

THE CROMWELL ASSOCIATION



CIRCULAR - SUMMER, 1971

The Address given by The Rt. Hon. Sir Dingle Foot, Q.C. at the
Cromwell's Day Annual Service on 3rd September, 1970

It is an honour and a privilege to be invited to deliver today's address. I have been reading the earlier speeches on this anniversary. I observe that year after year every speaker has had a feeling of affinity with Oliver Cromwell or a deep interest in the times in which he lived. So I confess my own interest. In a sense I was cradled in the Civil War. I was born 65 years ago in Plymouth at 1 Freedom Park Villas. The Villas were so named because they are very near to Freedom Fields or Freedom Park. This is the site of a great Parliamentary victory. For three years Plymouth was besieged by a royalist army. It survived the siege because (as is sometimes forgotten) the navy was always on the side of Parliament. But in the end the townsmen sallied out and defeated Prince Maurice and his royalist troops. I was born within a cannon shot of this historic scene.

The purpose of the Cromwell Association is to help preserve the memory of Oliver Cromwell and to encourage the study of the history of the Commonwealth and its leaders. Since we met last year there has been a new and authoritative study of Oliver Cromwell. I refer to "God's Englishman" by the Master of Balliol. It gives, more fully than has ever been achieved before, a picture of Cromwell himself. It disposes, I hope permanently, of the legend of the philistine, puritan killjoy. It points out that most of the Cathedrals whose desecration is conventionally ascribed to Oliver Cromwell were in fact desecrated by 16th century Bishops or by troops in the Civil War, on either side, who were out of control. It emphasises all that Cromwell did for English education and his close interest in the Universities. There was his friendship with and patronage of men of letters including Milton, Marvell, Waller and Dryden. And it will come as a surprise to many people to learn that it was under Cromwell's rule that actresses first appeared on the English stage. He was, of course, a great patriot. You may recall his reference to Queen Elizabeth. He described her as "of famous memory" and said "we need not be ashamed to call her so", and there is his declaration on the 23rd May, 1654, quoted by the Master:

"Ask we the nations of this matter, and they will testify, and indeed the dispensations of the Lord have been as if he had said, England, thou art my first-born, my delight amongst the nations, under the whole heavens the Lord hath not dealt so with any of the people round about us."

This sense of patriotism was shared by his contemporaries. It had the most lasting results. For nearly three centuries one of the principal elements in history was British seapower. It began under the Commonwealth.

But I would like to draw attention to what is, I believe, our greatest inheritance from the first half of the 17th century.

"All we have of freedom, all we use or know,
This our fathers bought for us long and long ago.
Ancient Right unnoticed as the breath we draw,
Leave to live by no man's leave, underneath the law."

Kipling was referring to Magna Carta. But the fathers who won our freedom were not really the Barons at Runnymede. Indeed the Barons would probably have been aghast at the sentiments attributed to them by later generations. The men who established our heritage of freedom under the law were lawyers, politicians and soldiers under Elizabeth and the Stuarts. The last years of the 16th and the early years of the 17th century witnessed the revival of the common law. Under Henry VIII Cardinal Pole urged the King to get rid of it altogether and substitute the Roman law. The stream of law reports dried up and the Prerogative Courts, notably the Star Chamber, grew ever more important. But under Elizabeth the process was reversed. Englishmen, as we can judge from Shakespeare, became increasingly proud of their own institutions including the common law. Dr. Wingfield Stratford has described the first half of the 17th century as the golden age of legal research when the classics of English law, Littleton, Fortescue, Bracton, were revived. James I asserted the Judges were not the only people who possessed reason. Coke replied that the King was not learned in the laws of England and, quoting Bracton, that the King was under God and the law.

The Puritans, including Cromwell himself, were concerned with the liberties of England. But they did not use the word in a general sense nor were they concerned with the Rights of Man. They were concerned with the Rights of Englishmen. Hence the Ship Money case. Although the King obtained a majority verdict the greater effect was created by the minority judgments and by the arguments of Counsel that taxation could not be imposed save by the authority of Parliament. One of the first acts of the Long Parliament was to abolish the Star Chamber and the other Prerogative Courts. This insistence on legality was apparent even at the trial of Charles 1.

There is a remarkable analogy between the indictment of Charles I and the opening speech of the leading British Prosecutor (Sir Hartley Shawcross) at Nuremberg. In each case the Defendants were charged as war criminals. The case against Charles I was that he had transgressed the law of the Constitution; against the Nazi leaders that they had transgressed the Law of Nations.

Of course Cromwell himself had no exaggerated respect for the law or for lawyers. Morley recalls that he dismissed Magna Carta in language "too coarse for modern ears". And when, in 1654, a London merchant, George Cony, challenged the whole legal basis of the Instrument of Government by refusing to pay customs, his lawyers were sent to the Tower and the Chief Justice resigned rather than try the case. Nevertheless, citizens were far from being deprived of the protection of the law. It is significant that Lilburne was twice acquitted by London juries; once at Guildhall in 1649 and later at the Old Bailey in 1653.

The tradition of freedom under the law has not been confined to this country. The British Empire grew in the 17th, 18th and 19th centuries. Wherever English settlers went they took with them the English Common Law with its stubborn insistence on individual rights. So the English Common Law, albeit sometimes in codified form, is still being administered throughout the Commonwealth. I do not mean that there have not been arbitrary invasions of human rights. But the same fundamental conceptions are applied in the administration of the law by the Judges wherever they sit. This is the heritage of the 17th century.

But it would all have been different if the Civil War had not ended as it did and the result was the achievement of Oliver Cromwell. In Marvell's words:

"If these the times, then this must be the man.

I end with a quotation from S. R. Gardiner:

"After the battle of Marston Moor he reported with the highest approbation the dying words of one of his officers: One thing lay on his spirit; that God had not suffered him to be anymore the executioner of his enemies."

"Armed with this faith Cromwell himself struck blow after blow. He dashed down Laud's mitre and Charles' throne; he was foremost in sending Charles to the scaffold; in later years he destroyed Parliament after Parliament. Nor was it merely that his blows were hard. The noticeable thing about them was that they were permanently successful.

Never again did there appear in England a persecuting church supporting itself on royal absolutism; a monarchy resting its claim solely on divine right; a Parliament defying the Constituencies by which it had been elected as well as the Government by which it had been summoned.

"Constitutionists might challenge the Negative Voice as claimed by Charles to obstruct reform. Cromwell exercised it in right of conformity with the permanent requirement of the Nation."

So today let us proclaim once more at the foot of Cromwell's statue, that our liberties were won for us at Marston Moor, Naseby and Dunbar and by the crowning mercy of Worcester.

CROMWELL'S DAY

Friday, 3rd September 1971
at 3 p.m.

at the Statue outside the Houses of Parliament

The Address will be given by
Professor IVAN ROOTS

Members are urged to attend to pay their tribute to the Lord Protector, remembering the great service he rendered to our country in his day.

Members wishing to meet together for lunch before the Service should advise Mr. Robert Hendon, 18 Stamford Brook Mansions, Goldhawk Road, London, W.6 not later than August 20th.

They will then be advised of venue and cost.

**The Address given by Mr. Maurice Ashley, D.Phil. (Oxon), B.A.,
President of the Cromwell Association, at the Annual Meeting,
26th May, 1971**

What happened to Oliver Cromwell's Body?

Oliver Cromwell died of malaria in Whitehall palace at three o'clock in the afternoon of September 3rd, 1658. The malaria was probably contracted originally either in Wales in 1648 or Ireland in 1649. Cromwell is said to have been in poor health for a year before he died. A signature of his dated August 11th 1657 is extremely shaky and indicates that he was already an old man, although he was but 58. He was said to have taken opium to make him sleep. On August 6th 1658 he was shocked by the death from cancer of his daughter, Elizabeth, who was living with him in Hampton Court palace, her husband Lord Claypole being Cromwell's Master of the Horse. Oliver was too ill to attend her funeral on August 10th. Some time during that August, possibly on the 17th, George Fox, the founder of the Society of Friends, met Cromwell in Hampton Court park and recorded afterwards that he 'felt a waft of death go forth against him' and that 'he looked like a dead man.' On August 24th, on the advice of his doctors, Oliver returned from Hampton Court to Whitehall while St. James palace (believed to be healthier than either Hampton Court or Whitehall because it was farther from the stench of the river Thames) was prepared for him. But before it was ready, Cromwell was dead.

The time of his death is not in much doubt; though some sources say it took place between 3 and 4; two sources, which are nearly contemporary, give the time as 3 o'clock which, curiously enough, was the same time as that when his daughter had died. As to the day, September 3rd, it was precisely eight years after the battle of Dunbar and seven years after the battle of Worcester. Seven is a magical number. The story that belongs to folk lore is that before the battle of Worcester Oliver Cromwell sold his soul to the Devil for seven years; he had asked for fourteen, but seven was all he was granted. This story would be a little more plausible if he sold his soul to the Devil before the battle of Dunbar, which was an astonishing victory, whereas at Worcester his enemies were surrounded and outnumbered by more than two to one.

On Monday August 30th 1658 a terrible storm began and it appears to have continued intermittently until Friday, September 3rd. But Cromwell certainly died during a lull in the storm. Nevertheless folk lore has it that the storm signified the Devil coming to fetch the Regicide's soul—in accordance with the terms of the pact.

In the late afternoon or evening of September 3rd the Council of State met and appointed a sub-committee of three consisting of John Thurloe, the Secretary of State, Sir Gilbert Pickering, the Lord Chamberlain, and Colonel Phillip Jones, to consult with Cromwell's doctors about disembowelling and embalming the body. According to George Bates, one of Cromwell's doctors, when his body was opened it was found to be 'little enflamed in the lungs but the brain was 'overcharged' and the spleen 'filled with matter like to the lees of oil.' After the bowels had been taken out the body was filled with spices—other authorities say 'sweet herbs'—wrapped in a fourfold cerecloth (that is to say a waxed cloth) put into a coffin of lead and then into a

wooden one. Yet it 'purged and wrought through all, so that there was a necessity of interring it' before the funeral. Such is Bates's story.

Now Dr. Bates is a poor authority: his narrative was published after the restoration of Charles II, who also employed Bates as one of his doctors. Much of his narrative—as for example the statement that Cromwell was a hypochondriac for thirty years—is obvious nonsense. There is no question that the body was embalmed on September 4th, but it is possible there was an autopsy on September 3rd. Bates's book is no doubt the source of the story in Heath's *Flagellum* that Cromwell's body stank in death just as the Lord Protector's actions stank in life. I think we can safely ignore all that.

The embalmed body in its coffin remained in Whitehall from September 4th to September 20th so that Cromwell's relatives and friends could pay their last respects. On September 20th it was removed by night to Somerset House (formerly Denmark House) in a hearse drawn by six horses and accompanied by the Lord Chamberlain and other Court officials. This date is given in the two contemporary newspapers, the *Public Intelligencer* and *Mercurius Politicus*. It is wrongly given as September 26th in a contemporary narrative by the Reverend John Prestwich, Fellow of All Souls College, Oxford, who attended the funeral and by James Heath in his *Flagellum*.

The coffin remained in Somerset House from September 20th to October 18th when the house was opened to the general public who wished to mourn the death of Oliver Cromwell. The procedure followed was based exactly on that used at the death of King James I. (Charles I was, of course, privately buried in St. George's chapel at Windsor castle). James's coffin was taken by night to Denmark House under the supervision of the Lord Chamberlain. In both cases four rooms were opened to the public, the fourth room containing an effigy of the dead ruler lying-in-state on a bed. In the case of James I the bed was raised and the coffin placed underneath it.

In Cromwell's case a waxen effigy was laid in a raised-up 'gorgeous bed' with a black canopy. In the right hand of the effigy was a sceptre and in the left hand an orb. On the head was a cap of purple velvet trimmed with ermine. Beside the bed was a suit of armour. Rails surrounded the bed on all four sides and tall tapers shed light upon it. At each corner were pillars bearing heraldic animals. The public was admitted into this lying-in-state from October 18th to November 10th, when arrangements for the funeral were being completed. Originally the date for the funeral had been fixed for November 9th, but it was postponed and finally decided on November 16th that it should take place on November 23rd. It may well be that the illness of John Thurloe, the most efficient member of the Council of State, was the true reason for the long postponement of the state funeral.

According to two good contemporary sources, the coffin (which, it may be assumed, like that of James I, was kept under the state bed) was removed secretly by night from Somerset House and interred at one o'clock in the early morning of November 10th in the chapel of King Henry VII at Westminster Abbey. On that same day, November 10th, in Somerset House the lying-in-state was replaced by a **standing-in state** (again following the precedent of James I). It seems that the effigy, now with a crown on its head, was then placed in the hall of Somerset House, lit by hundreds of candles. Roger Burgoyne wrote to Ralph Verney on November 11: 'the old Protector is now got upon his legs again in Somerset House.' These were symbolic ceremonies.

The lying-in-state signified the sojourn of the dead man in purgatory; the standing-in-state represented his reception in Heaven.

On November 9th the Council of State voted that a month's pay should be given to all the troops stationed in or about London. Thus the whole story fits well together. It was evidently first decided on that date by the authorities concerned that the funeral should be held in a fortnight. Hence the order to the troops; hence the 'standing-in-state'; hence the secret removal of the coffin to Westminster Abbey.

I have not time to describe the funeral to you except to note two points: one is that it was delayed by quarrels over precedence. For example, the French ambassador refused to walk alongside the Dutch and Portuguese ambassadors. Because of these quarrels the procession started much later than had been anticipated. By the time the hearse with the crowned effigy lying in a velvet bed reached Westminster Abbey it was pitch-dark and no candles had been provided. Therefore there were no prayers and no funeral oration. This was perhaps accounted of little importance, as the Protector's body had in fact been interred a fortnight earlier.

After the Restoration, on the orders of the two Houses of Parliament, the coffins of Cromwell, Ireton, his son-in-law, John Bradshaw, who had presided over the trial of Charles I, and colonel Thomas Pride, were to be dug out of their graves (Pride had been buried at Nonesuch park in Surrey not in Westminster Abbey) and moved to Tyburn where they were to be hung up in **their coffins** on January 30th 1661 and then buried beneath the gallows. Cromwell's and Ireton's coffins were driven in carts on the night of January 28th to the Red Lion Inn in Holborn, where Bradshaw's body (which had not, like those of the other two, been embalmed) was awaited. On January 30th the three bodies were taken on sledges from Red Lion square to Tyburn. The Sheriff of Middlesex, who was entrusted with this duty, disobeyed his instructions on two points. First, he could not be bothered to fetch Pride's body from Surrey; secondly he took the other bodies out of **their coffins** at Tyburn and had them hung up in cerecloth (Cromwell's in green and Ireton's in white). According to one account, they were hung up from 9 till 6, according to another, from 10 to 4. In any case they were probably cut down at dusk. Cromwell's embalmed head was severed from his body with eight strokes. The bodies were, it is assumed, buried, as the two Houses of Parliament had ordered, beneath the gallows in the site which is now known as Connaught Square. The heads were placed on poles on top of Westminster Hall about February 5th. Here they are known to have remained at least until 1684 and possibly into the reign of James II.

That is what I believe happened. But there are many other stories. One is that Cromwell's friends or relations somehow got hold of his body and buried it, in accordance with his own wishes, in the field of Naseby. Another is that it was taken to Newburgh Priory in Yorkshire, then owned by Lord Fauconberg, the husband of Cromwell's daughter, Mary, and is still there now hidden behind a door in a walled-up room in the upper chamber of the Priory. A third story is that it was buried beneath an obelisk in Red Lion Square, Holborn. There is even a splendid story derived from Major-General Barkstead, one of Cromwell's Major-Generals, that Oliver's body was swapped with that of King Charles I and it was therefore Charles I's body and not that of Oliver that was hung up at Tyburn. Unfortunately for the last story, the tomb at St. George's chapel was opened early in the nineteenth century and Charles' embalmed body with his head detached found there.

The other stories cannot be decisively disproved. F. J. Varley in his book **Cromwell's Latter End** (1938) maintained that Cromwell's body was buried on September 4th because it already stank. He relied for his evidence on George Bates's book, which says nothing of the sort. Sir Charles Firth, whose biography of Cromwell is always considered a masterpiece, says that he was buried on September 26th. I cannot conceive where he got this from unless it was through a mis-reading of Heath and Prestwich. If any body-snatching occurred, in my view the likeliest place was in Red Lion Square. The Sheriff of Middlesex seems to have been slap-dash and Cromwell's coffin lay there for two days, no doubt while the soldiers responsible for it were drinking in the inn.

Finally as to the story of Cromwell's embalmed head. It is said to have been blown down in a storm—or more probably, I should think, when the roof of Westminster Hall was being repaired,—picked up by a sentry or passer-by, and somehow got into the possession of a drunken comedian named Samuel Russell. Russell, who was impecunious, sold it in 1787 to a museum run by a Mr. James Cox, who in turn sold it for £230 about 1799 when it was used for exhibition purposes in Bond Street. Incidentally there is not the slightest reason to suppose that Samuel Russell was a descendant of Oliver's daughter, Frances, whose second husband was a Russell. About 1814 the head was purchased purely as a curio by Josiah Henry Wilkinson, whose descendant, Canon Horace Wilkinson bequeathed it to the Cromwell Association, which in turn gave it to Sidney Sussex College, Cambridge, which buried it in consecrated ground a few years ago. Curiously enough, the same head was offered for sale to the Master of Sidney Sussex in the late eighteenth century, but he refused to buy it. A huge book was written to prove that this Wilkinson head or Russell head is genuine. But there is a gap in our positive knowledge of its history from 1684 to 1787. I must confess I still have my doubts about it.

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NOTE TO MEMBERS: Our President, Mr. Maurice Ashley receives more requests from Historical Societies, Schools, Colleges, etc., to lecture on Cromwell and related subjects than he is able to fulfil. Members able and willing to accept such invitations to lecture *in their own locality* are asked to advise the Hon. Secretary so that a panel of Association lecturers can be formed.