.123.

2. Ibid.

3. Ibid.

4. Clarke MSS. III, 132. C.J. VII, 579.

5. Burton, II, 322.

6. See L.J. III 471, also Scobell ^{Remembrance} ~~Remembrance~~ of Proceedings in the Lords (1657).

3. Stowe, 185 f.123.

In his speech, addressed to "My Lords, and Gentlemen of the House of Commons", Cromwell did not introduce the new House as an experiment, but appeared to take for granted the fact that he was addressing a Parliament now brought together under the old constitution; indeed, he made no definite reference to the new House at all. He ended his speech with a burst of optimism: "If God should bless you in this work, and make this meeting happy upon this account, you shall be called the Blessed of the Lord. The generation to come will bless us. You shall be 'the repairers of breaches, and the restorers of paths to dwell in'¹."

After Cromwell's speech, which was short, Nathaniel Fiennes the chief Commissioner of the Great Seal, who held practically the same place as the Lord Keeper, stood upon Cromwell's right hand by his chair, in emulation of earlier proceedings, and delivered a long and flowery oration², which, wrote a member of the Commons indignantly "was scarce heard by the Comons at the Barre", and therefore, he added, "I can give noe account of the end of it, though I was as neere as any (at the barre &) under the degree of a Lord"³. Fiennes dwelt upon the great

1. Carl. Cr. ed Lomas, III, 157. "His Highness made a most pathetic speech, shewing a necessity of laying aside formalities ... and the settling of the commonwealth at home." Vaughan, II, 437.

2. O.P.H. XXI, 175. See Masson Life of Milton, V, 328.

3. Stowe, 185 f.123.

advantages of the new constitution; he called it "the very emblem and idea of reason itself, which reasoneth and discourseth by a medium between two extremes". As explained the need for a second House to revise laws, and the value of a veto in the hands of the Protector and the Upper House. When he had finished, the Commons went back to their House, and the Protector departed.

On the very first day of the Parliament there was friction between the two Houses. Mr. Scobell, Clerk to the Parliament, went off to the new House apparently on the assumption that this was the more important post, leaving the Commons to find a new clerk.¹ This did not please them at all; and Mr. Scobell's apology for his absence, sent a few days later, was not very tactful. He informed them that he had always served them faithfully, and now he was in attendance on those "whom the Lord, by a stupendous and wonderfully over-ruling hand of Providence", had again restored.²

The new House seems to have made an auspicious beginning. The ceremonies at the opening of Parliament had been copied from the proceedings of the old House of Lords. Cromwell had addressed his speech to "My Lords".

1. Clarke MSS. III, 132. Burton, II, 316.

2. C.S.P.D., 1657-8, p. 272.

3. North Chronicle, 738 (ed. 1863).

The Speaker of the Commons had been corrected when he mentioned the "other House". The official newspaper of the government Mercurius Politicus spoke of "the Lords" in the most fulsome manner.¹ Henry Scobell took up his position as Clerk to the Lords as a matter of course, and the first action of the House was to order a Journal to be kept in the manner of the old House of Lords. From the beginning a strict order of precedence was observed, modelled on that of the old House of Lords; Cromwell's sons ranked first, as Princes of the Blood Royal; then came the Commissioners of the Great Seal, in the place of the Lord Chancellor; then the President of the Council, and the Lieutenant General of the Army, followed by Peers, Viscounts, Baronets, Knights and Commoners. With the exception of the Protector's sons (Richard was styled Lord Richard Cromwell) the new lords were given their title after the christian name — e.g., "John Lord Lisle".

The Commons regarded the proceedings of the second House with the utmost contempt and jealousy. "With such scorn and derision did they receive the notice of their meeting there ... as if they had been the most ridiculous fellows in the world ... with What did they there? Who sent for them? What was their business?"² The contrast

1. Merc.Pol., 14-21 Jan., 1657-8.

2. Heath Chronicle, 728 (ed. 1663).

2. Engl. Hist. III, 478.

between their attitude now, and their enthusiasm for the Petition and Advice in 1657 was due to the re-introduction of the secluded members, among whom were the ablest of Cromwell's enemies, and also to the removal of many of his supporters to the Other House. "This weakened his party in many of the leading men of the House of Commons by carrying away from thence divers of his best speakers, and those who were refractory, and had rejected that honour of sitting in the new House of Lords envying the others empty title."^{1.}

Of the debates which took place in the Upper House we have no record. In a few private letters of the time, and in the despatches of ambassadors, there are references to its proceedings, but such are very scanty. The attendance was poor, and many of the best men chosen by Cromwell were absent. "As for the other House, who called themselves the House of Lords, they spent their time in little matters, such as choosing of Committees; and, among other things, to consider of the privileges and jurisdiction of their House, (good wise souls!) before they knew what their House was, or should be called"^{2.} was the caustic remark of a republican pamphleteer.

1. Sir P. Warwick Memoirs, ed. 1813, p. 424-5. See Clarendon, VI, 40.

2. Harl. Misc. III, 472. ibid., IV, 510.

Both Houses were adjourned on 20 January after the opening of Parliament, the Lords having previously ordered that the members of their House should bring in their writs of summons on the next day, that an entry might be made by the clerk. On Thursday, 21 January, business began in earnest.^{1.} Prayers were held in the old manner.^{2.} Nathaniel Fiennes was chosen speaker, again following precedent, for he was in a manner in the place of the Lord Chancellor. The first business was to arrange for ministers to preach in the House. A day of humiliation was then ordered to be kept the next Wednesday.

According to the usual custom of the House of Lords, a Committee of Privileges was appointed, and fifteen Lords, with three judges to assist them, were to meet next day, "in the Chamber on the left side of the House". This Committee was ordered to appoint a sub-committee to peruse the Journals of the House from time to time, "and see the same be rightly entred".^{3.} Twenty-four lords were appointed as a committee for Petitions, "to have the same power that formerly Committees for Petitions had".^{4.}

1. "James Lord Berry" appeared in the House, and having been sworn "took his place next to John Lord Hewson on the bench in the second Rowe on the left hand". House of Lords MSS. IV, 508.

2. "The other House ... did likewise, in their House, pray at the same time with much devotion." Harl. Misc., III, 472. See Scobell "Remembrance." p. 6

3. MSS. of the House of Lords, IV, 510.

4. Ibid., 509. Merc. Pol., 21-8 Jan., 1658.

Very few attempts at real business are mentioned in the Journals, and those unimportant. Leave was given on 21 January to Nicholas Corsellis, a London merchant, to introduce a Bill for the naturalisation of his wife. This was read the first time on 25 January, and for the second time three days later, when it was referred to a Committee. There is no further mention of it in the Journal. On 22 January, the Judges were ordered to prepare a bill "for making intailed lands liable to the paym^t of Debts"^{1.}, but nothing came of this. On the same day an Act for the better levying of penalties for profanation of the Lord's Day was read the first time. This was read the second time, "and severall exceptions taken thereunto" on 26 January, when it was referred to a Committee. The same Committee was ordered to take into consideration the laws against swearing and drunkenness.^{2.} On 23 January Richard Cromwell wrote to Lenthall saying that he had received a petition from Oxford University. "This bill is considered by persons of learning fit to be begun in our House, and you are thought a fit person to present it," he wrote.^{3.} Apparently

1. MSS. of the House of Lords, IV, 511.

2. Ibid., IV, 516. II, 283.

3. C.S.P.D., 1657-8, p. 272.

nothing came of the bill, for it does not appear in the Journals.

This activity shows that the new House attempted, at least, to justify itself. It must have been obvious, however, that the new Lords, who had been amongst Cromwell's ablest supporters in the Commons, were wasted in the Upper House. Their hands were tied, and they could do nothing without the recognition of the Commons. This they attempted to gain at the first opportunity. "Conscious of their own worthlessness, and their inconsistency with the English honour, like the basest of upstarts," says a royalist of the time, they "betrayed their meanness by all means of abject compliance, and fawning upon the Commons their half-Parent."¹ A contemporary of another stamp makes a like contemptuous comment. "The Lords (as they were instructed by Cromwell) fawned, complied, wheedled, and courted their Friendship, leaving no means unsaid, whereby they might soften and make them more gentle."² Now that they were lords, the members of the new House were anxious to make the experiment a success.

On 22 January it was voted "That this House doth Desire the House of Commons to ioyne with them in an

1. Heath Chronicle, 728.

2. Bate, Elenchus, II, 223. ⁴ was a trial whether they were a House of Lords. Burton, II, 342, Jan. 22.

humble addresse to his Highnes the Lord Protector that his Highnes will be pleased to appoint a Day of Solemne Fasting and humiliation throughout the three nations^{1.} Mr. Justice Wyndham and Mr. Baron Hill were then sent to the Lower House with the message "after the manner of the House of Peers formerly"^{2.} The Commons being informed "that some Gentlemen were at the Door, with a Message from the Lords", it was resolved that they should be called in. The two Judges entered, bowed to the House, and went up to the Clerk's table, where Mr. Justice Wyndham delivered his message: "I am commanded by the Lords to desire of this House that you will join with their lordships in an humble Address to his Highness the lord Protector"^{3.} This ceremony seems to have been purposely carried out in the old manner, in order to test the feelings of the Commons.^{4.} "It was a critical moment. The new House had quietly assumed that it was a House of Lords. If the Commons committed themselves by accepting the message, it would appear that the old constitution had been restored. There were few in the Commons now who wished to see the old House of Lords

1. House of Lords MSS. IV, 511. legal grounds, some saying

2. Harl. Misc., III, 471. abolishing the House of Lords

3. C.J., VII, 579.

4. Mr. Rennel: "The message was a trial whether they were a House of Lords". Burton, II, 342, Jan. 22.

In Scobell's account of the sending of message from Lord to Commons see "Remembrance" p. 38.

established; and they most bitterly hated those of their number who had deserted them to become Lords. "Such mean fellows, of no Birth nor Merit, raised out of the Dregs of the Rabble, who were contemptible and ridiculous to the real Lords and Peers, who could neither give nor receive any splendour or nobility"^{1.}, so Bate described them later.

When the Speaker announced the message to the Commons, the Republicans were on their feet at once. Scott and three of his friends moved not to receive such messages from the new House as Lords. "They are at last but a swarm from you. You have resolved they shall be another House but not Lords." Alderman Gibbs suggested a conference between the two Houses "to understand our foundation". He was "in love with the old foundations of Parliaments, but not to bring it in this way"^{2.} The Commons felt that they were being cheated, and that a House of Lords was being set up in spite of them. When a member proposed that the Commons should send answer by messenger of their own, Colonel Matthews declared "that is to agree them to be what they are not yet". Other members agreed on legal grounds, some saying that the ordinance of 1649 abolishing the House of Lords

1. Elenchus, II, 222.

2. Burton, II, 339-40.

4. Ibid., IV, 815.

had established the sole right of the Commons as the sovereign body, and some pointing out that the old Lords had not consented to the destruction of their House (quoting in this case the Act of 1641 which declared that the Long Parliament could not be dissolved without its own consent), and that therefore the present Lords had no claim to be the Upper House. Captain Baynes put the fears of the Commons in plain words:-

"For you to send such a message is implicitly to consent^{1.} that there is such a power in co-ordination with you".

Finally, it was resolved, by 75 to 51 votes, "That this^{2.} House will send an answer by messengers of their own".

The Judges were called in, and the Speaker acquainted them with the resolution of the House.

On the following morning the messengers reported the result of this decision to the Upper House.^{3.} Despite the check they had received the Lords continued to assert their rights. They ordered that the Committee of privileges should "peruse the Roll of Orders of this House w^{ch} was usually read at the beginning of every Parliam^t and prepare these Orders to be brought in and^{4.} read".

1. Ibid., II, 342.

2. C.J. VII, 581.

3. "They did yesterday waite on the house of CoMons and sent in by the S^rt to acquaint the Speaker that they had a message from the Lords, and after about an howers attendance being called in they did acquaint that house wth the Message and then retired, and after some stay were called in againe." MSS. of the House of Lords, IV, 512-3.

4. Ibid., IV, 513.

On Monday, 25 January, after prayers, it was ordered, "in respect of the busines of the Terme that the attendance of the Lords the Judges in this house be Dispensed with during the Terme unles they shall be sent for by this house"¹. This does not seem to have been the usual procedure in the House of Lords, but was probably due to the fact that there was so little to do in the Upper House that the Judges felt they were wasting their time. The Speaker then told the House that he had received a letter from the Protector. This was addressed in the regal fashion, "To Our Right Trusty and right welbeloved ... Speaker ... in our House of Lords", desiring the "House of Lords" to meet Cromwell in the Banquetting House, at three o'clock that afternoon.² The Commons were also summoned.

In the Commons House a ferment had been caused that very day by the entry of Sir Arthur Haslerig, who had been elected previously for Leicester, but had also received a writ for the Upper House. "He came to London as privately as he could, but the Court having notice of his arrival, sent Col. Howard to his lodgings to feel his pulse; which he, suspecting something of that nature,

1. Ibid., IV, 514.

2. Ibid., II, 32.

3. Burton, II, 245-7.

4. Ibid., II, 351.

avoided by going early abroad"¹. Coming to the door of the House of Commons he "took Mr. Francis Bacon by the hand and said 'Give me my oath'. He answered, 'I dare not'". Haslerig then turned to another member, who stipulated that the opinion of the House should be asked, "in regard Sir Arthur was called to the other House". Haslerig succeeded in getting his friends to give him the oath, which he spoke "very valiantly and openly, especially the latter part, relating to the privileges of the people"². He had a long conference with the leaders of the Republicans, and it is obvious that the line they intended to take was that the Other House was an encroachment of the liberties of the people. This attitude was very irritating to Cromwell, and he made his view very plainly evident in the Banquetting House that afternoon. He began as before, "My Lords, and Gentlemen of the Two Houses of Parliament", adding "for so I must own you". He declared that the legislative power was vested in the two Houses and himself — as though daring the Commons to tamper with the constitution. He made "a very long, plain, and serious speech ... inviting us to unite, and not stand upon circumstances"³, wrote Burton, who was present.

1. Ludlow, II, 32. ibid., III, 168. Speech XVII. "He spoke very long, exhorting them to union." C.S.P.D., 1652.

2. Burton, II, 346-7., 1652.

3. Ibid., II, 351.

He was, Cromwell told them, "set upon a watch tower, to see what way be for the good of these nations"; looking round himself, he saw difficulties and dangers everywhere, abroad and at home. He urged them to put an end to their contentions; sect strove with sect for power, and none realised the desperate state of affairs. "It were a happy thing if the nation were content with rule — misrule is better than no rule; and an ill-government — better than none" — a curious comment from one of the most determined opponents of Charles I's government. He went on to demand whether any frame of government could be found that would satisfy the country better than the present constitution — "I mean, the Two Houses of Parliament and myself". He described the perilous position in which not only he but the country stood, harassed by wild sects, Cavaliers, Republicans and "a poor unpaid Army". The only hope, the only inducement to him in carrying this heavy burden was the present settlement. He ended with a passionate exhortation to unity, urging the acceptance of the new order. Clarendon says that he spoke "very magisterially, and in a dialect he had never used before", reprehending the Commons for presuming to question his authority.

1. Carl. Cr. ed. Lomas, III, 162. Speech XVII. "He spake very long, exhorting them to union." C.S.P.D., 1657-8, p. 274, 25 Jan., 1658.

5. Harton, II, 580. C.J. VII, 585.

"The other House, he said, were lords, and they should be lords [this may be a confusion with Cromwell's speech on dissolving the Parliament] and commanded them to enter upon such business as might be for the benefit, not the distraction of the Commonwealth."^{1.}

Wednesday, 27 January, was a day of fasting and humiliation in both Houses.^{2.} On the next day, the Commons vigorously debated the position of the Other House. The excluded members demanded that the whole question should be brought up again, since the Petition and Advice had been framed in their absence, and they were antagonistic to the setting up of a second House, of this kind. On Friday, the Commons received another rebuff from Cromwell. They requested him for a copy of his speech of the 25th. He told their Committee angrily that "he spoke to both Houses, and was sworn accordingly, and was tender of the privileges of either House. As to his speech, he could not remember four lines of it"^{3.} There was a deep silence in the Commons when this was reported. At length a member rose and moved "to take notice of his Highness's reiteration, 'I say the House of Lords'". Cromwell had now shown

1. Clarendon VI, 40. This speech is contained in the fragment of the Journal of the Upper House in Sidney Sussex Library. See Appendix B

2. Merc. Pol. 400, 21-8 Jan., 1658.

3. Burton, II, 380. C.J. VII, 589.

reason of the quality of lands. They have not the them very clearly what his attitude was:- "He said he interest". This was a familiar argument, that the Lords would rather die than suffer a breach of privilege to should have sufficient property to act as a balance in either House, to which he was sworn", reports Burton. the constitution. Scot then brought up the old cry, Haslerig skilfully played upon the feelings of the Commons, rising to remind them that Cromwell had told the Committee that "he would communicate the point of Commons, who were afraid 1. that a new House would encroach money to the Houses", whereas, he continued, money matters were the exclusive affair of the Commons. on their privileges. "If you make them a co-ord 2. power with you, you give them the power of your parties. Another member pointed out that, according to Coke, of peace and war, of making laws. "whosoever is once called to sit in Parliament, he is ever after called a Peer". He made the further point that "the writ doth agree with former writs"; and he was inclined to think that the new House would have to be called a House of Lords. Scot, the hot-headed leader of the Republicans, was up in arms at this. He delivered a long harangue against the Upper House, concluding with the argument, strange from him, that if there was to be a House of Lords, it was more reasonable to have the old peerage. The Other House contained his "negotiations in Sweden, and of the interest of the only men who were commoners, he said, "and were yesterday here... For ought appears to you, they sit as part of the Commons, in another place. They have not the

1. Burton, II, 380.

2. Ibid.

3. Ibid., II, 381.

reason or the quality of lords. They have not the interest". This was a familiar argument, that the Lords should have sufficient property to act as a balance in the constitution. Scot then brought up the old cry, "What was fought for, but to arrive at that capacity to make your own laws?", and played on the fears of the Commons, who were afraid that a new House would encroach on their privileges. "If you make them a co-ordinate power with you, you give them the power of your purses, of peace and war, of making laws."

Meanwhile the Lords were growing impatient with this obviously deliberate delay in answering their message. Whitelocke says that the attitude of the Commons "created distaste in the other house and protector, and was contrary to what they themselves at their last meeting had assented unto". In order to produce an impression of firmness, the Lords began to take into consideration "affairs relating to foreign princes and states". Whitelocke gave an account to the House of his "negotiations in Sweden, and of the interest of this nation in relation to Sweden, with which the House seemed greatly satisfied".

1. Ibid., II, 382-392.

2. Whitelocke, IV, 329.

3. Ibid. No mention of this appears in the Journal.

4. Burton, II, 398.

5. Ibid., II, 408.

On that same day (Saturday, 30 January) the Commons were attacking with increased bitterness the position of the new House¹. They would not send a message until they could decide what should be "the Appellation of the Person to whom the Answer shall be made"². Cromwell's supporters urged the imminent need of recognition by the Commons before any business could be done, and explained in vain the value of a second House. "They are not bitters for our feet, but a just curb in our mouths"³, said Mr. Waller. Another member declared that "the title of 'other house' signifies nothing. It is absurd and repugnant, for when you come to these doors, then you are the other House to them". Colonel Shapcott added shrewdly, "If we dispute grounds and foundations, we shall soon dispute ourselves out of doors"⁴.

On Tuesday, 2 February, probably for the sake of their prestige, the Lords made a determined effort to ensure a larger attendance in their House. When the House was called over "in the order in w^{ch} they are returned under the hand of the Clerk of the Pettibagge

1. "The Parliament have done nothing as yet, save only they have somewhat disagreed about having and owning the House of Lords: but its hoped that it will be blown over." Lansd. 754 f.334.

2. C.J. VII, 590.

3. Burton, II, 398.

4. Ibid., II, 402.

beginning with the first and so in order, ever lord that was present as his name was called, rising up uncovered"¹. Thirty-nine members were present, six were absent on account of their official duties, six were ill, and eleven "Did not appear nor any excuse made for them". It was resolved that the lords who had not appeared should be required to attend "on this Day three weeks" on the service of the House.²

On the following day another attempt was made to communicate with the Commons. It was moved that the Protector should be asked to issue a proclamation for removing Papists from the City. After some debate it was resolved that a message should be sent to ask the Commons to join in this, and a committee consisting of Lisle, Lawrence, Desborough and Onslow was appointed "to pen the substance" of the message. Desborough reported the results of their deliberation, which were accepted by the House, and the message was taken by Mr. Justice Wyndham and Mr. Justice Newdigate, attended by a clerk.³

The Commons, however, were still very much opposed to acknowledging the new House. Every possible argument was brought up by the skilled Republican

1. MSS. of the House of Lords, IV, 522.

2. Ibid. VII, 591.

3. Ibid., IV, 524.

debaters. Sir Arthur Haslerig, who was regarded with respect and admiration because he had preferred to sit in the Commons, "moved strongly and passionately" against the Upper House, crying "Well for Prynne, Stroud and Hampden ... that they are dead"¹. Major-General Boteler took up their defence; in reply to the accusation that they did not possess enough property to be a balance, he argued that the old lords had always been a balance with the King against the Commons. The qualifications of the new lords were "religion, piety and faithfulness to this Commonwealth. They are the best balance"². Another member, Mr. Drake, spoke on the same side; according to Burton he gave a list of reasons why the Other House should be a House of Lords, one of them being that it was "a dangerous thing to question ^{over} one constitution; for enter upon one part, and you invade all"³. But in spite of these efforts it became evident that opposition was hardening against the recognition of the Other House, and a motion for a Grand Committee was only rejected by six votes, a very narrow majority for the government.⁴

1. Burton, II, 406-7.

2. Ibid., II, 408.

3. Ibid., II, 410.

4. C.J. VII, 591.

After the division the Speaker informed the House that there were two judges at the door from the Lords.^{1.} Sir Arthur Haslerig at once began to talk of "slavery" and "betraying the liberties of the people of England".^{2.} However, the judges were called in, and their message was delivered. A hubbub at once arose among the Republicans. Their attitude was that the new House would restore all they thought had been destroyed, and that the new Lords were unworthy and unsuitable for so great a trust. Although they conceived that a senate, or second House, was necessary to revise the laws, they considered that the new House was being allowed too much power; that Cromwell had established it with a high hand, and was maintaining it to the detriment of the liberties of the Commons. They succeeded in getting a resolution passed to the effect "That this House will send an Answer to the Other House by Messengers of their own", thus denying that the new House was a House of Lords.^{3.}

The next morning (4 February) the debate went on with increasing violence. A fortnight had now been wasted in fruitless argument. Colonel Matthews, one

1. Burton, II, 437-440.

2. Ibid., II, 437.

3. C.J. VII, 591.

of Cromwell's supporters, gave an able defence of the Other House, and explained the value of a second chamber. He said that the great reason for having another House was that laws were passed too hastily in the Commons. Further, a body was needed to receive complaints from Courts of Equity and Justice, as the Commons could not spare the time to attend to this kind of business. He referred to Naylor's case, which had proved to the Commons that they could not act as a judicial body without trouble.¹ One of the lawyers supported this view, declaring that "a check is necessary upon us... There may be a necessity of a restraint sometimes. A corrupt party may be in a House"². The Republicans, however, refused to accept this view. Cromwell had watched the proceedings in the Commons with the utmost impatience. He had hoped much of the new Settlement, and now the Commons were spoiling everything. He felt that they did not realise, while haggling over the terms upon which the new House should be recognised, that the existing constitution was the

1. Burton, II, 450-6.

2. Whitelocke's account of the debates in as follows:-
 "Some were against the having of such another House, perhaps because they were not thought fit to be members of it; and others were against it upon other fancies, and upon a spirit of contradiction, and some spake reproachfully in the house of Commons of the other House."
Memorials, IV, 530.

last hope of keeping out the Stuarts. The Republicans were now intriguing with all the discontented parties, which were ever ready to take advantage of the Protector's difficulties. A petition was drawn up by a coalition of Republicans, Fifth Monarchy men and Anabaptists, praying for a restoration of the single chamber government which had proved so disastrous. This was addressed to the Commons, and ignored the Upper House¹. A dangerous demonstration against the Government was brewing. At the same time, a Royalist rising was being planned, and the Commons had refused to co-operate with the Lords in banishing Papists and Cavaliers from London.

The Protector knew that at all costs he must prevent the petition of the Sectaries from being introduced into the Commons.² On 4 February, while they were still wrangling over the Upper House, "betwixt the house⁵ of 10 and 11 his Highness came into the House of Lords"³, and in spite of the remonstrances of his friends there, sent the Black Rod for the Commons. The

1. "The liberty of speaking of some of the members of the House of Commons having given heart to some of the Sectaries who professe a great adversion to monarchy, that at last they begin to set on foot a seditious petition, which they intended to have presented to the Parliament of the Commonwealth .. which they would have to be a House of Commons, and so not to own the House of Lords." Bordeaux to Brienne, 4/14 Feb., 1658.

2. Hartlib to Pell, 11 Feb., 1657. O.P.H. XXI, 205. See Firth in E.H.R. VII The Dissolution of Cromwell's Last Parliament.

3. Merc.Pol., 4-11 Feb., 1658.

Clerk of the Lords was just about to set down in the usual manner the list of those present, and had written Richard Cromwell's name only; he never finished the list, for the Journal goes on, "His Highness being come to the House unexpected and set in his Chaire of State and the Lords in their places, all the Judges were sent for to attend this House..." and then notes that Cromwell spoke to the Lords, "taking notice ... of their faithfulness to the publique interest and readines to Carry on the Governm^t as it is settled in the Humble Petition and Advise, so as he could charge nothing on them as having been wanting in what might tend to the good of the Commonwealth".^{1.}

The debates in the Commons were in full swing when the Speaker announced that Black Rod was at the door.^{2.} Haslerig and Scot made an unavailing attempt to prevent him from giving his message. Having resolved that they would continue the debate on their return, the Commons went into the Lords House and stood without the Bar, while Cromwell "standing under the Cloth of Estate"^{3.} made his speech. He deliberately vindicated

House of Lords; in fact, as the old Lords House restored,

1. MSS. of the House of Lords, IV, 524.

2. Burton, II, 462. "While peppery Scott is just about to attempt yelping out some new second speech ... arrives the Black Rod ... while Sir Arthur is arguing for Scott - 'What care I for the Black Rod?' snarls he." Carl. Cr. ed Lomas, III, 187.

3. Merc. Pol., 4-11 Feb., 1658. See also H.M.C.R., VI, p. 442.

the Upper House and declared his bitter disappointment at the behaviour of the Commons. "God will judge between you and me! If there had been in you any intention of Settlement, you would have settled upon this basis, and would have offered your judgment and opinion as to minor improvements". He told them that he knew that trouble was being stirred up in the Army, and, "I do not speak to these Gentlemen or Lords, but to you". They had advised him to accept the place he was in, and now turned their backs on him. They were intriguing with the Sectaries, with the Army, and with Charles Stuart. "And if this be the end of your sitting... I think it high time that an end be put to your sitting. And I do dissolve this Parliament! And let God be judge between you and me!" "Amen!" was their answer;^{1.} "and thereupon everyone went away, and not one of them",^{2.} says Bordeaux, "durst speak a word".

Such was the unsatisfactory end of Cromwell's last Parliament. It seems obvious from the Protector's behaviour, during the brief fortnight of its sitting, that he intended the Upper House to be treated as a House of Lords; in fact, as the old Lords House restored,

1. Carl. Cr. ed. Lomas, III, 187-93. "He assured those whom he had called to his other House, that notwithstanding all the practices that had been used against them, they should continue to the Lords."

2. Bordeaux to Brienne, 4/14 Feb., 1658.

with curtailed privileges. As a member of the Commons pointed out, "If you had desired his Highness to take the royal dignity, did you not intend them to be a House of Lords?"^{1.}

The position of the Upper House between the Protector and the Commons was very difficult. Its members might have taken the line that they were merely a revisory body, a cautionary element in the new constitution, with no thought of emulating the old House of Lords; but it does not seem, from the nature of the debates in the Commons, that this would have softened the rancour of the Republicans. As it was, the new Lords were obliged, by the nature of their position, and by the attitude of Cromwell, to regard themselves - not unwillingly - as a House of Lords. It was a natural attitude. The English constitution had known no other second House than the House of Lords, and that had been an integral part of the constitution until the last few years. Further, a written constitution was^a new experience, and no one had realised the possible defects and gaps in even the most carefully framed machinery. One defect was patent - the lack of any provision for authoritatively interpreting the constitutional instrument. ^{One} The party considered that the phrasing of the

1. Burton, II, 414. ^{of King}, which it is believed in England will soon be done. C.S.P.D., 1657-8, p. 255, 4 Jan., 1658.

Petition and Advice indicated that a House of Lords was to be summoned with the old abuses remedied, with no hereditary peers to be unduly prejudiced towards monarchy, and no powerful judicial privileges. The other party maintained that the House of Lords had been removed, as useless and dangerous, and that the abolition had never been rescinded. They saw no use whatsoever — in fact they saw a positive danger — in having a large number of the Protector's friends sitting in the place of the old Lords, ready to put a spoke in the wheel of the Commons directly any bill that Cromwell did not like should be brought up. They did not see that only the strength of the Protector held back the tide of Royalism. The fear that the new House would offer the Crown to Cromwell,^{1.} and thus enable him to establish a despotism, oppressed them, and filled their minds to the exclusion of other issues. The bitter Republican author of the Second Narrative says that the Upper House contained only "such as would concur to carry on any design or interest they should be put upon, and would say no with the rest, when any thing came in question that seemed to be against the Protector's height and absoluteness, or interest of the new Court;

1. A royalist agent wrote to Nicholas that the new Lords "may not take their new honours till Cromwell has assumed the title of King, which it is believed in England will soon be done". C.S.P.D., 1657-8, p. 255, 4 Jan., 1658.

which he that hath but half an eye may see, was the only design of calling them hither, as a government to the Parliament, so greatly, though falsely, pretended for the good of the people"¹. Another pamphlet of 1689 describes in contemptuous terms what an utter failure the Other House had been; it was disowned by the Commons who had created it, "And if these creators would not own this their mungrell ill-compacted new creature", certainly no other Parliament would; the old peers would neither sit in it nor acknowledge it, while "the generality of the people, who disrelished, and made no addresses to it upon any occasion" displayed the same indifference.²

The inferior officers of the Army especially, who had great influence with the mass of the soldiers, regarded the Other House with the strongest distaste. The commander of Cromwell's regiment of horse, Major Packer, was a fire-eating Republican, and had strong views about the new constitution. He "expressed much dissatisfaction as to the present affaires, and said all his captaines were of the same minde"³. Cromwell argued with Packer and his friends with a good deal

1. Harl. Misc. III, 488. Godard, p. 152.

2. T. Tracts, E766 f.4, p.2. A Probable Expedient for present and future publique Settlements.

3. Clarke MSS. III, 140.

of patience, but they remained obdurate, and on 11 February they were cashiered. Packer later explained his point of view to the Commons. He objected to the new constitution chiefly because of the Other House; "it seems it was judged a Lords' House, except for some limitations. I thought it was not a Lords' House but another House. But for my undertaking to judge this, I was sent for, accused of perjury, and outed of a place of 600 £ per annum... Five captains under my command, all of integrity, courage, and valour, were outed with me, because they could not comply; they could not say that was a House of Lords"¹. However, he made himself too much of a martyr, for Cromwell had spent much time in expostulating with him. Morland wrote to Pell that the officers were dismissed "for having a finger in the py, and endeavouring to make a confusion in the Army and to corrupt it"². Apparently the five captains were all Anabaptists.³ Discontent among the Sectaries was rising rapidly.

Nevertheless, it was becoming more and more apparent that many people felt that the only solution

1. Burton, III, 1656. There is a slightly different account of this speech in Goddard, p. 152.

2. Lansd., 754 f.343.

3. Bordeaux to Brienne, 15/25 Feb., 1658.

of the disturbances, short of restoring Charles Stuart, was for Cromwell to become King. A strong rumour was circulated that when the next Parliament was called, it would be composed of King, Lords and Commons in the old style. "You will have a Parliament called in short time of real Lords and Commons, according to the will of the nation," wrote an observer on 12 February¹. A newsletter of 2 March noted that "the members of the later House of Lords are put in Commissions of the Peace under the title of Barons, and this done by the consultation and advice of the Judges. The members of the next Parliament are to be called according to the antient lawes of the nation..."² Bordeaux, writing to Mazarin on 8 March, repeats the rumour — "A Parliament will be called composed of the Commons and the old nobility, to whom will be joined the new Lords, the Protector already having declared them to be Lords by the Commissions which he gave to the Judges to make their circuit in the Provinces, the former custom being to include the Lords of each county in the commission"³.

Despite the growing rumours, the months passed without Parliament being summoned. Probably Cromwell

1. H.M.C.R., VI, 442.

2. Clarke MSS. III, 142.

3. Bordeaux to Mazarin, 8/18 March, 1658.

did not wish to court trouble again so soon. He did not mean to give up the new House, and the opposition did not intend to countenance it. A meeting of Parliament would foment all the various parties who were out to gain advantage from the government's difficulties. It appeared that Cromwell was contemplating another Parliament, and went so far as to appoint nine people "for considering^e what is fitt to be done in the next parliament", but he died on 3 September, leaving the problem of the constitution unsolved.

THE RECOGNITION OF THE UPPER HOUSE.

Richard Cromwell was a plain, simple, unassuming man, who had taken part in politics before 1657, and was manifestly unfitted for the position in which he found himself. The difficulties which had harassed Cromwell's last years were increased in every direction when Richard took up his position. The Army was a continual menace to him, with its powerful leaders who were determined not to let themselves be removed, and its bigoted officers with their fanatic schemes of government. Such an Army would have been dangerous to any ruler, and it was a nightmare to Richard, who had neither his father's enormous prestige nor any commanding personal qualities to arouse trust or devotion in the troops.

1. Thurloe, VII, 192. and any chance of success for his government. It would not endure to watch his party in

the Commons gain influence and open up the way to a peaceful settlement; it would allow no government to stand which had not its approbation, and would approve of no government which would be likely to aim at getting rid of the Army as Chapter V. a body.

THE RECOGNITION OF THE UPPER HOUSE.

Richard Cromwell was a plain, simple-natured country gentleman, who had taken part in politics before 1657, and was manifestly unfitted for the position in which he found himself. The difficulties which had harassed Cromwell's last years were increased in every direction when Richard took up his position. The Army was a continual menace to him, with its powerful leaders who were determined not to let themselves be removed, and its bigoted officers with their fanatic schemes of government. Such an Army would have been dangerous to any ruler, and it was a nightmare to Richard, who had neither his father's enormous prestige nor any commanding personal qualities to arouse trust or devotion in the troops.

The Army was the overshadowing factor in Richard's brief rule, and precluded any chance of success for his government. It would not endure to watch his party in

the Commons gain influence and open up the way to a peaceful settlement; it would allow no government to stand which had not its approbation, and would approve of no government which would be likely to aim at getting rid of the Army as an organised body.

Richard was anxious to maintain the constitution set up by the Petition and Advice and he was a strong supporter of the Other House, which he wished to see definitely recognised as a House of Lords. This attitude was supremely irritating to the Army officers. The Other House was to them a step towards the re-establishment of monarchy; and monarchy would mean in the end the restoration of the King. Then where would the Army be? The officers saw this danger very clearly. Mere protest had been futile, as Major Packer and his friends had found; they must now act. The Army party gathered up its strength and prepared to fight with the utmost determination against any recognition of the new House. They were driven from this "non possumus" step by step, chiefly through the efforts of the lawyers, who saw more clearly than any other party the alternate consequences of challenging the recently established government. Richard must either depend on the Army or on the Parliament. He was anxious, he declared, to

depend on Parliament, therefore Parliament must be strong and united, and help him to crush the all-powerful Army. Richard was not so unacceptable to the Royalists as his father, and there seemed a chance of success if Parliament would stand by him and he would stand firm. Such hopes were speedily proved illusory, for the Commons were hopelessly divided, and Richard was far too weak to carry through the policy which he believed to be right.

Most of the Commons did not see the main point, that unless they upheld Richard's government the result would be either anarchy or the return of the King. They were too busy questioning the basis of Richard's power, and sneering at the members of the Upper House to take a long view. They joined with the Army in desiring that Richard should abolish the second chamber, when they should have been doing their utmost to strengthen the constitution; only when it was too late did they realise that they must collaborate with the Upper House in crushing the Army leaders.

Richard was in a desperate plight. If he destroyed the new House to placate opposition he would give up his one refuge against the Parliament and the Army. He tried weakly to set the Parliament against

the Army -- his only chance -- but the Commons were afraid that if the power of the Army were broken the Upper House would offer the Crown to Richard. Already some of their members were saying that if they were to have a King, why should they not have the old King? The Royalists did all they could to foment the disturbances, and hoped much from the quarrels of the various parties. In such circumstances the feeling grew that the only solution was the return of the rightful King. *it may be fitt to summon the most prudent* During the interval between the Parliaments four of those who had received writs to the Upper House died. The Earl of Warwick, who had not taken his seat, died in April, 1658.^{1.} Mulgrave died coming up to London in August, and Rous, the old Provost of Eton, in the following January.^{2.} Colonel Pride, who died in October 1658, was alleged to have said on his deathbed:- "I die first of all the new lords; whereby you will see, whether our sons succeed us in the peerage. I would have no barons-war; though I fear a world of doubts will be raised about the other house... *before.*

Whether it be the upper House, or a garret, where old

1. Heath Chronicle, ed. 1663, p. 733.

2. Peerage, IV, 633.

3. There is apparently no other copy of these writs in existence than that addressed to Richard Cromwell in December 1657. See Add. Ayscough 3246, and D.P.H. XXI.

shoes, old casks, and such lumber is placed... And truly, I myself have been much puzzled with the other house.^{1.}

In a paper of advice sent by General Monk to Richard, there is a very interesting suggestion concerning the Upper House. "The calling of Parliament will require much consideration," he wrote, "and the house of lords, as a great part thereof, will not take up the least care of his highness; concerning which, in my opinion, it may be fitt to summon the most prudent of the old lords, that have bin faithfull, and some of the leading gentry in the severall counties, as Mr. Pierpoint of Nottinghamshire, Sir George Booth of Cheshire, Sir John Hubbart of Northfolk, Mr. Hampden of Buckinghamshire, Mr. Bainton of Wiltshire, Mr. Popham of Somersetshire, Mr. Rolls of Devonshire, and some such others, who will be the more encouraged to sitt, when they perceive the good inclinations of his highnes to a settlement in religion..."^{2.} Nevertheless, Richard made no change in the personnel of the Upper House, and writs were sent to the same people as before.^{3.}

1. Public Intelligence, No. 121, Jan. 24-31.
1. Harl. Misc. III, 140. The Last Speech of Col. Pride.

2. Thurloe, VII, 387.

3. There is apparently no other copy of these writs in existence than that addressed to Richard Cromwell in December 1657. See Add. Ayscough 3246, and O.P.H. XXI.

As the time drew near for Parliament to assemble, forebodings grew, for it was generally felt that the new Protector was unequal to his task. The government itself was anxiously awaiting trouble. However, the opening of Parliament went off unexpectedly well. On 27 January, Richard went by water to the Parliament stairs, and then up to the Lords' House with all due ceremony, Cleypole bearing the Sword of State before him.¹ Thence he went to the Abbey, attended by members of the Council and the Lords, to hear a sermon by Dr. Thomas Goodwin. "His Highness and the Lords sat together, and the Commons sparsim", reports Burton.² The sermon ended at about one o'clock, and Richard then returned to the House of Lords.³ When he had been placed "in his Seat of Estate, and the Lords in their places", the Black Rod was sent in the customary manner for the Commons.⁴

The Commons did not approve of Richard's proceedings; they did not consider his accession valid, and they objected to the way he had summoned the Lords and taken up his father's position. They refused to

1. Public Intelligence, No. 161, Jan. 24-31.

2. Burton, III, 1-2. A Brief Narrative, p. 321.

3. Clarke MSS, III, 176.

4. House of Lords MSS, IV, 524.

answer the summons of the Black Rod, and apparently "not above twelve or fifteen members went out of the House"^{1.}, although more drifted into the Lords' House from outside. The peppery Haslerig as usual made trouble. When he went to the Upper House "where they said a speech was to be heard" and asked where he should stand, "he was answered, beneath the bar. 'What,' says he, 'among the foot-boys?'"^{2.} Haslerig afterwards gave the Commons an account, which although somewhat ridiculous, was received with perfect gravity. "I went up as one of your servants, to see in what order we should be. I saw where the lords were. I asked where the Commons should be, and they said at the bar where were servants and footmen."^{3.} Apparently many of the Commons considered that their dignity was offended if they stood at the bar — where they had always stood to hear the speech from the throne — for to some at least the Protector was a mere usurper and the new lords upstarts.

Richard made a moderate and very sensible speech, expressing his wish to carry on his father's work, and his desire for peace and good government. He spoke

1. Slingsby Bethel, A Brief Narrative, p. 321. E985 gives 10 or 12 as the number.

2. Ibid.

3. Burton, III, 35-6, 2 Feb., 1659.

7. Burton, III, 3.

pleasantly and well, and created an unexpectedly good impression, "a very substantial discourse"^{1.} was one opinion. A friendly hearer considered the speech "a very sober and full discourse"^{2.} and even the Protector's enemies conceded that "he made beyond expectation a very handsome speech"^{3.} Unfortunately for Richard, Nathaniel Fiennes, speaking after him as was customary for the Lord Keeper to do, fell into a bad blunder and compromised Richard and himself, as well as the new Lords, making the Commons still more suspicious and refractory. He began his speech with what Heath calls "a gross ridiculous flattery"^{4.} saying "The Wise Man having proposed this Question 'What can the Man do that cometh after the King?'"^{5.} Fiennes' speech was described in the official newspaper as an "elegant oration"^{6.} It was very flowery, and full of scriptural allusions, but much to the same purpose as Richard's, "only run upon the triple cord, and uniting to unity, and not to meddle with foundations"^{7.} Richard's

1. Lansd. 822 f.204.

2. Goddard, p. 106. See Burton, III, 2-3.

3. Slingsby, Bethel A Brief Narrative, p. 321.

4. Heath, Chronicle, p. 741.

5. O.P.H., XXI, 265.

6. Merc.Pol. 21-28 Jan., 1659.

7. Burton, III, 3.

government desired to do its best for the country, but he and his friends realised that unless they had an amenable Parliament nothing could be done. The speeches over, the Commons departed, and the Protector went away. "They say," wrote Burton, "there were about 150 members sitting in the House while his Highness was speaking in the other House." This was a bad portent for Richard; obviously the Commons were already acting on the assumption that they now had a far less formidable person to deal with.

The House met in a very excited mood. The members had been elected under the old system, the electoral reform of 1654 having been abandoned. A large number of country gentlemen were returned; these had decidedly royalist tendencies, and Lambert and his friends — now very active again — did their best to influence them against the new Upper House. A Royalist agent reports the state of parties in the House as follows:- "47 true patriots of liberty, 23 of them highly exasperated at the present government, 24 of meeker spirits. Counterfeit Commonwealthmen and such neuters as usually concur, from 100 to 140 (as the house fills) Court lawyers 72 certain, with

1. Ibid., III, 2.

2. Earl of Clarendon's P. IV, 170. [From papers in [redacted]]

3. Ibid., 225 f. 247. Sankey to H. Cromwell, 2 Feb., 1659.

A correspondent of Henry Cromwell informed him that many contingent officers of State and Army, 100 and odd¹.

The Court party was at the beginning of the session the largest party in the House. Besides the Scottish and Irish members, it was composed chiefly of lawyers, ably led by Serjeant Maynard, who worked hard for the recognition of the Other House. To this group may be added certain of the moderate party, who hoped for a settlement under Richard and feared the intermeddling of the Army. Many of these latter had royalist tendencies, and hoped that the restoration of the old peers, and the return of the King, might be affected through an understanding between Richard and Charles. The country gentlemen were regarded as a distinct group, but were not entirely united in their opinions. It was realised that many of them could be swayed one way or the other, and the astute Republicans tried to win their support in the opposition to the Other House by the argument that it transgressed upon the rights of the old Lords. Those who were inclined to listen to such arguments followed the leadership of Sir George Booth, who was "very earnest in asserting the rights of the old peers"³.

1. Clar.S.P., III, 440.

2. Cal.ClarS.P. IV, 170. [From proofs in Bodleian]

3. Lansd. 823 f.247. Sankey to H.Cromwell, 8 Feb., 1659.

A correspondent of Henry Cromwell informed him that the Commonwealthmen "have cajoled many of ye yonge Gentlemen on particular disgusts as to ye Persons of ye present Lords ... findinge the yonge Gentlemen very zealous to preserve ye rights of ye ancient Lords"^{1.} On the other hand the country group contained many members who were prepared to unite with the moderates in the Court party. Thus there were two possible divisions within the ranks of the country gentlemen; it was the aim of the Republicans to separate them out and definitely win over one section, and this they succeeded in doing.

The chief opposition in the House came, of course, from the Republicans, now called Commonwealthmen, "that were for a free state (as they called it) and a single person"^{2.} Although they were comparatively few they had among them some of the ablest and most skilled speakers of the time. A royalist, sending a detailed account of the state of parties to Hyde, observed that "the republicans are the lesser party, but are all speakers, zealous, diligent"^{4.} Lambert

1. Lansd. 823 f.243.

2. E1823, p. 94-5.

3. "The Commonwealth partie, who by very much were the most Inconsiderable as to number compared with either of the other." Clarke MSS., III, 209. Century, III

4. Clar. S.P., III, 440. ^{Twisloe VII 615, Banick to Hyde,} 16 Feb 1659.

had come in with some of his friends and worked hard against the Upper House; Vane, Haslerig, Scott, Bradshaw, Neville and Ashley-Cooper, all men of experience, with insinuations and eloquent oratory, helped to prejudice the House against the constitution. The same writer told Hyde that the issue was very obscure, for no one knew what would happen in the confusion and animosity of parties. "The best and wisest of each party entertain fortune by the day, and know not what tomorrow will produce", wrote another observer, "so evenly are they balanced by neutral country gentlemen and young lawyers, who, wavering in themselves, are not yet fixed to either party; when the House is fullest and debate hottest, no vote being carried by more than six, seven, or at most ten voices ... the Commonwealthmen are industrious, popular, plausible, eloquent in the language of the times, cunning in the rules of the House"¹.

Besides the Republicans there were the adherents of the Army in the House. These, seeing where their advantage lay, made haste to come to an understanding with the Republicans, who were too full of bitter prejudices to realise that they were going against their

1. Thurloe, VII, 615. *Har. S.P. m 440-2.*

2. See Ranke History of England in the 17th Century, III, 230.

Har. S.P. m 491. A Reasonable Speech. See Clarke 208. III, 130. Note.

own interests in joining an alliance in which they could not be the predominant partner. The crux of the situation was the Other House. Secretary Thurloe, summing up the hopeless state of affairs and the divisions which tore the House, said that some were "for the old peers only, some for the new lords only, and others for both together"^{1.} All had violent and determined views and were ready to go any length to support them.^{2.}

The debates were long and confused. There was a very large attendance; Burton mentions that there were "at least four hundred" members when Parliament opened,^{3.} and the divisions recorded in the Journals bear him out. The arguments of the party opposed to the government may conveniently be summarised, though, as the debates were so confused, a summary makes them more coherent than they actually were.

Every possible objection was brought^{up} to the new constitution. Its very foundation, the Petition and Advice, was questioned; it had been, it was argued,^{4.} drawn up by Cromwell's orders, and presented by a

1. Thurloe to H. Cromwell, March 1659. Thurloe, VII, 626.

2. Bordeaux to Brienne, 6/16 Jan., 1659.

3. Burton, III, 3.

4. Harl. Misc. III, 491. A Seasonable Speech. See Clarke MSS. III, 189. Note.

1. mutilated Parliament. "I see no reason," said Colonel Kendrick, "but as those gentlemen took away the government from the Instrument, so we may take it away now from the Petition and Advice."^{2.} This was a dangerous suggestion; Cromwell had struggled against those who thought that the government could be altered at every whim of the Commons, and had laid great stress on "fundamentals"^{3.} Vane repeated the ever-ready hint that the Petition and Advice "was never intended to be the settled government, but only to be a pair of stairs to ascend the throne"^{4.}, thus playing on the fears of the Republicans. It was urged that Richard Cromwell had no right to summon the Other House by virtue of the Petition and Advice.^{5.} "It is but a Sandy foundation," said one member.^{6.} The Court party made the obvious retort that the Lower House no less than the Upper sat by virtue of the Petition and Advice, and was therefore challenging its own basis. The Commonwealth party tried to counter this telling

1. See Burton, III, 165, Maj. Packer's speech 9 Feb., 1659.

2. Ibid., III, 155, 9 Feb., 1659.

3. Carl. Cr. ed. Lomas, II, 382. Speech III, 3 Sept., 1654. Burton, III, 334.

4. Burton, III, 178.

5. Ibid., III, 225. 11 Feb., 1659. Speech by Col. Terrill.

6. Goddard, 134. Mr. St. Nicholas, 7 Feb., 1659.

argument by declaring that no such difficulty existed, for assuming the Petition and Advice to be void, power returned to the people, whose representatives the Commons were — a faulty argument, but one which made a strong appeal.

The function of the Other House in the constitution was next attacked. It had been intended, said Richard's enemies, as a balance to hold an intermediary position between Protector and Commons. "Doth it limit the Chief Magistrate?" demanded Lambert. "It is so far from that, as it is rather a further strengthening and enlarging than a bounding of his power, as having a dependence upon him, and nothing to oblige to the least public interest."² The new House was regarded as a satellite of the Protector. "Their interest is not so considerable, but they must always have a dependency upon the Chief Magistrate, and be forced to close in with him"³ was the opinion of the Republicans. A contemporary republican author describes the members of the Other House as the Protector's "mercenaries"⁴. To reinforce the point, the position of the

1. Slingsby-Bethel, A Brief Narrative, p. 335.

2. Burton, III, 333.

3. Ibid., III, 190.

4. Slingsby-Bethel, p. 343.

5. 1655, England's Confusion, p. 9.

bishops in the old House of Lords was recalled, "how grievous it had been to the kingdom that the bishops had sat in the House of Peers, because they were looked upon as so many votes^{for} the King"^{1.} It was reiterated time and again that the new lords were mere dependents of the government, and great exception was taken to having one House of Parliament composed almost entirely of placemen. There were said to be 36 "salary-men" in the new House.^{2.} Mr. Hobart urged "That every one of them may be able to mayntayne himselfe and his family honourably wthout dependence upon the Single Person"^{3.}

Objections were raised against all the chief judges being members of the Upper House, which meant that "there could be no proper appeals from the courts at Westminster Hall, seven judges being members of that House"; people "could do no more than Appeal from the Judges in Westminster Hall to the same persons sitting in Parliament"^{4.} The last Parliament had been very careful to determine the judicial powers of the second House, in order that it might not take upon

1. Clarendon, VI, 100.

2. Lansd. 823 f.247. Sankey to H. Cromwell, 8 Feb., 1659.

3. Bayton, III, 34, 2 Feb., 1659.

3. Tanner, 51 f.25.

4. E985, England's Confusion, p. 8.

itself those of the old lords. The Republicans further pointed out that "all the Privy Council, the chief Judges and general officers, both by Sea and Land, being members, the Lawyers and Officers of profit (of whom the body of the House of Commons would be made up) would be the Creatures and Mercenaries of one or other of them of the other House: and so" —this was deliberately playing on the feelings of the House — "make the House of Commons to be nothing but the Executioners of their Lords and Masters Wills"¹. All this was very bombastic and far from the truth; but the Commonwealthmen were simply using all the arguments they could think of, for they felt that their own position was deeply involved.

Another very useful argument, which they used with skill, was that "the militia, both by sea and land, was in the hands of the persons then sitting in that House", so that "That House might wrong the Commons as they pleased, and they remain without Remedy"². Neville proposed a Committee to consider the question of putting the militia in safe hands.³

1. Ibid., p. 9.

2. England's Confusion, p. 9. T.Tracts, E985.

3. Burton, III, 34, 2 Feb., 1659.

4. Ibid., IV, 28.

Lambert and his friends pointed out the dangers of allowing the Other House to control so great a power.^{1.} Ludlow, though a soldier himself, declared vehemently "We are ground between two millstones. The other House is a sword."^{2.} Captain Baynes asserted that "They have twenty-two or twenty-three regiments, divers garrisons, and the Tower of London.. I would have them ... either to recede from the other House, or from those employ-^{3.}ments, and their dependence upon the single person". This was the line afterwards taken by the Commons. However, Mr. Turner, one of the Court party, brought forward the main argument of those who had created the new House, that the officers and Major-Generals who were made members were "taken from an unlimited power, to be circumscribed by a law"^{4.} As a matter of fact, in attacking the connection of the Other House with the Army, the Commons had found a vulnerable spot, which had been a weakness of the new House since its inception and was to prove its downfall. A considerable proportion, and that the most active, of the House consisted of professional officers whom Cromwell

1. Lansd. 823 f.247. Sankey to H.Cromwell, 2 Feb., 1659.

2. Burton, III, 283.

3. Ibid., IV, 31.

4. Ibid., IV, 28.

had hoped to reconcile to a civil constitution. How was the influence of the Army to be removed, if a new stronghold was provided for it by the Upper House?

"If the question be putt whether the Army should be reduced and expenses abated, shall they be judges?"^{1.}

This was the strongest point in the Commons' attack, for the Other House was manifestly defeating the purpose for which it was created if it could be swayed by the Army. Haslerig asserted "that an officer said in the head of his regiment, that his Highness and the other House were desirous that the Army might have their pay, but the Commons were against it"^{2.}

Nevertheless, the Republicans did not make as much of this point as they might have done; in fact they were at times inclined to shelve it tactfully. This was natural, as they were working for an understanding with the Army party to overthrow the new House altogether.

The new lords were the butt of endless satires on the part of the Commons, who considered themselves insulted to be members of what was termed the Lower House, when the Upper House contained such men. "What

1. Nicholas MSS, IV. 89.

2. Burton, III, 308.

3. Earl. Mass, III, 495.

3. Ibid., III, 495.

good will such a peerage do you," jeered Scot, "that must borrow 12^d to buy a blue ribband to distinguish their honour?"^{1.} Another member sneered at the past occupations of the new lords: "One would imagine some small faculties and endowments to be necessary — and those such as are not usually acquired in shops and warehouses, nor found by following the plough. What other academies have most of their lordships been bred in, but their shops?"^{2.} This, besides being bad taste, was grossly untrue. Nevertheless, this contempt which the Commonwealthsmen rubbed in as often as they could, was very damaging to the prestige of the Upper House. A second Chamber in such a debated position required as an essential, at least respect, for its individual members. "Their farmer lordships, dairy-man lordships, cobbler lordships, without a foot of land, but what the blood of Englishmen had been the price of," cried a member, "these, Sir, are to be our rulers, these the judges of our lives and fortunes; to these we are to stand bare, whilst their pageant-stage lordships deign to give us a conference."^{3.}

A more serious and interesting objection was that the new lords had not sufficient landed property to

1. Ibid., IV, 36.

2. Harl. Misc. III, 493.

3. Ibid., III, 492.

provide a balance in the constitution. That second chambers could and should have this qualification, was the most familiar argument in favour of such bodies at the time. The various parties in the Commons seem to have confused the idea somewhat, by using it as an argument for their respective purposes, and applying it to the new and the old Lords indiscriminately. One argument was that the old House of Lords had ceased to provide a balance, and was abolished as useless, therefore the new lords were even less able to fulfil this function. Mr. Hobart explained that of old the House of Lords had had "above a full third part in the Propriety of all ye lands of England, the King another third, so that the whole Commons had scarce left a full third to them, but by efflux of tyme that ballance is so altered that the Protector and Peers have not one twelfth in the Propriety of the lands of England, but the Commons have seven parts"^{1.} Another argument leading on from this was that the old House of Lords was superior to the new, in that it did, to a certain extent, provide a "balance of property"^{2.} This was countered by the democratic view that "Property generally is now with the people, the Government therefore must

1. Tanner, 51 f.25.

2. Burton, III, 147.

3. Baker, ed. Phillips, 1663, p. 607.

be there", and so the new lords were as good as the old.^{1.}

A cleverly concocted argument against the new lords was that "the people of England would not suffer a negative voice to be in those who had not a natural power over them"^{2.} Neville, one of the Republican leaders developed the point further: "The gentry do not now depend upon the peerage. The balance is in the gentry. The Lords, old or new, must be supported by the people"^{3.} This was a somewhat precarious argument, for as a matter of fact a large number of country gentlemen were included in the Upper House. The Republicans urged that their idea of a "select senate" would do away with all these difficulties, and prove more workable and less controversial.

When the supporters of the Upper House suggested that "it would be a useful intermediary between the Commons and the people, and the Protector and the Commons",^{4.} their opponents took the line that "it portended a kind of force upon their Counsels"^{5.} and drew a lurid picture of the time when the Commons would be "no better than Janissaries, and Executors of the will"

1. Goddard, 145. p. 343.

2. Ibid., 140. 228.

3. Burton, III, 133. 1116, 5 March.

4. Ibid., III, 349, Mr. Drake, 19 Feb.

5. Baker, ed. Phillips, 1665, p. 697.

and pleasure of the other House"^{1.} Col. Terrill, a vigorous Republican, announced that he "looked upon setting up that House to be a destroying of this"^{2.} The last thing the Commons wanted was a new power which would encroach upon the constitutional supremacy which they had asserted since the death of the King. They were short-sightedly jealous of any co-ordinate power, although such might have eased a situation in which only the Army and the prestige of the Protectorate stood between them and restoration. The Republicans were willing to consider a second House for the "digestion of laws", but they considered that its members should be chosen either by the people or by the Commons^{3.} In fact, they wished to see the Upper House completely subordinate to the Commons. Mr. Hobart suggested that the Other House should have "only a deliberative [i.e., apparently, a suspensory] power for 14 days" in all except a few special cases.^{4.} One of the most telling points produced by the Commonwealth party was the old cry of interference with the powers of the Commons in money matters. "Other

1. Slingsby-Bethel, p. 343.

2. Burton, III, 225.

3. Ibid, IV, 25, Neville, 5 March.

4. Tanner, 51 f.25.

5. Charles, VII, 447.

powers are to be consulted in raising of money as we are now constituted"^{1.}, observed a member. It had been laid down by the Petition and Advice that the Protector's revenue could not be altered without the consent of both Houses. Naturally this did not suit the Republicans, who by subtle insinuations conveyed the idea that the greatest privilege of the Commons was being curtailed. "Is there not another House sitting that claim a negative over you? When you have passed this, what is wanting? Nothing but monies,"^{2.} declaimed Ashley-Cooper, a determined opponent of the Other House. The moderate party, which was jealous of the Commonwealthsmen, supported the recognition of the Other House, but when the money question was put before them, early in April, they "fell from their zeal"^{3.}, and the Republicans succeeded in causing a division among the adherents of the Upper House.

There was another argument which had a great deal of sting in it, though the Republicans were chary of making too much of it, for the country gentlemen whom they wished to enlist might use it to reach a very undesired conclusion. This argument was that the supporters of the Other House were going back on their

1. Burton, III, 59.

2. Ibid., III, 228.

3. Thurloe, VII, 647

principles and giving up all for which they had fought, because the acceptance of an Upper House would mean, sooner or later, the return of the King. The Republicans felt this danger more clearly than any other, for the Royalists were carefully fomenting the idea that if the government was to return to its old form, there was no reason why the King should be excluded.^{1.}

There was another two-edged argument.— If there was to be a House of Lords, why should the old peers be excluded? Certainly it might be argued that these lords who had been faithful to Parliament should be allowed to sit. The Presbyterians in the Commons supported this view.^{2.} It seems that the Commonwealth party, driven back step by step, took up the defence of the rights of the old lords, simply in order to block the recognition of the Other House.^{3.} Heath says that the rights of the old peers were asserted "in order to muzzle the new inconsiderable upstarts".^{4.} The upholders of the second House, to get the help of the moderate party, who manifestly wished to do so, accepted an amendment in the recognition acknowledging

1. Cal. Clar. S.P. IV, 151, 18 Feb., 1659.

2. Lansd. 823.f.221.

3. Chronicle, 741-2.

4. England's Confusion, p. 5.

the rights of the old peers, those rights "being asserted in the house so unquestionably that no question could pass without a provision for it"¹. It may seem strange that the same men who had so vehemently proclaimed their dislike of the House of Lords now defended the prerogatives of the peers, but it was an obvious manoeuvre in the circumstances. A contemporary pamphlet explains that the Court party wished to gain over the Cavaliers, and felt it was quite safe to have this amendment, knowing "that the Rights of the ancient Peers could be nothing, so long as the act for taking of them away was in being, and unrepealed"². It seems, moreover, that the Court party was quite genuinely anxious to obtain the co-operation of the old Lords. Richard asked Northumberland, who had favoured his father's government "to give the good example of sitting with those of the other House; his answer ... was, till the government was such as his predecessors have served under, he could not in honour do it"³.

Having decided to take the line that the rights of the old peers must be asserted, the Republicans talked loud and long, their chief aim being to delay

1. Lansd. 823 f.239. March, 1659.

2. England's Confusion, p. 9.

3. Clar.S.P., III, 432. Woodruff's Memoirs, 2 March 1659

4. 1655, p. 7. A True Narrative.

the recognition of the Other House. "If you once admit this new House to be a House, you exclude the old lords"^{1.}, said Captain Baynes. The point obviously went home to many country members. Mr. Edgar voiced the opinion of many people: "In the country whence I come, the people are much discontented that the ancient nobility should be neglected and set aside. I speak not for those that have forfeited it"^{2.} It was felt that Parliament was dealing ill with those lords who had sacrificed much to support the Commons. "Many of the old nobility have been faithful and real to you, that you could not have maintained your cause without them," said another country member, who went on to suggest that the ordinance abolishing the House of Lords should be repealed.^{3.} This was turning the tables on the Commonwealthmen, who protested strongly against the perversion of their own argument. A curious situation, was the result. One party "was for the new Creation of Lords, with the mixture of the old, upon such limitations as they might not overtop the new: the other for the old with a mixture of the new, and for the full privileges of the ancient House of Peers"^{4.},

1. Burton, IV, 31, 5 March, 1659.

2. Ibid., III, 124, 8 Feb., 1659.

3. Ibid., IV, 17.

4. E985, p. 7, A True Narrative.

but they did not trust one another, and the Commonwealthsmen, who had raised the issue simply to block recognition altogether, did all they could to increase the confusion.

Besides the objections to having another House at all, there were many protests against the Other House as it stood. For one thing, the judicial rights of the new Lords were strenuously attacked and sometimes denied altogether. On 1 February, the question of a disputed election came up. The machinery for settling such a matter was not definitely settled, though the right of the Commons to take cognisance of such matters had been acknowledged in the time of James I.¹ The judges sent a message to the Commons to ask what should be done. "It is not proper to bring the record hither," said Mr. Starkey. "It should rather be brought to the Lords' House."² Another member said if it was a case of privilege then it pertained to the Commons, if not, he agreed with Mr. Starkey that it should go to the Lords.³ "When the sole legislative was in this House, it had been proper," observed Mr. Turner, "but now you are upon another footing."⁴ The

1. See Medley, Const. Hist., p. 293.

2. Burton, III, 18.

3. Ibid., III, 20.

4. Ibid.

Republicans were very anxious not to let the new lords take upon themselves any function through which they might claim to be a House of Lords, and succeeded in getting the matter brought to the Commons. The only other judicial matter which came up was Lady Hewitt's petition concerning her husband, Dr. Hewitt, who had been executed for treason by the High Court of Justice in the last months of Oliver's rule. The Commons were determined not to allow the Lords to deal with this matter, and appointed a day to hear Lady Hewitt themselves, an unprecedented action, "which has startled many of the lords of the other House", wrote a royalist. A few days later, however, a newsletter reported that, "At the Committee of Grievances the Lady Hewitt's petition concerning the execution of her husband was laid aside, in regard some members of the other House being his Judges were concerned therein". The Commons drew back because they were afraid that the Upper House might claim to decide the case, on the grounds that some of the lords had been Dr. Hewitt's judges.

On 1 February Secretary Thurloe, one of Richard's most trusted advisers, rose "in a full House", and "very suddenly and abruptly" presented a bill for the

1. Cal. Clar.S.P., IV, 161. 18 March, 1659.

2. Clarke MSS., III, 186.

3. Goddard, p. 113.

recognition of the Protector's title by Parliament. The bill, of course, under the new constitution would have to be passed by both Houses, and if the Commons sent it up to the Other House, that would involve a tacit recognition. Richard's friends had wisely advised him to try to force the Commons to come to an agreement about the new lords without wasting any more time, so that his position might be assured. Thurloe said it was now time to settle the government, for "he had certain intelligence that there were strong endeavours abroad to make disturbances among us, and he knew petitions were already abroad to change the government". He urged that the Protector and Parliament should stand united. The fears of the Republicans exaggerated this proposal into "the admittance of the Chief Magistrate and the Persons then sitting in the Other House unto the power privilege and prerogatives of the ancient Kings, and ancient House of Lords, which the Court party designed to have carried undiscovered". Haslerig and his friends were up in arms immediately against the bill. It was read without much difficulty the first time, but then came a hard fight. Neville moved that it should be declared "that there is no

1. Ibid.

2. Slingsby-Bethel, p. 335.

various Levellers, Anabaptists and Quakers, was when negative voice in any single person whatsoever", and also — an important matter — "that the militia may likewise be declared to be in this House"^{1.} It was proposed that Richard's recognition and the acceptance of the Other House should be dealt with separately, as two different matters. All the Republicans made long speeches to delay the issue, and Serjeant Maynard caustically remarked: "If you go on at this rate, to have one speech a day, the Dutch will give you 2,000*l.* a day to do so"^{2.} The need for a speedy decision was great, but the Commons would not be hurried. At last, on 14 February, they came to a decision, but it was very non-committal and did not include a recognition of the Lords. "After 7 dayes debates (all other business set apart) they came to a vote on Monday night at 10 a clock"^{3.} that "it be Part of the Bill [i.e., of Recognition] to recognise and declare his Highness Richard Lord Protector to be the undoubted Lord Protector", but this vote was not to be binding until the whole bill should be passed.

On the 9th, as a protest against Thurloe's bill, a petition had been brought into the House, drawn up by

1. Goddard, 115.

2. Burton, III, 117.

3. Thurloe, VII, 615. Barwick to Hyde, 16 Feb. 1659.

various Levellers, Anabaptists and Quakers, men whom Cromwell's firm hand had scarcely kept quiet, but who were now very active. The Petition was delivered by "about 12 persons, men of considerable quality", who announced themselves as "gentlemen of good Affections to the Commonwealth". It was directed to "The Parliament of the Commonwealth of England", and was obviously intended to deny the existence of the Upper House. The petitioners portended to be "the severall inhabitants in and about the City of London". The preamble urged Parliament to establish the people's liberties: "the matter and aime of the petition in substance is that the present Governement be overturned, and that the sole Governement be in Parliament" [i.e., in the Commons]. A postscript mentioned Major Packer's treatment and the people's right to petition Parliament.^{1.}

Three members of the House were sent out to say that the Commons were busy at the present, but would consider the petition later on, "which the petitioners looked upon as a reprieve after execution", wrote Barwick.^{2.} The next day the petition was received and read, "but no thanks returned to the petitioners, as they expected". Barwick also mentions "a petition or

1. Clarke MSS, III, 180.

2. Thurloe, VII, 415, Barwick to Hyde, 16 Feb 1659.

4. Barton, III, 289.

remonstrance to the same effect, now subscribing by severall of the army, which likely will find a better and quicker admittance". He thought that "if this petition of the army goes on, the house will not signify much", and repeated the rumour that Monk had warned Richard that his army was divided on these matters.^{1.}

On the 15th, the day after the vote of recognition, the petition presented on the 9th was again brought in. It was thought to be "the same that was endeavoured on the last session of the last Parliament, and caused his Highness to dissolve them".^{2.} It was signed, according to various authorities, by as many as 40,000 people.^{3.} "I found a great many citizens at the bar, opening their great Petition," reports Burton. "I suppose most of them were Anabaptists." The Petition itself, he says, was "principally levelling at the two great states, the militia and the negative voice; and that no officer be removed, but by a Council of War".^{4.} This shows that the officers and the Anabaptists had already come to some agreement. Baillie

1. Baillie, III, 485.

2. Ibid., VII, 617. *Charges to H. Crawwell.*

3. Cal. Clar. S.P., IV, 148. Thurloe, VII, 617.

4. Burton, III, 289.

5. Thurloe, VII, 618, 15 Feb., 1659. *Charges to H. Crawwell.*

6. Cal. Clar. S.P. IV, 161.

says that the Anabaptists were plying Fleetwood and the officers with petitions.^{1.}

The Republicans urged that the petitioners should be thanked, but "they got neither thanks nor good affections",^{2.} for the House resolved by 202 to 110 that the petitioners should not be thanked "for their good affections", and gave answer that such items as should be thought fit would be considered in due time.^{3.} "The petitioners, I believe, were scarce well satisfied,"^{4.} observed Burton. Nevertheless, the danger was not removed. The Army officers held their meetings — ostensibly for prayer — at Fleetwood's residence, Wallingford House, where many seditious projects were discussed. "The worst is," wrote Fauconberg to Henry Cromwell, "the factious part of the officers here renew their old practice of remonstrating; and a few dayes since had certainly alarmed Whitehall and Westminster had they not disagreed about wording their declaration. Those that bandied things were the parties of Desborough and Lambert."^{5.} The officers were afraid that Richard's weakness might let in the King.^{6.}

1. Baillie, III, 426.

2. Burton, III, 289.

3. C.J. VII, 604. Journal III, 348.

4. Burton, III, 295. Journal III, 354. North Chron. 742.

5. Thurloe, VII, 612, 15 Feb., 1659. Fauconberg to H. Cromwell

6. Cal. Clar. S.P. IV, 151.

not before".^{1.} As a beginning they proposed unacceptably fully On 18 February a division was taken to decide whether the House should "proceed to determine the Powers of the negative Voice in the Chief Magistrate" before determining the Constitution of Parliament in two Houses. Richard's supporters succeeded by a substantial majority (217 to 86) in shelving the discussion of his powers,^{1.} and endeavoured to get the House "to transact with" the Lords. Walker says that this new phrase had to be invented to express the dealings between the Houses.^{2.} The enemies of the government, however, succeeded in getting a resolution passed that the House should take into consideration the constitution of Parliament in two Houses, thus indefinitely delaying the recognition.^{3.} Richard's friends tried to get a definite acceptance of the Other House included in Thurloe's bill, but the Republicans shelved the matter by long speeches. Nevertheless, step by step the enemies of the government were driven from their position. They worked hard to alter the constitution of the Upper House, and on 4 March moved "that this House will transact with the Other House when they are bounded and limited by this House, and

1. C.J.VII, 605. ^{Burton} Thurloe III, 346.

2. Hist. of Indep. IV, 356. Heath Chron. 742.

3. Burton, III, 346-7. 146.

not before"^{1.} As a beginning they proposed unsuccessfully that the House should go through the list of the Lords approving or rejecting them.^{2.} Another of their skilful expedients was to debate "whether the assizes shall go on or not, by which means the Commonwealth party hope to rid themselves of a great many lawyers, who are numerous in the House, and all of the Court party"^{3.} Again, various members of the Upper House, Lisle, Philip Jones, and Barkstead, were attacked and derided. Barkstead, the Governor of the Tower, was summoned before the Committee of Grievances and reprimanded for his behaviour in connection with one of his prisoners. The prisoner was released, and Barkstead deliberately subjected to insult. He was called to the Bar "and came to the barre (they sittinge in the House) the bar beinge down, with his hatt off, and there was treated by the name of M^r Barkstead", although he was sitting as a lord in the Upper House.^{4.} He narrowly escaped persecution.

Nevertheless, in spite of every expedient for delay, devised by the skilled republican debaters, the "Court party" made progress. There were hot debates

1. Ibid., IV, 10-11.

2. Ibid., IV, 21, 5 March, 1659.

3. Clar. S.P. III, 425, ^{18 Feb 1659}

4. Verney, Memoirs, II, 145.

as to the rights of the old peers at the end of February, fomented by the Republicans, who thought this a good way of wasting time. On 8 March it was decided by 195 to 188 that these words should be part of the vote to transact "that it is not hereby intended to exclude such Peers as have been faithful to the Parliament from their privilege of being^{only} summoned to be members of that House"¹. However, the versatile Commonwealthmen proceeded at the crucial moment to attack the Scottish and Irish members, thus causing a long delay. These were about sixty in number, and represented a solid phalanx of government votes. Massey wrote to Nicholas that the Cavaliers were hoping to profit by the confusion, though "they feare that Cromwell will carry the House of Lords against them all"². On Monday, 28 March, the Court party brought in a motion "that this House will transact with the Persons now sitting in the Other House, as an House of Parliament"³. A division was taken on the proposed addition "when they shall be approved by this House", and the supporters of the addition were defeated by 37 votes. An attempt to add the words "when they shall be bounded

1. C.J., VII, 612.

2. Nicholas MSS., IV, 75.

3. C.J., VII, 621.

4. Nicholas MSS., IV, 89.

5. Ibid., IV, 89.

by this House" also failed. The Commonwealthmen by a last desperate effort, succeeded in procuring the inclusion of the qualifying phrase "during the present Parliament"; and the rights of the old peers were mentioned in the vote as a further safeguard against the assertiveness of the new lords.^{1.} "'Tis thought that the question barely put for transactinge would not have passed see," wrote an observer, "therefore, to smothe and facillitate ye same, 'twas proposed with this limitation 'duränge this session only', see that uppon ye matter they will be but Probationers, and secondly with this caution 'that the faithful old Lords such worthy Peeres as Salisbury Pembrock, etc., be not excluded theire right of sittinge in the other House'." This was to some extent recognising the new House as a House of Lords:- "Should the old Lords accept the honor to accompany Goff, Huson, etc. there, 'twould make a fine Court Hodge podge!"^{2.}

This resolution to "transact" infuriated the Commonwealthmen. "Sir Henry Vayne and his party are see much offended att ye Courte straine in the Howse of Commons, that for his language and passion he was the other day in danger of the Barr"^{3.}, wrote a correspondent of Nicholas. The day after the vote to

1. Ibid.

2. Nicholas MSS. IV, 89.

3. Ibid., IV, 89.

transact Vane "ventured by endeavouring to mince their vote to bring it about agen" proposing that the lords should be "transacted with onely in a prudentiall not legall manner"^{1.} The Court party brought him to the bar, and he "with difficulty escaped being sent to the Tower"^{2.}

As yet there had been no actual communications between the Houses and the Court party attempted to get this matter arranged. In order to test the opinion of the House, they drew up a Declaration for a fast, which they made into a Bill, so that the question of "transacting" would have to be faced. It was resolved on 5 April that the Upper House should be asked to join with the Commons in the Declaration which should then be presented to Richard from Parliament, representing the first effort of the Houses to act in conjunction.^{3.} Some days were spent in debating in what manner the message should be sent to the Lords, "for that the first transaction would be the rule for the future"^{4.} There were many suggestions, "some to the cap, [i.e., the question whether the Commons should stand bare-headed in the presence of the Lords] others

1. Nicholas MSS., IV, 84.

2. Cal.Clar.S.P., IV, 173. See Burton IV, 194-5, 29 March, 1659. Mr. Grove, "I move that Sir Henry Vane be called to the bar for saying, you go upon prudentials It is an arraignment of all your votes..."

3. Burton IV, 349.

4. E985, p.11.

to the title, whether lords or sirs. Others to have some of the judges attend us, to go errands for us, as well as for them"^{1.} Scott proposed that the Masters of Chancery should attend the House for this purpose.^{2.} Eventually a committee of sixty was appointed to consider the manner of "transacting"^{3.} Sir Walter Earle's report from this Committee on April 8 was adopted, and two resolutions passed — that messages to the Lords were to be taken only by the Commons, and messages from the Lords would only be received if brought by the Lords. "It was agreed by all," said Earle, "that no cap should be used, more on one side than another."^{4.} A royalist wrote to Nicholas that "the Commons have resolved to meet the other howse as their peeres, not their superiors; their messuadges and conferences shall be in the same mode, and without the ceremony of cap or seate"^{5.} Another report is more explicit: "Either House is to send members to the other to meet just half-way, with hats on, and all other punctilios of equality"^{6.} On 14 April^{6.}, Mr. Grove was appointed to carry

1. Burton, IV, 351.

2. Ibid., IV, 352. Ludlow, II, 60.

3. D.J., VII, 626.

4. Burton, IV, 370. of Lords, IV, 560.

5. Nicholas MSS, IV, 101.

6. Clar.S.P., III, 451, 14 April, 1659. See Heath, Chronicle, 414742

the message and he asked whether he should wait for an answer. A member interpolated caustically, "I perceive they are not sitting in the Other House. Most of them are at Wallingford House". Burton adds, "It seems so they were, and not above four in the House [according to the Journal 24 members put in an appearance that morning]^{1.}, but they were gathering up their number, while we were debating"^{2.} It was agreed that Mr. Grove should wait for an answer, and he was advised by his friends to avoid addressing those in the Other House by any title when he brought up the question of how he should style those to whom he was sent. He was accompanied into the Upper House by a large number of the Commons, who were obviously curious to see what would happen; they stood bareheaded by the walls while Fiennes and the lords came down to the bar.³ "We made one leg, [bow], and then went up to the high step; and before Mr. Grove ascended, we made another leg." The message was delivered and then the Commons withdrew. On their return Fiennes stood up to give them their answer. "The Lords" — he began, and then made a pause as if it had been a mistake, continuing "This House will return an answer to you by messengers of

1. MSS. of the House of Lords, IV, 560.

2. Burton, IV, 426.

3. See Scoble Remembrance p. 29.

their own." The Commons, bowing, withdrew. It seems," says Burton, "... one of the Lords called to Mr. Grove, and told him they desired our excuse for making us stay so long; for they had read half the Declaration before they knew we stayed." In this way the new Lords showed their desire to conciliate the Commons and treat them with all due ceremonial and courtesy. At the same time, though wishing not to give offence they were evidently determined to make their own position clear, and to get their rights established.

This incident seems to have ended a phase in the relations between the Houses. After two months of strenuous fighting between parties in the Commons, some kind of arrangement had at last been reached; it was now agreed that the Houses should correspond, and the method of communication was to some extent settled. The debates in the Commons were now not so violent. The increasing danger from the Army party made the Moderates and Presbyterians strong for the government, for it was known that Haslerig and his friends were intriguing with the Council of Officers.

There was, however, still friction between individual members of the two Houses. "Coll. Ashfield

1. Burton, IV, 427-8.

5. Burton, IV, 433.

held a command unless he would swear not to interrupt and L^t Coll Gough walking in ye Hall Ld Whalley passing the free meetings of the Houses. It was resolved that in ye Hall Ld Whalley passing through to ye other house the concurrence of ye Other House should be requested. fell in discourse wth them." Hot words resulted "concerning the Other House, about which their sentiments were very different".^{1.} According to Ludlow, Whalley "fell into such a passion, that he threatened to strike the Colonel".^{2.} The opponents of the Other House were very angry at this incident.

The matter was allowed to drop, for more important questions came up. The situation in the Army had now come to a crisis. The officers had appointed a day, 18 April, on which to meet and sign an Attestation against the government. The Commons, too late, saw that they must act or the Army would crush Parliament. There was a long debate in the House concerning the Council of Officers on the 18th; it was urged "that the persons of the other House that were of that general council, shall be disabled from sitting in the other House".^{3.} The doors of the House were shut, and two resolutions passed; the first that no General Council should be held without the consent of the Protector and both Houses, and the second, that no person should

1. Lansd. 823 f.245.

2. Ludlow, II, 61.

3. Burton, IV, 453.

hold a command unless he would swear not to interrupt the free meetings of the Houses. It was resolved that the concurrence of the Other House should be requested,^{1.} and Mr. Stephens was sent with the votes. "Notwithstanding all this," wrote an observer, "I hear from a good hand, the officers intend to meet this day, as they had appoynted."^{2.} Howard, Falconbridge, Ingoldsby and Goffe, the Protector's friends in the Other House, swore to stand by him. Some members of the Council held a meeting with principal officers and proposed that Richard should take the generalship. This would estrange the commonwealthsmen entirely and was thought to mean that Richard would "governe arbitrarily and entry^{cutly} rely by the power of the army, which they thinke cane never last longe in this nation"^{3.} The Protector's friends even tried to bring in Vane and Haslerig but in vain.⁴

Everything now depended upon the Other House. It was the weakest point in Richard's government for it gave the Army officers a means of influence within the constitution itself, but it might be made the strongest. If the old peers could have been brought

1. C.J., VII, 642.

2. Thurloe, VII, 662. Banwick to Hyde, 26 Ap. 1659.

3. Ibid., VII, 661. Bampfylde to Thurloe.

4. Ibid., VII 660, Bampfylde to Thurloe.

in after the vote of 18 March — and Richard, as has been seen, made an attempt to induce Northumberland to sit — their inclusion would have strengthened Richard's party and enabled him, in conjunction with both Houses, to defy the Army. As this was not now possible, Richard's friends in the Other House rallied their party, and did their utmost to support the Commons. But Richard was a broken reed, and the officers in the Other House too strong.

There were from the beginning two distinct parties in the Lords. The first, consisting of Broughill, Ingoldsby, Pierces, Howard, Lawrence, Paucenberg, Walsley, Philip Jones and Richard Hampden, and perhaps a few others, were strongly for the Protector. They urged him to face the opposition of the Commons, and to depend on the support of the Upper House, as it was now beginning to be called. The other party, led by Fleetwood, Darborough, Goffs and Berry, represented essentially the Army. They soon realized that their new dignity was worth little; they saw themselves becoming more and more unpopular with the democratic Army, by reason of their acceptance of such a position, and discovered that they must choose between their friends in the Army and the Protector. The latter they despised,

1. Baker, ed. Phillips, 1855, p. 497.

and hoped to use as a tool. They had no wish to be a balance in the constitution. They had accepted seats in the new House because of the dignity it conferred, and the possible power it gave of manipulating the constitution, not because they desired a stable settlement. They gradually realised that their position in the House was leading to force them, as the Protector Oliver had

Chapter VI.

THE UPPER HOUSE AND RICHARD CROMWELL'S DOWNFALL.

There were from the beginning two distinct parties in the Lords. The first, consisting of Broghill, Ingoldsby, Fiennes, Howard, Lawrence, Fauconberg, Wolseley, Philip Jones and Richard Hampden, and perhaps a few others, were strongly for the Protector. They urged him to face the opposition of the Commons, and to depend on the support of the Upper House, as it was now beginning to be called. The other party, led by Fleetwood, Desborough, ^{Sydenham} Goffe and Berry, represented essentially the Army. They soon realised that their new dignity was worth little; they saw themselves becoming more and more unpopular with the democratic Army, by reason of their acceptance of such a position, and discovered that they must choose between their friends in the Army and the Protector. The latter they despised,

1. Baker, ed. Phillips, 1665, p. 697.

and hoped to use as a tool. They had no wish to be a balance in the constitution. They had accepted seats in the new House because of the dignity it conferred, and the possible power it gave of manipulating the constitution, not because they desired a stable settlement. They gradually realised that their position in the House was tending to force them, as the Protector Oliver had hoped it would, into an attitude diametrically opposite to that of the Army. When the issue was forced upon them they returned to the Army standpoint in the face of the danger that once the Houses settled down in agreement — and it seemed that they would agree on the point of removing military domination — the Army would be liable to lose its political influence, and even be disbanded. In this case their own power as leaders of the Army would suffer an eclipse. They never forgot that the Other House might be used to destroy the Army, and were quite clear that if they had to choose between their position as lords and their power as officers, they must stand with the Army.

This fundamental division in the Upper House between the civil and the military element, and the situation in the Commons combined to make Richard's position more and more impossible. He had hoped, like his father, that the Commons would settle down with the

new House without insisting or discussing the whole nature of the second chamber, and the basis of the constitution. As it was, things were working to a crisis, and every day that was wasted in futile debates made the position more difficult. If the Commons had from the first accepted the Upper House without making trouble, Fleetwood and his friends would have had neither the excuse nor the opportunity to behave as they did, and the two Houses might have combined against the Army.

The relations between the Houses proved at first even worse than they had been under Oliver. The Lords sent no messages to the Commons for nearly three months and then only in reply to the message taken by Grove — the first sent by the Commons — on 14 April.¹ The Commons from the outset did their best to insult the new House. On 28 January, the Lords offered their thanks to Dr. Goodwin for his sermon in the usual manner,² but the Commons refused to do anything. Serjeant Dendy "made a set speech for thanks to be given to Dr. Goodwin". Nobody seconded him. "They said the sermon was to the Lords and they must thank him."³ This extreme discourtesy

1. MSS. of the House of Lords, IV, 560.

2. Ibid., IV, 526.

3. Burton, III, 13.

shows how changed was the attitude of the Commons ever since the last Parliament. They had had too much restraining respect for the Protector Oliver to go too far in flaunting him, but no one cared what Richard thought. The opposition in the Commons considered that he would be the plaything of the Army, and Upper House, and they were determined not to allow themselves to be drawn into the net.

The attendance in the Lords House was not good, and the numbers diminished as the time went on. The average attendance was 27, and by the end of the session the daily appearances decreased. For one thing, the Army officers had other things to do, although curiously enough, Fleetwood, one of the principal leaders, attended regularly in the House. The Lords did what they could to improve the attendance. On 29 January, it was ordered "That the Lords of this House Doe Constantly give their attendance in the House every Day at ten of the clock"¹. On 30 March "notice being taken of the absence of divers of the Lords", it was moved "that a Day be appointed for the calling of the House according to the Roll of Summons", and that the "Judges Assistants and also the attendants

1. MSS. of the House of Lords, IV, 528.

1. MSS. of the House of Lords, IV, 545.

of this House may be required to attend the service of the House". The motion was defeated, perhaps through the influence of the Army party, which was more intent on its own meetings at Wallingford House.

The proceedings of the Upper House, so far as they are recorded, show that the rift between the two parties it contained steadily grew. During the three months of its existence the House did very little, and Fleetwood and his friends became increasingly impatient. When at length the Commons grudgingly recognised the new House, the Army party had already gained the upper hand, and was able to prevent the House from actively supporting the resolution against the Council of Officers. Richard's friends in the Upper House were not strong enough to enlist the support of the Commons in the early stages or to withstand the Army party later, and the Protector himself was too feeble to help them.

The Lords could accomplish little in the way of legislation, as the Commons did not send them any bills until late in the session, after it had been agreed to "transact". A beginning was made, however, on 31 January when a Committee was appointed to peruse

1. Ibid., IV, 545.

the Acts and lawes allready made against Cursing swearing Breach of the Sabeth and Drunkenness and to see wherein the same are defective and have need to be supplied"^{1.} There are few references to this activity outside the House. A royalist observer wrote to Hyde that "Those they call lords meet and adjourn, and consult about making a catechism, and make speeches against playes and the common prayer-book". He makes it clear, however, that no one paid much attention to what they did, and that interest was concentrated on the Commons and their attitude towards the Upper House. "All men's eyes are upon the Commons; for it is clearly foreseen the petition and advice will not support the other house."^{2.} A newsletter casually notes that "In the other House they are upon amending the acts against swearing; drunkenness, and profanation of the Lord's Day"^{3.} directly relating to the political situation.

On 15 February it was referred to a Committee "to peruse the lawes which have been made against Stage playes Interludes and meetings of like nature" and "things ... called Opera acted to the Scandall of

1. MSS. of the House of Lords, IV, 529. Lansd. 822 f.204.

2. Thurloe, VII, 609. Barwick to Hyde, 3 March.

3. Clarke MSS., III, 181.

Religion and of the Covenant". The laws against the Book of Common Prayer were also to be considered,^{1.} and a bill for abolishing the Book brought in and read for the first time on 14 April;^{2.} but there is no further mention of it in the Journal.

A debate was held on 5 March, presumably at the instance of Johnston of Warriston who was the keeper of the Scottish records, concerning the records brought to the Tower of London from Scotland.^{3.} This matter was referred to a Committee, but apparently no report was made. On 17 March two of the Judges were ordered to consult about drawing up a bill for the confirmation of the sales of the lands of the King and the Archbishop;^{4.} this bill was read for the first time on the 22nd and committed on the 29th.^{5. 6.}

More interesting and important measures were those directly relating to the political situation. Unfortunately there was no assiduous Mr. Burton to take notes of the debates, though these must have

1. MSS. of the House of Lords, IV, 537.

2. Ibid., 560.

3. Ibid., 545.

4. Ibid., IV, 549.

5. Ibid., IV, 552.

6. Ibid., IV, 554.

grown more animated towards the end of the session, when the conflict between the Army officers and the supporters of Richard developed. On 31 January a Bill of Recognition was introduced — it is not known by whom, but no doubt by one of the supporters of the Government — for legalising the position of the Protector, and annulling the title of Charles Stuart.^{1.} A similar bill was introduced next day into the Commons by Secretary Thurloe. The second reading took place on 1 February. A newsletter notes "The bill of recognition hath bin read twice in the Lords House, and once in the House of Commons"^{2.} The Lords proceeded to separate the clauses concerning the recognition from those concerning the pretended title of Charles Stuart; this was on 3 February. The Journal records that a protest was made by Archibald Johnston of Warriston "against the amendment restrayning the exercise of the Office of Chiefe Magestrate according to the humble petition and advice so farre as concernes matters of Religion, especially in Scotland"^{3.}, but gives no further indication of what happened in the matter. On 5 February the Act of

1. Ibid., IV, 529.

2. Clarke MSS. III, 179. Lansd. 822 f.204.

3. MSS. of the House of Lords, IV, 531.

3. Ibid.

Recognition was read the third time and passed.^{1.}
 The bill for disclaiming the pretended title of Charles Stuart, drafted by Baron Hill, was read on 11 February^{2.} and committed on the 15th.^{3.} The celerity of these proceedings compare favourably with the slowness of the Commons.

On 21 February Fiennes made an interesting announcement. He "Declared that he had a Command from his Highness the Lord Protector to Communicate unto the Lords ... the state of affaires abroad"; Richard "did desire the advise of this House". Apparently there was a long debate on the report, for it went on till the 25th, when it was resolved to advise the Protector "That a considerable navy be forthwith equipped and set forth to Sea for the Safety of this Commonwealth and the preservation of the Trade and Commerce thereof", and that he should "dispose of this Fleet for the security of this Nation and for the preservation of Trade and Commerce". It was suggested that part of the fleet should be used "for mediating a Peace between the kings of Sweden and Denmark", and for preserving freedom of commerce

1. Ibid., IV, 533.

2. Ibid., IV, 536.

3. Ibid.

through the Sound and the Eastern Seas^{1.} It is obvious that Richard was doing his best to bind the Upper House to his interests, and to show the Commons that he intended to support it in spite of their protests. A royalist wrote that Richard was bent on confirming the Other House, seeing how inconsiderable an advantage the members would be unless he could invest them with the full power of the old peers; it was thought that he wished to make himself secure with their support.^{2.} Bordeaux, writing home, observed that the Upper House passed Acts in the same manner as the Commons; he felt confident that the new House would be recognised as a House of Lords.^{3.} Fleetwood, one of the members, was not so certain. "We are very silent in our house, and little probability, that we shall be owned. What the issue of all things will be, no man can determine",^{4.} was his gloomy prognostication. The Army leaders in the Upper House felt that they were being put on the shelf, a position which did not suit them at all.

On 14 March a bill was presented "concerning the other House of Parliament, limiting the number of Rights and privileges of the persons sitting in that

1. Ibid., IV, 541. *of Lords, IV, 547.*

2. Clar.S.P., III, 451.

3. Bordeaux to Mazarin, 17/27, March, 1659.

4. Fleetwood to H. Cromwell, 8 Feb., 1659. Thurloe, VII, 609.

House"^{1.} This bill caused a great sensation outside the House, and there were many speculations as to its provisions, though not even the Journal of the House is explicit concerning it. A newsletter says it was "for declaring of those that are summoned, and such as hereafter shall bee summoned by his Highnesse and approved by the Houses, nott exceeding the number of [blank] to bee the other House of Parliament, formerly called the House of Lords, and to have all the privileges belonging thereunto, and not limited by the Petition and Advice, butt withall, that none of their heires, nor the heires of any others, shall claim right to sitt in that House, unlesse they bee first summoned and approved as aforesaid"^{2.} Apparently the bill was introduced by Desborough,^{3.} and may have been an attempt on the part of the Army leaders to change the Upper House into that "select senate" which was their idea of a second chamber.^{4.} Some astonishing rumours were circulated. Broderick wrote to Hyde on 18 March, "Desborough offers his Highness (who dares as much as he, with better temper) to dissolve this House of Commons and govern by the other House, to whom he would

1. MSS. of the House of Lords, IV, 547.

2. Clarke MSS., III, 185.

3. Bordeaux to Brienne, 17/27 March.

4. See Chapter VII.

not that the style of Lords should be added, and to that purpose brought in a bill two days since, which with humbler title will give them a firmer basis, and be in all probability the best refuge for his Highness, if by the Scotch and Irish exclusion the Levelling and Cavalier party remain more numerous"^{1.} This report rings true, for it was quite likely that the officers would accept the Other House if through it they might control Richard and the country without the interference of the Commons. This was what some of the moderate party, particularly the lawyers in the Commons feared. If they did not accept the Upper House, the officers might at any moment bring Richard round to their schemes. Bordeaux's account of this bill to some extent bears out Broderick's. "An Act to suppress the title of Lord is proposed in the new House," he wrote on 17 March, "as well to the new as to the old peers, leaving this right only to the Protector and to the great officers."^{2.}

As the text of the bill was certainly not widely known outside the Upper House, different interpretations were put upon it. Arthur Annesley reported to Henry Cromwell that the Lords had "laid aside in

1. Clar.S.P. III, 441.

2. Bordeaux to Mazarin, 17/27 March.

4. See O.P.S., XVI, 540.

compliance with the House of Commons a bill which was brought in by one of the other house against their being hereditary peers"^{1.} It is more likely, however, that the bill was introduced as a retort to those of the Commons who were inclined to assert the rights of the old peers as a weapon against the new Lords. When the vote passed in the Commons on 28 March safeguarding the rights of those peers who had adhered to the Parliament, it was rumoured that this was "not satisfactorie to ye other howse"^{2.} They did not want to see the old peers ousting them from their dignity and acting against the Army. On 15 March the bill was read a second time and committed, but afterwards dropped.^{3.}

On 8 April Richard made an attempt to gain the co-operation of both Houses against the Army. He sent a letter to Fiennes enclosing the Representation of the General Council of the Army,^{4.} and containing an appeal to the Lords for their co-operation in making the government secure. A similar letter was presented to the Commons on the same day. A Committee was appointed by the Lords to consider the matter, and after

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1. Lansd. 823 f.259.
 2. Nicholas MSS. IV, 99. See Baker, Chronicle, p.697.
 3. MSS. of the House of Lords, IV, 548.
 4. See O.P.H., XXI, 340.

some debate in the House it was agreed to draw up a bill containing measures to secure the nation "against the Common enemy"^{1.} A royalist noted, "The other House is said to be drawing up a bill for the banishment of Cavaliers"^{2.}; as usual, however, very little leaked out as to what the Upper House was doing, although there was plenty of talk concerning the Commons. A bill was drafted "enjoyning Papists and other persons who have borne Armes under the late King etc to Depart out of the Cityes of London and Westminster"; it prohibited Horseraces and Cockmatches", which provided opportunities for disturbances.^{3.} The bill was committed on 19 April, but went no further, owing to the stress of events.

The Commons, as has been seen, had at last made up their minds to communicate with the Lords. On 14 April the Gentleman Usher informed the House "that Divers Members of the House of Commons are at the doore"^{4.}, and an embassy from the Commons came in "being introduced ... as Mr. Grove and the members with him". As they approached the bar "the^{Lord}/Keeper Fiennes arose

1. Ibid., IV, 558.

2. Cal.Clar.S.P., IV, 182.

3. MSS. of the House of Lords, III, 562.

4. Ibid., IV, 560.

from his place, and the rest of the Lords of the House going with him towards the Bar, his Lordship there received the Message from Mr. Grove^{1.} The Lords stood with bared heads, and showed the utmost courtesy to the Commons.^{2.} Mr. Grove was accompanied according to a member of the Upper House, by above sixty members of the Commons.^{3.} It had been a matter of great discussion in the Commons as to the title by which the members of the Upper House were to be addressed. Mr. Grove's message was worded in such a way as to obviate this difficulty: "The Knights Citizens and Burgesses in this present Parliament assembled have sent up a Declaration for a Fast wherein they desire the concurrence of this House"^{4.} Ludlow was disgusted at these proceedings, which were the same that the Commons had observed in the time of the old House of Lords. He despised the Commoners for standing "like so many ladeys at the bar of the Other House", and pointed out that the lords were "wonderfully pleased" with this deference. He was particularly infuriated because

1. Merc. Pol., No.563, 14-21 April.

2. Lansd. 823 f.299.

3. Clarke MSS. III, 188. Another account gives the number as 50. Clarke MSS. III, 189.

4. M.S.S. of the Use of Ld. 10560. For the sake of coherence, the account of the message, given in the last chapter from the print of news of the Commons, has been repeated here with the proceedings of the Lords.

the Upper House was allowed so important a position, and, not being a member himself, disliked the idea of the new lords preening themselves in the Upper House, and consuming "great store of fire to keep them warm at the publick charge"^{1.}

The Commons withdrew into a lobby while the House considered the message. After a time they were called in again, and the Lords gave the answer in the old form, "That this House hath taken their Message into Consideration, and will send an Answer by Messengers of their owne"^{2.} The Commons then returned to their own House. Sir Archibald Johnston, a member of the Upper House, writing to Monk to inform him of the proceedings said, "We are to fall on debate of the declaration tomorrow, which I apprehend shall cost a great debate". He went on to give a general account of the doings of the House. "We have also made ready a draught of a proclamation for sending the new come over officers, and other malignants ... twenty miles from London". The Lords intended to communicate this to the Commons, in order to give a joint advice to the Protector. "The report of the treaty going on between France and Spaine may necessitate us to leave off many

1. Ludlow, II, 60-5.

2. MSS. of the House of Lords, IV, 560. "no members of the House [of Lords] were at any time sent to the Commons upon a message but some of the Learned Council, Masters of Chancery -- but the Commons sent no message but by some of their own Bods." Scobell p. 30.

idle debates and come to more substantiall correspond-
 ence... The bill anent the excise was brought in to
 indure only dureinge this Parliament which will breed
 a great debate, for it must either cutt short the army,
 or prolong the Parliament very longe." This shows that
 Johnston was well aware of the division in the Upper
 House, and expected trouble from the Army. He ended
 with a remark that "There is a vile paper called a
 Seasonable Speach to make Members of our House odious"^{1.}
 This was a long speech made by one of the Commons,
 (presumably a bitter Republican) which had been printed
 and widely circulated. It has been attributed to
 Ashley-Cooper, but there is no good ground for suppos-
 ing it to be his. long debate over the acceptance of
 the C Richard, though anxious for the co-operation of
 the Houses, found himself placed in an unpleasant situa-
 tion between the two. "The protector cannot well sign
 anything without the passing of both houses, though
 otherwise the temper of some leading men in the other
 house begins allready to show itself to be such, as
 he could wish he were well rid of them", was a shrewd
 comment. It was thought by many people that "if some
 of the most considerable persons of the other house
 could but get the house established, they would put

1. Clarke MSS. III, 188-9. See note on p. 180¹⁶³, and
 also Nicholas MSS., IV, 101.

hard to lodge the militia and negative voice in that house, which perhaps they would have to consist wholly (as it doth for the most part) of the chief officers of the Army"^{1.}

The intrigues of Fleetwood and his friends were now becoming obvious to everyone. The Anabaptists in the City, "Rogers and Feake, and such like Firebrands"^{2.}, were pressing hard for a change of government. Fleetwood was in close alliance with these Sectaries, and also with the Council of Officers, who were plotting to overthrow the government. Unless some action were taken at once the Army party would take the course of events into their own hands.

There was a long debate over the acceptance of the Commons' message, and before the Declaration was read for the third time the House went into a Grand Committee.^{3.} Nothing further was done in the matter, however, for on the next day, 19 April, the Commons, now very anxious for the co-operation of the Upper House, sent a message by Mr. Stephens, desiring the concurrence of the Lords in the two resolutions passed to prevent the meeting of the Council of Officers.^{4.}

1. Thurloe, VII, 615. Barwick to Hyde, 16 Feb., 1659.

2. Baxter, Reliquiae p. 101. Lords, IV, 563.

3. MSS. of the House of Lords, IV, 562.

4. Burton, IV, 465; MSS. of the House of Lords, IV, 563.

These resolutions caused a great ferment in the Lords' House. Cromwell's party worked strenuously to get the resolutions passed. The officers, Pickering, Sydenham and Berry, and their friends, knew that the game was up unless they could prevent the resolutions from being passed. "I am told," wrote Clarges to Henry Cromwell, "the other house was in a great consternation upon receipt of these resolutions of ours, and were so high, as many of them moved to lay them aside, and it was carried by one voice to the contrary." The Journal does not give any figures, but it records that the House being doubtful whether the resolutions should be received, Broghill and Viscount Lisle were appointed to count the votes, and they declared "that the affirmatives were more then the negatives". Burton's account is interesting, for he notes that he had heard that the carrying vote was given mistakenly.

Feeling that they were lost, many of the officers absented themselves from the House on the next day. Therefore, that "Notice being taken that divers of the Lords who were present yesterday are now absent, the Lord Keeper Fiennes by consent of the Lords gave

1. Thurloe, VII, 657.

2. MSS. of the House of Lords, IV, 563.

3. Burton, IV, 469.

4. MSS. of the House of Lords, IV, 563.

relations, Deborrough and Pinstone, but a strong hold
 direcon to the Gentleman Usher to send notice unto
 such of the Lords as can be met with that the House
 doth expect their presence".^{1.} The debate on the ques-
 tion whether the resolutions should be read a second
 time was so heated that, after a division the House
 decided to meet in the afternoon at three o'clock.^{2.}
 This was unprecedented. "Yesterday the other House
 met in the afternoone, and did debate concerning the
 officers and their general councill,"^{3.} reported a news-
 letter of 21 April.

(20 April)
 The next morning the debate was resumed, but
 an interruption was caused by the Lord Keeper Lisle
 who offered a report from the Committee which had been
 considering the bill for securing the nation against
 the common enemy (i.e., the Cavaliers).^{4.} This may have
 been an attempt on the part of the government to shelve
 the question of the resolutions; it certainly appears
 strange that the House should have turned from so im-
 portant a debate to the filling up of blanks in a
 bill for banishing Cavaliers.

Richard, a mild and gentle man, quite unequal
 to such emergencies, was in a deplorable state. His

1. MSS. of the House of Lords, IV, 564.
2. Ibid., IV, 567.
3. Clarke MSS., III, 190-1.
4. MSS. of the House of Lords, IV, 565.

relations, Desborough and Fleetwood, had a strong hold on him; they pulled one way, and the "Court party" ^{and} with whom he felt his interests were really identical, pulled another. According to Heath, Ingoldsby, Goffe and Howard, advised him to stand firm, and offered "to sieze ^{upon} the chiefes of the Army, ^{conspicuous} and despatch them".^{1.} Broghill advised him very ably. At the Council of Officers Richard made a clever speech, composed by Broghill, in which he maintained a firm attitude, and expressed his intention of not allowing the Council to be held without the permission of Parliament.^{2.} If Richard had been a different man, he might have weathered the storm; his friends were ready to go to any lengths to help him. ^{the two houses". Fleetwood was}

The following day (21 April), however, he abandoned the whole position. "On Friday evening Fleetwood with many army officers, went to the Protector, and told him absolutely that he must sign a bill to dissolve Parliament, and that without hesitation; the Protector wished to ask advice of his Council, but was not allowed," wrote a French gentleman in England at the time.^{3.} According to Clarendon, Desborough threatened his nephew roughly, telling him that it was

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1. Heath Chronicle, p. 744
 2. See Oldmixon, House of Stuart, p. 433.
 3. C.S.P.D., 1658-9, p. 413.

impossible for him to help both the Army and the Parliament his friends. Richard was in despair. He had before him the example of his father's fruitless attempt to make the Commons accept the Upper House; the Commons were still hopelessly divided, and not likely to yield more than they possibly could to the new House; the Upper House itself was now "a clog upon him, and such a one, as we conceive hath incouraged the army to their late interposition into affaires of state, wherein they durst not so well have meddled, if they had been obnoxious to the power of one house alone, who in some heat might in an hours time have voted them all out of their commissions; whereas now it must pass two houses". Fleetwood was very strong and was said to have "absolute power over the Army", while an influential element in the City supported him, Alderman Tichborne, one of the new lords, who was colonel of the Yellow regiment of the City militia, was a supporter of the officers. The Army leaders were fighting for their power which they felt they would lose completely if Parliament obtained the upper hand. The outcome of this strong pressure

1. Clarendon, VI, 102.

2. Thurloe, VII, 662. *Bawick 6 Hude 28 Apr. 1659.*

3. C.S.P.D., 1658-9, p. 339.

4. Heath Chronicle, p. 416 745

on a weak and undecided man was that they forced Richard to sign an Instrument for the dissolution of Parliament.

The next morning, Saturday 22 April, Fiennes rose in his seat and declared that he had received a commission under the Great Seal for the dissolution of Parliament, whereupon the three Commissioners of the Great Seal, Fiennes, Lisle and Whitelocke, Lawrence the President of the Council, Desborough and John Jones "arose from their seats and placed themselves on a forme athwart the house between the Chair of State and the Woolsack, whereon the Lord Keeper useth to sit"¹. The Gentleman Usher was sent to fetch the Commons in order that the Commission dissolving the Parliament might be read to them. "The Black Rod was sent twice to the House of Commons ... for them to come thither but they admitted him not in, and much scorned the notion, having ever looked upon that Mushroom House as the Lower House, and their own creature, the language being to send down to the other House."² The Commons locked their doors and would not receive the message, because it was not brought by one of the Lords.

1. MSS. of the House of Lords, IV, 567.

2. E985, p.8.

When Black Rod did not return to the Upper House the Lords grew impatient; no doubt the Army party were anxious to get the dissolution over. They ordered that the Gentleman Usher should "knock at the Doore of the House of Commons and let them know he is required to Desire admittance or retorne an account to this House"¹. According to a newsletter, Black Rod "thereuppon by order of the Other House brake his black rodde att the doore of the House of Commons in testimony of their dissolution, which the Judges say is good in law, though the Commons have adjourned themselves till Munday morning"². Black Rod returned to the Lords' House and reported that he had sent word by the Serjeant at Arms that he was at the door, but having received no answer, he knocked at the door,³ "and now the House of Commons is risen"³.

In spite of this check, Fiennes gave the Commission for the dissolution to the Clerk of Parliament, "who returning to his accustomed place read it publicly and thereupon the Commissioners Did dissolve the Parliament"⁴.

1. MSS. of the House of Lords, IV, 567.

2. Clarke MSS. III, 193.

3. MSS. of the House of Lords, IV, 567.

4. Ibid.

1. KISSO, Y. Tracts.

The epitaph of the Other House was pronounced by a jeering Republican: "All Oliver's venerated House of Peers have now in an instant lost their Lordships, and are the same that formerly they were"¹.

CHAPTER VII

THE UPPER HOUSE AND THE "SELECT SENATE" OF THE ARMY

The position of the Upper House was never accurately defined. It was neither a "Senate" in the sense given to the term at this time by the Army, nor a House of Lords in the old sense. It attempted to set itself up as a House of Lords and was abolished by the Army; the Army then tried to put their "Senate" in its place. The two schemes, it was soon perceived, came to the same thing. There was a general dislike, though for varying reasons, of government by a single House, but it was very difficult to set up a second chamber, which would be satisfactory or generally successful. The very variety of the suggestions made for another House displayed the difficulties of the problem and the conflicting interests involved.

The great defect of the Other House had been that its constitution was drawn up carelessly and piecemeal,

1. E1898, T.Tracts.

as that when the House set its position was not accurately defined. This gave the Commons an opportunity to deny its very existence without their express consent. The Additional Petition and Advice explained that the members of the Other House were "to give their advice and assistance Chapter VII. to such things concerning the great and weighty affairs of this Commonwealth, as to the other House OF THE ARMY."¹ All that the Humble

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1. The great defect of the Other House had been that its constitution was drawn up carelessly and piecemeal,

so that when the House met its position was not accurately defined. This gave the Commons an opportunity to deny its very existence without their express consent. The Additional Petition and Advice explained that the members of the Other House were "to give their advice and assistance, and to do such things concerning the great and weighty affairs of this Commonwealth, as to the other House of Parliament doth appertain by the said humble Petition and Advice"^{1.} All that the Humble Petition and Advice had laid down, however, was what the Other House was not to do.^{2.} The second Article said in a vague manner that the ^{Parliament} House was to be Cromwell's "great Council"^{3.}; this might easily have been interpreted ^{so as} ^{include} to mean a House of Lords. The explanation seems to be that Glyn, Broghill and the others who had drawn up the Petition and Advice had hoped that Cromwell would take the title of King, in which case a House of Lords might well be accepted. They knew that Cromwell appreciated the value of the old House of Lords, and would probably not object to its restoration with curtailed privileges. It is quite probable that the position of the Other House was purposely left vague, in order to avoid the risk of offending the Republicans,

1. Gardiner, Const. MSS. ⁽⁴⁰⁶⁾ 1889, p. ⁽⁴⁶³⁾ 349.

2. Ibid., ⁴⁵² 338-9. See Appendix A.

3. Ibid., ⁴⁴⁹ 336.

and to provide an easy way of ignoring the ordinance of 1649 abolishing the old House of Lords.

We know little of the debates concerning the articles which mention the new House, and consequently cannot tell the kind of body they expected the House to become. Thurloe and others connected with the government, regarded the matter with nervous anxiety, fearing that the Republicans would raise the cry of a return to the old House of Lords, and were amazed that it passed so easily. This was really, it seems, because the Commons were so anxious to obtain Cromwell's acceptance of the Crown, and were willing to comply with his wishes in other matters. The question of the Other House assumed a new aspect when Cromwell refused the Crown, for the Petition and Advice had been drawn up in order to settle the constitution under which Cromwell should be King; the position of the Upper House was considered by some to be different under a Protector.

There was no explicit stipulation that seats in the new House should not be hereditary, but it was generally understood that this was precluded. Cromwell's friends hoped, however, that the peers who had supported their party would sit in the Upper House, in which case their seats would probably descend to

their sons. The House was carefully denoted the "other House of Parliament" in the Petition and Advice, its actual title being left to be decided later. Here again we have the suggestion that the point was purposely left vague by Cromwell's friends in order to have the way open for a House of Lords.

When the new House met, it was still simply "the other House of Parliament". Its members were, however, summoned by individual writ in the form previously used in summoning peers to Parliament. They were quite certain that they possessed the dignities and prerogatives of the House of Lords, and there was nothing in the Petition and Advice save the restriction of their judicial privileges to prevent them from thinking this. The Commons, for their part, placed their own interpretation on the terms of the Petition and Advice, and went so far as to assert that the new House could not exist without their consent. The interpretations put upon the constitution depended upon the particular political interests of those who suggested them; there was no provision for an authoritative interpretation.

Many people said that the Other House was no use at all without a King, one comment being that "the

other House ... was pretty cunningly fitted for a Monarchy, a Senate being never like to sute one half quarter so well with a Commonwealth"^{1.} Another writer declared that "a House of Lords without a King will be but an Utopian Idea, formed by Mr. Prinn's operative fantasie"^{2.} Harrington, who discussed the position of the new House in an Appendix to his Art of Lawgiving, said it must be one of three things, a House of old Lords, a House of new Lords, or a House of both together. He disliked the whole idea of the Other House. "We are to speak of a King without any example, a House of Peers set up by a House of Commons." If the House was to consist of the old peerage, then "either the single person or the Commons will be predominant in the government, if the Commons be so, then it will be with the Peers, as it was before their last seclusion; that is, while they do as the Commons would have them, they may sit; otherwise they are sent home"^{3.} He then proceeds to point out with great penetration that if the House consists of new Peers only "it must consist of the chief officers of the Army: which immediately divides the Government into two distinct Governments; the one

1. El010.f.10, p.9.

2. El010.f.8.

3. Harrington, Art of Lawgiving, App., p*140-1.

in the House of Commons ... the other in the House of Lords, whose foundation is the Army .. but if the Army ... come off to the Commons, the Peers are nothing, and the Commons introduce a Commonwealth". If the new and old peers were to sit, "the old Peers, while they like it are ciphers to new figures; and when they like it or not may go home again". He concludes with the shrewd dictum that the other House can be nothing but what the Commons will.^{1.}

The old nobility had suffered exceedingly in prestige during the Civil War. Those who had supported the King lost many of their estates, and existed in a miserable fashion; the peers who had taken the side of Parliament dared not go too far in the cause, and were regarded with suspicion by both parties. Richard Flecknoe wrote a satire on "a degenerate nobleman". "He is a certain silly thing, who now he had no voice in Parliament, scarcely knows what to say ... they jostle him now in the streets who were wont before, like mandarins, to make whole streets to give him way and no body takes notice of him, unless some one in scorn^{2.} points at him (perhaps) and says, 'There goes a Lord!'" At the same time the Lords of the other House were

1. Art of Lawgiving, pp. 140-2.

2. Flecknoe, Enigmatical Characters, 1665, p. 76.

3. Fryson, A Plan for the Lords, 1749. Introd.

unfavourably compared with the best type of English nobleman, who was generally respected."... He is great not swollen, high not lofty, humble not stooping, raising his inferiors up to him, without abusing himself to them ... is courteous and affable to all ... above all, he holds Loyalty so essential to a Nobleman, as who proves disloyal once (he imagines) not onely degrades himself, but even his posterity of their nobility".¹ Nevertheless, when the Parliament of Richard Cromwell was dissolved, and the Long Parliament restored, many people, though not wishing to see the new House of Lords, felt the need of a second House. "It is farther objected," says a pamphlet, "that a single Councell is not so well consulted; it were better, and more to be relied on, that we had a Senate, and a great Assembly; or two Houses of Parliament: I know in generall, this age is very pregnant of projects; everybody hath a ring at the State; and see their wits a-working to hammer out a Government for England: They say, Everybody that comes into Westminster-hall hath his Modell in his pocket, what Govern²ment he thinks fittest for the Commonwealth." He asserted that the Peers had a greater interest in the country than ordinary people, and therefore had more concern in state affairs. They

1. Enigmatical Characters, pp. 103-4.

2. Prynne, A Plea for the Lords, E749. Introd.

were also an independent element in the constitution, and not likely to be tempted by honours and preferments.^{1.} Prynne's arguments were used with great vigour by the opponents of the Other House, who declared that the new lords had not a sufficiently large competence of their own and were entirely dependent on the government.

Nevertheless, when the Parliament of Richard Cromwell was dissolved, and the Long Parliament restored, many people, though not wishing to restore the House of Lords, felt the need of a second House. "It is farther objected," says a pamphlet, "that a single Councell is not so well consulted; it were better, and more to be relyed on, that we had a Senate, and a great Assembly; or two Houses of Parliament: I answer in generall, This age is very pregnant of projects; everybody hath a fling at the State: and set their wits a-working to hammer out a Government for England: They say, Everybody that comes into Westminster-hall hath his Modell in his Pocket, what Government he thinks fittest for the Commonwealth."^{2.}

Another writer suggested that the members of the Other House should be drafted into the Council, "not to be

. 1. Ibid., 140-1.

2. The Grand Concernments of England Stated, 1659, p. 43.

a balance upon the Commons; but let their balance be that reason and righteousness that is amongst themselves".^{1.}

Marchmont Nedham, the time serving journalist of Mercurius Politicus, protested against the idea of a single House. "We find in the Roman State ... that the multitude were never so mad as to cast off, though they took upon them now and then to controll the Senate."^{2.} Even the Levellers felt the need of a second House; in one of their schemes we hear that "other deputies were chosen for senators, that should consult and debate of the necessity and conveniency of all laws, levies of monies, war and peace".^{3.}

Some of the best known political writers of the period expressed their conviction of the need for a second chamber, putting forward suggestions for its composition and functions. Prynne proposed as an expedient for restoring order and settled government that the old nobility should assemble at Westminster and issue writs for a Parliament.^{4.} Harrington's idea of a second house, explained in his Oceana, was that

1. Harl.Misc., V, 336.

2. Case of the Commonwealth Stated, p. 83.

3. The Leveller, Harl.Misc., IV, 545.

4. A Short legal ... Prescription to recover our Kingdom, 1659. Harl.Misc. VIII, 82-3.

5. A Letter concerning a Select Senate, 1601.

the Senate should represent the wisdom of the people; the government was to consist of three elements - "the senate proposing, the people resolving, the magistracy executing"^{1.} Milton likewise thought that a senate of the best and wisest men was most suitable:- "I deny that too, if by the nobility, whom you style optimates, you mean the peers only; for it may happen that among the whole number of them, there may not be one man deserving that appellation, for it often falls out that there are better and wiser men than they amongst the Commons"^{2.}

A scheme for a new constitution was developed by Henry Stubbe, a friend of Vane. One of the chief components of this scheme was a Senate. All who had helped in the suppression of the insurrection of the Army in 1659 should for ever be privileged, and called Liberators; from their number a Senate of nine or thirteen persons was to be chosen, to have charge of the Army, religion, and public instruction. Four sects only were to be represented in this Senate,- Independents, Anabaptists, Fifth Monarchy men and Quakers.^{3.}

The greatest fear expressed concerning the Other House had been that it would be an instrument of

1. Gooch, Political Thought from Bacon to Halifax, p. 115.

2. Defence of the English People in Milton's Works ed. Mitford 179

3. A Letter concerning a Select Senate, E1001.

the Army. This fear was to some extent justified, since the officers felt that they would not retain their influence unless they had some body in which the Army was well represented. In April 1659, they drew up a letter "in the nature of a Remonstrance", setting forth their views. "The model of a Commonwealth is exhibited consisting of three parts, a people, a Senate, and a Magistracy ... the 2nd order is a Senate w^{ch} is a Select number not so numerous as the former chosen by the people also, those to be the ministers of State to prepare and propound all things concerning War and Peace.¹" This Senate was to be called "The Wisdom", as the people were "The Power", and the Magistracy was "The Authority".² A Petition was presented to the Rump on 12 May containing this scheme. Bordeaux thought that the Army demanded a "select senate" in order to avoid a sudden transition from one form of government somewhat approaching to that which has been destroyed. He added that Vane and his friends were not anxious to create a senate "which it would be necessary to compose of officers of the Army".³ Ludlow strongly

1. MSS. Rawlinson, 62 f.40.

2. Cal.Clar.S.P. IV, 193, April, 1659.

3. Guizot, Richard Cromwell, 383.

objected to that part of the new scheme relating to the Senate. "I thought it my duty to let them know, that if by a select senate they understood a lasting power, co-ordinate with the authority of the people's representatives and not chosen by the people, I could not engage to promote the establishment of such a power apprehending that it would prove a means to perpetuate our differences, and make it necessary to keep up a standing force to support it."^{1.}

In spite of opposition one party among the officers clung to the idea of a senate. In December 1659, Ludlow reports that "Col. Desborow took me aside and proposed for an expedient to make a choice of sixty persons of the best and ablest of the old Parliament to be the select senate that should have a negative voice upon the representative". To this Ludlow answered, "the vanity of the Other House, who made themselves only the objects of scorn and pity, would be sufficient to caution them against treading in their steps"^{2.} The example of the Other House was taken generally as a warning against the "select senate", and the obvious interest of the Army in the

1. Ludlow, II, 75-6.

2. Ibid., II, 182.

3. MS. A. 10. 1. 1.

4. Ibid., p. 8.

matter regarded with suspicion — "though they have cryed down a single Person and another House, think you such Fools of Slaves that you will not take notice that an armed General is worse than a single person, and a co-ordinate Senate as they intend by the Proposals — a worse other House than the last, which was the worst that England ever saw?"^{1.} said a pamphlet. Another writer demanded "whether that a co-ordinate senate be not cousin-germain to another house"^{2.}? They desire, said a royalist, "a co-ordinate Senate for life (which is to say a House of Lords) which they the officers of the Army intend to be"^{3.} A pamphlet called "A Negative Voice or a Check for your Check" set forth a comparison between the Other House and the Co-ordinate Senate of the Army. "If by the name we may guess at the nature of the thing, it is as like the other House as an Ape is like a Monkey."^{4.} The Other House, it argues, was "never Christened a House of Lords, and therefore no more Antichristian than a Senate"^{5.} and "to declare against a House of Lords, or the other House (call it what you will) as Arbitrary

1. E985, p. 21.

2. Harl. Misc. IX, 422.

3. E1010 f.16, p. 24.

4. E1010 f.10, p.10.

5. Ibid., p.6.

and Tyranicall, and to petition for a Senate" is "every manner of way as iniquitous"^{1.} The Other House did not succeed, and therefore this will not; the Other House was constantly engaged in quarrels with the Commons and this will be in the same situation. The Army is only putting a new name to an old thing, but "This Senate (call it what you will) is indeed worse than the old House of Lords, or the late Other House"^{2.} The writer concludes by saying that "If no better Security can be thought of, nor more Happy Expedient for a Settlement, then such a Senate as is proposed, or such Another House as that lately Created, and Destroyed, I shall give my back to these Smiters"^{3.}

The schemes of the Army showed that a "Select Senate" was no more acceptable and even less workable than the Other House. The only alternative was the return of the old House of Lords. If the Other House did nothing else, it proved the need for the House of Lords, which had been so thoughtlessly abolished in 1649, and at the same time showed the immense difficulty of creating any other body which might successfully take its place.

1. Ibid., p.7.

2. El010 f.10, p. 10.

3. Ibid., p. 15.

CONCLUSION.

The Other House was set up in order to ease the difficulties of the constitutional situation in 1656, but, instead of helping to establish the constitution through which Oliver Cromwell was trying to work, on a secure foundation, it merely complicated his relations with the Commons and gave a rallying cry to the discontented of all parties.

It brought the Protector's relations with the Commons into an even more strained condition than before.

Hitherto they had accused him of ruling in an imperious fashion without submitting to any constitutional checks; now that a second House was set up, they declared that he had nominated a rival body which would share their authority but act with him against them. In actual fact the Other House was unable to work with the Protector at all, for it could do nothing until it had established its own position, and proved a source of great embarrassment to the government. This was due partly to the ill-disposed nature of its position, and partly to the presence in it of a large number of Army officers, who were suspected by the Commons, not entirely without reason, of trying to use it as an instrument for furthering their schemes. If the Commons had accepted it and arranged for the driven out the Army officers, it might have proved a real source of strength to Richard; but the Protector's own

the Upper House, but the Commons would receive no messages unless brought in a manner laid down by themselves, and consequently nothing was done by the two Houses in conjunction. In spite of the provisions of the Petition and Advice, the Other House was powerless, unless and until the Commons chose to act with it. It had neither the position nor the prestige of the old House of Lords, though it attempted to copy its predecessor in every possible way, and in spite of the Protector's support it could not uphold itself against the Commons. Cromwell was forced to dissolve the Parliament from which he had hoped so much, after a fortnight. He had found that the new House, instead of being a source of security, was the weakest point in his government.

During Richard's rule the Upper House again failed to establish its position, and proved a source of great embarrassment to the government. This was due partly to the ill-defined nature of its position, and partly to the presence in it of a large number of Army officers, who were suspected by the Commons, not entirely without reason, of trying to use it as an instrument for furthering their schemes. If the Commons had accepted it and driven out the Army officers, it might have proved a real source of strength to Richard; but the Protector's own

weakness, together with the persistent hostility of the Republican party in the Commons, prevented this.

From the point of view of those who created it, the Other House was a complete failure. It did most service to the Royalists. By its very ineffectiveness it helped to re-establish the prestige of the old House of Lords, and convinced many people that much as the old peers had been despised in many quarters, they were infinitely preferable to the new lords whose position was so controversial. The country squires who chiefly composed the Commons had a natural respect for the great landed proprietors of their own counties, and looked up to them at home and in Parliament. A House containing a large proportion of Army officers and a number of country gentlemen of no better birth than themselves they could not respect as an Upper House. It is interesting to watch the conviction gradually gaining even upon the republicans that, if there must be lords, the old peers with their wide landed interests were best. Again, the new second chamber, with its precarious position, served to show the advantages of the old House of Lords, which had had a definite place in the constitution, as well established as that of the Lower House itself. All the arguments used against the Lords in 1648 were gradually retracted, and when the

Army proposed a "select senate", much of the opposition was based upon the recent experience of this "other House", which had shown only too clearly the practical difficulties in the way of experiments of this kind. The traditionalist leanings of the lawyers, and the inclinations of the country gentlemen provided a body of opinion in favour of the restoration of the old House of Lords; it was but one step from this to the return of the monarchy. Thus the failure of the Other House marked a definite step towards the Restoration.

One point in the scheme may be said to have more than an ephemeral interest. In the recent discussions as to the future of the House of Lords, much approval has been expressed of the project of creating life-peers chosen from amongst those who have rendered distinguished service to the State, to be a recognition of their work, and to provide the valuable addition of men of practical experience of the House; in some of the schemes mooted these would be joined with a nucleus of hereditary peers. A recent cartoon in Punch pointed out the close resemblance between a scheme of this kind and that of Cromwell.¹ The Protector desired a nucleus of hereditary peers — drawn of course

1. Punch, Vol. CLXXIV, p. 213, 22 Feb., 1928, and Vol. CLXVIII, p. 127, 4 Feb., 1925.

from amongst those who favoured the Parliament — to which were to be added the most prominent men on whose support he could rely. Quite apart, however, from the precarious political situation of the time, which presented what seemed to be insuperable obstacles to the experiment, the old peers themselves did not welcome the suggestion, and there is no sign that so novel a change evoked any considerable support.

I. pleased to call Parliaments consisting of two Houses (in such manner and way as shall be more particularly afterwards agreed and declared in this Petition and Advice) once in three years at furthest, or oftener, as the affairs of the nation shall require, that being your great Council, in whose affection and advice yourself and this people will be most safe and happy.

I. that those persons who are legally chosen by a free election of the people to serve in Parliament, may not be excluded from sitting in Parliament to do their duties, but by judgment and consent of that House whereof they are members.

That those who have advised, assisted or abetted the rebellion of Ireland, and those who do or shall profess the Popish religion be disabled and made incapable for

ever to be elected or to give any vote ... and that
 all and every person APPENDIX A. who have aided ...

in any way against the Parliament, since the 1st day
THE CONSTITUTION OF THE UPPER HOUSE.

[Gardiner, Constitutional Documents, ed. 1906,
 pp. 447-464.]

given signal testimony of his or their good affection
THE HUMBLE PETITION AND ADVICE.
 to the Commonwealth, and continued faithful to the

Article II. That your Highness will for the future be pleased to
 call Parliaments consisting of two Houses (in such
 manner and way as shall be more particularly afterwards
 agreed and declared in this Petition and Advice) once
 in three years at furthest, or oftener, as the affairs
 of the nation shall require, that being your great
 Council, in whose affection and advice yourself and
 this people will be most safe and happy.

Article III. that those persons who are legally chosen by a
 free election of the people to serve in Parliament,
 may not be excluded from sitting in Parliament to do
 their duties, but by judgment and consent of that House
 whereof they are members.

Article IV. That those who have advised, assisted or abetted the
 rebellion of Ireland, and those who do or shall profess
 the Popish religion be disabled and made incapable for

ever to be elected or to give any vote ... and that
 all and every person and persons who have aided ...
 in any war against the Parliament, since the 1st day
 of Jan. 1641 (unless he or they have since borne arms
 for the Parliament or your Highness, or otherwise
 given signal testimony of his or their good affection
 to the Commonwealth, and continued faithful to the
 same), and all such as have been actually engaged in
 any plot ... since the 16th day of December 1653,
 shall be for ever disabled... And that the persons
 who shall be elected to serve in Parliament be such ...
 as are persons of known integrity, fearing God, and
 of good conversation ... no common scoffer or reviler
 of religion ... no person that shall deny the Scrip-
 tures to be the Word of God, or the sacraments, prayer,
 magistracy, and ministry to be the Ordinances of God;
 no common profaner of the Lord's day, no profane
 swearer or curser, no drunkard or common haunter of
 taverns or alehouses.

Article V.

That your Highness will consent, that none be called
 to sit and vote in the other House, but such as are
 not disabled, but qualified according to the quali-
 fications mentioned in the former Article, being such
 as shall be nominated by your Highness and approved

Article VII.

by this House, and that they exceed not seventy in number, nor be under the number of forty (whereof the quorum to be one-and-twenty), who shall not give any vote by proxies; and that as any of them do die, or be legally removed, no new ones be admitted to sit and vote in their rooms, but by the consent of the House itself. That the other House do not proceed in any civil causes, except in writs of error, in cases adjourned from inferior courts into the Parliament for difficulty, in cases of petitions against proceedings in courts of Equity, and in cases of privileges of their own House; that they do not proceed in any criminal causes whatsoever against any person criminally, but upon an impeachment of the Commons assembled in Parliament, and by their consent; that they do not proceed in any cause, either civil or criminal, but according to the known laws of the land, and the due course and custom of Parliament; that no final determinations or judgments be by any members of that House, in any cause there depending, either civil, criminal or mixed, as Commissioners or Delegates, to be nominated by that House; but all such final determinations and judgments to be by the House itself, any law or usage to the contrary notwithstanding.

Article VIII.

Article IX.

Article VII. And to the end there may be a constant revenue for support of the Government ... we declare our willingness to settle forthwith a yearly revenue of £1,300,000 pounds ... and this not to be altered without the consent of the three Estates in Parliament.

Article VIII. That none may be added or admitted to the Privy Council ... without consent of the Council to be afterwards approved by both Houses of Parliament — And that the standing forces of this Commonwealth shall be disposed of by the Chief Magistrate, by consent of both Houses of Parliament.

Article IX. And that the Chancellor, Keeper or Commissioners of the Great Seal of England, the Treasurer or Commissioners of the Treasury there, the Admiral, the chief governor of Ireland, the Chancellor, Keeper or Commissioners of the Great Seal of Ireland, the Chief Justices ... and the Chief Baron in England and Ireland, the Commander-in-Chief of the forces in Scotland [etc.] ... shall be approved of by both Houses of Parliament.

and the dominions and territories therunto belonging, as Chief Magistrate thereof, and shall not contrive, design or attempt anything against the person or lawful authority of the Lord Protector, and shall

THE ADDITIONAL PETITION AND ADVICE. of Par-
liament, the preservation of the rights and liberties

In the fifth Article.

That the nomination of the persons to supply the place
of such members of the other House as shall die or be
removed, shall be by your Highness and your successors
.....such persons as your Highness shall think fit (being

That every person who now is, or hereafter shall be, a
member of either House of Parliament ... take an oath
before persons to be authorised and appointed by your
Highness and successors for that purpose, in the form
following: by command to be, and personally to appear

I, A.B., do in the presence and by the name of God
Almighty, promise and swear, that to the uttermost of
my power, in my place, I will uphold and maintain the
true reformed Protestant christian religion, in the
purity thereof, as it is contained in the Holy Scrip-
tures of the Old and New Testament, and encourage
the profession and professors of the same; and that
I will be true and faithful to the Lord Protector of
the Commonwealth of England, Scotland, and Ireland,
and the dominions and territories thereunto belonging,
as Chief Magistrate thereof, and shall not contrive,
design or attempt anything against the person or
lawful authority of the Lord Protector, and shall

endeavour as much as in me lies, as a member of Parliament, the preservation of the rights and liberties of the people.

That your Highness would be pleased in convenient time, before the next meeting of this Parliament, to cause several summons in due form of law, to be issued forth to such persons as your Highness shall think fit (being qualified according to the humble Petition and Advice of the Parliament, whereto your Highness hath consented), to sit and serve as members in the other House of Parliament; by which summons the said person shall be respectively commanded to be, and personally to appear at a certain place and time, to be appointed by your Highness, to give their advice and assistance, and to do such things concerning the great and weighty affairs of this Commonwealth as to the other House of Parliament doth appertain by the said humble Petition and Advice.

That the persons so summoned and assembled together shall be, and are hereby declared to be, the other House of Parliament; and shall, and may without further approbation of this House, from such time of their meeting, proceed to do and perform all such matters and things as the other House of Parliament

ought to do and perform, and shall and may have and exercise all such privileges, powers and authorities as the other House of Parliament ought, by the aforesaid humble Petition and Advice to have and exercise; the said humble Petition and Advice, or anything therein contained to the contrary thereof notwithstanding.

1. Charles Thomas Stanford, but it has since been presented by him to the library of Sidney Sussex College, Cambridge, and has been printed, in parts, in the Phoenix. The fragment starts with the report of Crossell's speech to both Houses on 23 January, 1689, beginning, "And is not he the sonne of a ffather". It reports the proceedings from Thursday, 23 January, until Saturday, 30 January, when it ends with the adjournment of the House by the Speaker Piers.

The Journals of the House from 20 January, 1689, when it met, to 23 April, 1689, when it was finally dissolved, are printed in the MS. of the House of Lords, Vol. IV. This seems to have been the original draft from which the Sidney Sussex MS. was the completed copy. The clerk left spaces for the insertion of Crossell's speeches and other matters; when a letter was sent to

1. G.R.C. Peckage ed. Gibbs, IV, 528. A description is given in the note of the fragment.

2. See Carl. Cr. ed. Lower, III, p. 106. This report of the speech is not mentioned by Mrs. Lower.

the House by the Clerk wrote, "Here in-
sert the letter" The Journal of the Upper House
seems to have been drawn up in exactly the same fashion
as the Journal of the House of Lords.

APPENDIX B.

THE JOURNALS OF THE UPPER HOUSE.

Only a fragment of the completed Journal of Cromwell's House of Lords has survived. This is said by the G.E.C. Peerage to be in the possession of Sir Charles Thomas Stanford,^{1.} but it has since been presented by him to the library of Sidney Sussex College, Cambridge, and has been printed, in parts, in the Pheon. The fragment starts with the report of Cromwell's speech to both Houses on 25 January, 1658, beginning, "And is not he the sonne of a ffather"^{2.} It reports the proceedings from Thursday, 28 January, until Saturday, 30 January, when it ends with the adjournment of the House by the Speaker Fiennes.

The Journals of the House from 20 January, 1658, when it met, to 22 April, 1659, when it was finally dissolved, are printed in the MSS. of the House of Lords, Vol. IV. This seems to have been the original draft from which the Sidney Sussex MS. was the completed copy. The clerk left spaces for the insertion of Cromwell's speeches and other matters; when a letter was sent to

1. G.E.C. Peerage ed. Gibbs, IV, 585. A description is given in the note of the fragment.

2. See Carl. Cr. ed Lomas, III, p. 166. This report of the speech is not mentioned by Mrs. Lomas.

APPENDIX C.

the House by the Protector, the clerk wrote, "Here insert the letter". The Journal of the Upper House seems to have been drawn up in exactly the same fashion as the Journal of the House of Lords.

Table. House of Crosswell, p. 371.	65	
Masson. <u>Life of Milton</u> , 1701.	65	-----
166. <u>Asprough MS.</u> 3248	62	J. Clarke.
Journal of the House of Lords.	62	J. Clarke.
<u>The Perfect Politician</u> , 1660, p. 358.	62	J. Clarke.
<u>England's Confusion</u> , 1659, pp. 255-7.	63	J. Clarke.
<u>Second Narrative</u> , 1659, Earl. Rise., III, 475.	61	G. Fleetwood, J. Clarke.
<u>Wiggle, Short View</u> , pp. 434-3.	61	J. Clarke, Wm. Lenthall.
<u>L.P.H.</u> , XII, p. 167.	61	J. Clarke, N. Ingoldby [copy from list pub. by F. Walsley, Dec., 1888].
<u>Fanner MS.</u> , 73.f.440.	60	J. Clarke, Wm. Lenthall, R. Hampden.
<u>South. Chronicle</u> , 1659.	60	J. Clarke, Manchester, R. Thomas.
<u>Whitelocks, Memorials</u> , IV, 313-4.	60	J. Clarke, Wm. Lenthall, R. Hampden.
<u>F. Exeate</u> , MS69f.20(70), 25 Jan., 1658.	60	J. Clarke, Wm. Lenthall, R. Hampden.
<u>History of O. Crosswell</u> , 1661, p. 168.	59	J. Clarke, W. Piennes, J. Piennes, Malgrave.
<u>Surv. Pol.</u> No. 394, 10-17 Dec., 1657.	59	J. Clarke, Wm. Lenthall, R. Hampden, Ph. Skippon.

APPENDIX C.

THE LISTS OF MEMBERS OF CROMWELL'S UPPER HOUSE.

<u>Source.</u>	<u>No.</u>	<u>Excluding.</u>
1. Noble, <u>House of Cromwell</u> , I, 371.	63	Clarke, Mr. Lenthal, R. Hampden, Ph. Skippon, J. Daborough, Ch. Wolsey.
2. Masson, <u>Life of Milton</u> , V, 323.	63	J. Clarke.
3. Add. Ayscough MS. 3246	62	J. Clarke.
4. Journal of the House of Lords.	62	J. Clarke.
5. <u>The Perfect Politician</u> , 1660, p. 358.	62	J. Clarke.
6. <u>England's Confusion</u> , 1659, pp. 256-7.	62	J. Clarke.
7. <u>A Second Narrative</u> , 1659, <u>Harl. Misc.</u> , III, 475.	61	G. Fleetwood, J. Clarke.
8. Dugdale, <u>Short View</u> , pp.454-5.	61	J. Clarke, Wm. Lenthal.
9. <u>O.P.H.</u> , XXI, p. 167.	61	J. Clarke, R. Ingoldsby [says from list pub. by T. Walkeley, Dec., 1658].
10. <u>Tanner MS.</u> , 73.f.440.	60	J. Clarke, Wm. Lenthal, R. Hampden.
11. Heath, <u>Chronicle</u> , 729	60	J. Clarke, Manchester, E. Thomas.
12. Whitelocke, <u>Memorials</u> , IV, 313-4.	60	J. Clarke, Wm. Lenthal, R. Hampden.
13. <u>T.Tracts</u> , E669f.20(70), 25 Jan., 1653.	60	J. Clarke, Wm. Lenthal, R. Hampden.
14. <u>History of O. Cromwell</u> , 1681, p. 169.	59	J. Clarke, N. Fiennes, J. Fiennes, Mulgrave.
15. <u>Merc.Pol.</u> No.394, 10-17 Dec., 1657.	59	J. Clarke, Wm. Lenthal, R. Hampden, Ph. Skippon.

<u>Source.</u>	<u>No.</u>	<u>Excluding.</u>
16. Thurloe, VI, 668, 16 Dec., 1657.	58	Wm. Lenthal, R. Hampden, G. Fleetwood, G. Pickering, M. Cooper.
17. <u>Cal. Clar. S.P.</u> , III, 400.	57	R. Cromwell, R. Pride, J. Clarke, Mulgrave, Warwick.
18. Oldmixon, <u>House of Stuart</u> , 419.	55	J. Clarke, Wm. Lenthal, R. Hampden, Ph. Jones, Ph. Skippon, J. Desborough, Wm. Sydenham, Ch. Wolseley.

There is some variety in the lists of those to whom writs for the Upper House were sent. It seems fairly certain, however, that 62 writs were actually sent. Noble and Masson give 63 names, but only one contemporary list includes the 63rd member, John Clarke. Clarke was a relative of Thurloe, and Thurloe included his name in a list to Lockhart on 10 December, 1657, the date on which Cromwell's choice was first known, perhaps after a half-promise from Cromwell that he would send Clarke a writ. It is certain that Clarke did not sit, for his name does not appear in the Journal.

The official list of Cromwell's lords which is entered in the Journal of the House contains 62 names. This agrees with the list copied by John Thompson, one of the Clerks of the Petty Bag, from the original list in the Petty Bag of those to whom writs were to be sent. Noble used Thompson's list, but remarks ambiguously that

The list of Cromwell's lords from the Journal of the if Roberts and Clarke sat, "it must be after the year 1657". This must be a mistake in transcription, for Sir William Roberts appears in the list with "sworne" against his name. He took his seat in January 1658, and his name appears on all the lists.

The other contemporary lists give 62 names — those given in England's Confusion and The Perfect Politician. The number given in the Second Narrative is 61, and excludes George Fleetwood, who also does not appear in Thurloe's list. This must have been a slip, for he received a writ and took his seat.

Most of the lists — even that given by Whitelocke, who sat in the Upper House — exclude Hampden and Lenthall. The explanation seems to be that when the list of Cromwell's choice was first published, it only contained 60 names. The Second Narrative says of Hampden "This young gentleman ... was the last of sixty-two, which were added singly by the Protector, after the choice of sixty together". Lenthall also, according to Ludlow, was not chosen at first, but his distress and annoyance having been reported to Cromwell, he was sent a writ.

The inaccuracy of the other existing lists may be checked by the Journal. Some of the omissions may be due to the fact that many of those summoned never took their seats.

The list of Cromwell's lords from the Journal of the
Upper House [House of Lords MSS. IV, 503].

1. Lord Richard Cromwell
2. Lord Henry Cromwell Deputy of Ireland
3. Nathaniel Fiennes one of the Lords Com^{rs} of the Great Seale
4. John Lisle one of the Lords Com^{rs} of the Great Seale
5. Henry Laurence Presid^t of ye Privy Councell
6. Charles Fleetwood Lew^t Gen^{ll} of ye Army
7. Robert Earle of Warwick
8. Edward Earle of Manchester
9. Edmond Earle of Mulgrave
10. David [John] Earl of Cassills
11. Wm Lord Visc^t Say and Seale
12. Tho Lord Falconberge
13. Charles Lord Visc^t Howard
14. Phillip ld: Visc^t Lisle
15. S^r Gilbt Pickering baronet Chamblen of his Highnes household
16. George Lord Evers
17. Phillip Lord Wharton
18. Roger Lord Broghill
19. William Pierrepoint esq^r
20. John Lo. Cleypole M^r of the Horse to his Highness
21. S^r Bulstrode Whitelocke one of ye Lords Com^{rs} of ye Trēary
22. John Disbrow one of ye Gen^{lls} of the Fleet
23. Edward Montague on of ye generalls of ye Fleet and one of
the Lords Com^{rs} of ye Trēary

24. George Monk Commander in Chiefe of ye forces in Scotland
25. John Glynne cheife Justice as signed to hold pleas before
his Highnes in the upper bench
26. Wm. Lenthal M^r of ye Rolls in Chauncery
27. Oliver St John cheife Justice of ye Court of Comon pleas
28. Wm. Steele Chancellor of Ireland
29. S^r Charles Wolseley barronet
30. W^m Sidenham one of ye Lords Com^{rs} of the Trēary
31. Phillip Skippon esq^r
32. Walter Strickland esq^r
33. Francis Rous esq^r
34. Phillip Jones esq^r Comptroller of his Highnes Household
35. John Fiennes esq^r
36. S^r John Hobart barr^t
37. Sir Gilbt Gerrard barr^t
38. S^r Arthur Haselrigge barr^t
39. S^r Francis Russell barr^t
40. S^r Wm Strickland k^t and bart
41. S^r Rich. Onslow k^t
42. Edward Whalley Com^{ry} Gen^{ll} of ye horse
43. Alexander Popham esq^r
44. John Crew esq^r
45. S^r Wm. Lockhart k^t
46. Rich. Hampden esq^r
47. S^r Tho. Honiwood k^t
48. S^r Wm Roberts k^t

APPENDIX D.

CROMWELL'S RELATIONS SUMMONED TO THE UPPER HOUSE.

Tho. Cromwell

Katherine
Morgan
Williams
Sir R. Cromwell
Sir Henry
Cromwell

Sir Oliver Cromwell D. Oxenbridge Henry Robert Joan m. Sir F. Frances m. Elizabeth = Wm. Hampden

Elizabeth m. Katherine Elizabeth Oliver St Mary m. Sir Glib. Edward Whalley John Hampden
Sir Rich. Ingoldsby. Skippin John Gerrard Mary = Goffe

Richard Ingoldsby.

Catherine m. John Jones Jane m. John Disbrowe Margaret m. Anne m. John
Thos. Cheek

Robert m. d. of Col. Pride.

Robina m. Wm. Lockhart. R. Hampden. Mary m. Sir J. Hobart Russel

1st E. of M. Essex Tho. d. of Ph. Id. Anne = Warwick Rich
Crew Chester
Montague Man-
Essex
d. Montague d. =
Pickering

Richard Bridget Elizabeth = Mary = Henry = Elizabeth
Francis Ch. Claypole. Fauconberg.

Henry Lawrence, President of the Council, was also a relative of Cromwell.

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Egerton 2649, 2620, 2619, 2560, 2618, 2648.

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Upper House.

c. Bodleian Library, Oxford:

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Rawlinson.

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b. Hatton Collection, H.M.C.R.I.

- c. MSS. of the Marquis of Bath, Ibid., III.
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- e. Verney MSS., Ibid., VII.
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G.J. Commons' Journals.

L.J. Lords' Journals.

B.M. British Museum.

P.R.O. Public Record Office.

List of Abbreviations Used.

<u>D.M.B.</u>	Dictionary of National Biography.
<u>O.P.H.</u>	Old Parliamentary History.
<u>H.M.C.R.</u>	Historical Manuscripts Commission Reports.
<u>C.S.P.D.</u>	Calendar of State Papers Domestic.
<u>C.J.</u>	Commons' Journals.
<u>L.J.</u>	Lords' Journals.
<u>B.M.</u>	British Museum.
<u>P.R.O.</u>	Public Record Office.

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Telephone Museum 1953.