SIR JOHN EV ERETT MILLAIS (1829-1896)

Millais was one of the Pre-Raphaelites and completed "The Proscribed Royalist" in 1853, though a f ellow artist, Holman Hunt, had advised him against, as the subject "had been done to death". However , it was a success at that year's Royal Academy exhibition.

DANIEL PASSMORE, SNR (1829-1865)

He exhibited a canvass in 1860 entitled "Preparing For A Charge", but it was later changed to "A Cavalier Refreshment" , possibly by his son, who was also an artist. It typifies the "jolly cavalier" image.

JOHN PETTIE (1839-1893)

An historical painter from Liverpool, he first exhibited at the Royal Academy when only twenty-one. His best known painting is "The Puritan", which he had been commissioned to paint in 1870. Earlier, in 1861, he had painted "Distressed Cavaliers Turned Highwaymen" . In 1894 he completed "The Royalist" which featured, together with "The Puritan" , in the Royal Academy exhibition of that year , making a unique pair. His English civil war paintings are said to have been inspired by

Scott's W oodstock .

JAMES W ARD (1769-1859)

Essentially Ward was an animal painter, but he had a great sympathy with Cromwell which can be seen in his "Battle Of Marston Moor" (now owned by the Cromwell Museum, Huntingdon). In 1833 he painted a portrait "Avaiella Oliveria Cromwell Russell, Last Lineal Descendant Of The Protector Oliver Cromwell".

T WOODWARD (1801-1852)

From Worcestershire, he specialised in battle scenes and animal crawing;;. Like his teacher, A Cooper (q.v.), he became interested in the English civil war period and completed "A Detachment Of Cromwell's Cavalry", "Battle of Worcester" and "Charles l's Standard".

DAVID WILKIE W YNFIELD (1837-1887)

He had historical canvasses displayed at the Royal Academy regularly from 1859 to his death. "The Death Of Oliver Cromwell" in 1858 was his first English civil war painting and was f ollowed the next year by "Cromwell's First Appearance In Parliament" and in 1867 with "Oliver Cromwell The Night Before His Death". It became a favourite theme with him, as in 1885 "The Royal Fugitive" appeared. He was heavily

influenced by Carlyle's writings.

WILLIAM FREDERICK YEAMES (1835-1918)

Born in Russia of English parents (his father was British consul), he came

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to England at the age of thirteen . In the Royal Academy exhibition of 1878 he exhibited what was to become the most famous of a!! Victorian evocations of British history with his "And When Did You Last See Your Father?" So celebrated did this picture become it was translated into a wax tableau at Madame Tussauds where it can be seen to this day. He later taught in Royal Academy schools and worked as an art examiner in a college. His recreation was golf and he lived at Teignmouth, Devon.

Biographical and other information crawn from: The Dictionary of National Biography.

A Strong, And When Did You Last See Your Father: The Victorian Painter and British History ( 1978).

#### BICAMERALISM IN THE 1650s

by Professor Ivan Roots

The Parliament that confronted Charles I - for King and Parliament

* in the civil war was a bicameral one. Each house - Peers or Commons
* regarded itself as an estate in the realm. In the 19 Propositions of June 1642 they made claims together which in the view expressed for him in Charles l's Answer would have destroyed the balance between them and the first estate, monarchy itself . It went on to describe the House of Lords, properly functioning, as "an excellent screen or bank between the Prince and the people" . This theory of a mixed government was, as Corinne Weston has shown, to be a source of great embarrassment to stricter royalist political theorists later. Be that as it may, the civil war began with Lords and Commons, though already being winnowed by defections and expulsions, forming a sort of united front. That was increasingly difficult to maintain and throughout the 1640s relationships between the two houses felt fluctuating strains. On the whole the Lords were more "conservative" politically and in military terms than the Commons and this was reflected in attitudes towards negotiations f or a settlement with the king, which started almost as soon as war began. The second civil war proved crucial. As negotiations with the king at Newport (Isle of Wight) in the late summer of 1648, strongly backed by the peers, were proving f utile, the ar my, now a political forc e, grew exasperated. The Commissioners of both houses persisted, however; until on 6 December Col. Thomas Pride forcibly purged the Commons of those who were presumed to have no stomach for breaking off all adcresses to the king.

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On the 23rd a committee of the Commons was named to find a way to bring the king to condign justice. On 1 January 1648/9 the Commons again declared singly it was treason for a king to levy war on his people and parliament. No peer - there were not many of them left anyway at Westminster - could accept that. So when the fag-end (as someone put it) of the Commons proceeded to try the king for treason, they had to go it alone, resolving that ultimate power resided "in the people", who had delegated that power to them and that laws passed by the Commons alone were of legal f orce - as Acts of Parliament - without recourse to monarch or Lords. Henceforth de f acto parliament was unicameral. A week after the execution it was resolved without a division that the Peers' House should be laid aside as "useless and dangerous" - a significant juxtaposition of deficiencies. That resolution became an Act on 17 March, two days after monarchy itself was abolished. Clearly a second chamber was too intimately association with regality. (The peerage as such was not abolished and titles continued to be used throughout the Interregnum). The abolition had come out of frustration and expediency, but it was not too long before doctinaire republicans began to appear among the Rumpers, most of whom were, in fact, rather moderate, ready to be loyal to an effective if not de jure government which might check a slide into anarchy . The Commonwealthsmen, on the other hand, began to develop a principle of unicameral sovereignty and reinforced it by requiring all males over the age of eighteen to take an engagement of loyalty to the Commonwealth "as it is now established, without a king or House of

Lor ds".

The exclusion of the Lords was as important as of monarchy,

perhaps more so. BL!lstrode Whitelocke reports a conversation at the Speaker's Lodging in September 1651 in which Oliver Cromwell, feeling that "the crowning mercy" of victor y at Worcester that month had laid the way open for a more per manent "settlement of the nation", expressed the view that one with "somewhat of monarchical within it would be very effectual". The question of a revival of a second chamber did not arise. A year later in November 1652 he had another . conversation with Whitelocke in which he deplored the f ailure of the Rump to make a settlement and indeed their claim to be the "supreme power of the nation, liable to no account to any, nor to be controlled by any other power, there being none superior, or co-ordinate with them". Something ought to be done to check their "exorbitancies". But what? "What if a man should take it upon himself to be king?" The conversation is reported at length by Whitelocke but there is no mention in it of a second chamber, either by himself or by the Lord General. When Cromwell expelled the Rump in April 1653 and, after the abortive experiment of the Nominated Assembly of July to December 1653, accepted the Protectorship set up in the Instrument of Government, there was a hint of monarchy in "the single person" - indeed, a claim was made later that the original draft

contained the title of king - but no reference was made to a second chamber. The balance or check which Cromwell had earlier spoken of was perhaps provided by the Council of State but as part of the executive, whereas the fact that the Commons - Parliament - was back to its legislative role made it no substitute for a second parliamentary chamber. But it is of some interest that the structure of government envisaged in the Instrument of Government made the Council the keystone of the arch of government.

Addressing the first Protectorate Parliament on 12 September 1654 and laying before it his four "fundamentals", Cromwell spoke of "a single person and a parliament" but gave no hint of hankering after a bicameral one. In the draft constitutional bill of that parliament, amending the Instrument, there was no reference to one either. Whatever the difficulties in the relationship of Protector and legislature at that point, there was no suggestion that they might be resolved by a second chamber - upper or lower. revising or initiating. In the second Protectorate Parliament, however, there was.

The occasion was "the case of James Nayler", a "crazed" Quaker reported to the Commons for apparently blasphemous activities at Bristol in the autumn of 1656. An investigating committee urged that the house should take action against him. It was felt that to leave him to the ordinary courts would be insufficient to demonstrate abhorrence of the enormity of his offence of "horrid blasphemy". Initially in the debates about him the source of a judicial authority in the Commons was not enquired into, though references were made to the impeachments of Strafford and Laud. But these had, of course, like all previous impeachments, required the concurrence of the Lords. Moreover Stratford's removal ultimately by legislation had called f or the endorsement of the\_ Lords and the king. Some members spoke strongly for proceeding against Nayler by a bill which would declare his offence. One strongly anti-Nayler member told the house that they were in no way bound by precendents. Another claimed that the judgement of parliament - that is, now, of the Commons alone - was "so sovereign that it may declare that to be an offence which was never before". But who could tell what might be the spirit or teinper of future parliaments, enquired another. Again, "it has been our happiness to be governed by a known law" . A dangerous precedent might be left to posterity. Someone else was, on the contrary, entirely happy to leave such a precedent.

In the event the notion of a bill was dropped and the house proceeded\_ against Nayler by resolution. This implicitly placed a judicial authority in the House alone, since there was no suggestion that any other institution - Council or Protector - need be involved. Traditionally the Commons had no independent judicial authority of a requisite kind. But someone remembered that the Lords had had, with the two houses (as in an impeachment) constituting the high court of parliament, the

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upper house acting as judge. Surely the abolition of the Lords had devolved all its powers upon the remaining house. Such a view gave the Commons huge opportunities. They might act as inquisitors (as their committee had done). as accusers (as members singly and collectively were doing), as judge of the nature of the offence and as jury to conclude upon the guilt of the accused and of the penalty to be meted out. Consequently Nayler was arraigned and after long and searching debates found guilty of horrid blasphemy and sentenced to a suitably savage punishment.

During "the trial" the Protector had held aloof . but after the first part of the sentence was carried out he intervened by formally asking by what power ,"wholly without Us", the Commons had acted. It was a devastating question. producing an anxious and embarrassed debate during which it was noted that "the gentlemen of the long robe" (lawyers) were first of all silent and then divided in opinion, drawing on geat learning not always much to the point. George Downing's response was brisk enough: "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" . But for some it was precisely the lack of something like the House of Lords which was worrying. How far were the House of Commons and the Lords actually affected by the latter's demise? Someone said that when the Peers were dissolved in 1649 "the [judicial] power was not reserved, but the power ceased and could not have devolved".

Lambert Godfrey summed up: "Here is your power asserted on the one hand; the supreme magistrate on the other hand desiring an account of your judgement. Where shall there be tertius arbiter? It is a hard case. No judge on earth". The Instrument of Government lacked that essential element ·of an efficient. working written constitution - an interpreting machinery. As things stood, where the Protector and the Commons did not see eye to eye there was a danger that they would glare eyeball to eyeball. Worries proliferated. "If you begin to dispute your jurisdiction ...when will you end?" Another : "If this house have no judicatory power, I doubt we have no foundation. It is the essence. the life of our being". "A parliament cannot exist without a judiciary power as well as a legislative". But someone pointed out that if the Instrument of Government said the supreme legislative power lay in parliament and a single person, it made no reference to the supreme judicial power . Downing came in again with the assertion that it was as dangerous for the Protector to query their power as it was for them to question his. "We must both wink". Tell him. he said, in effect "we did it by our judiciary power being the supreme judicatory of the nation". John Lambert, interestingly enough in view of his later objections to the revised constitution to come (but then, of course. he was the author of the Instrument), could not understand what was meant by "this judicial power". "If it have the same boundless extent that the legislative has.

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nobody can tell how far it may lead if there be not a negative upon it". Like many others he was worried about precedents - "the case might happen to be you own case" - and what future parliaments might bring if things were not lef\_t certain. These were deep waters. Clearly many members were regrtting mch that had happened and been said in Nayler's trial and now in reaction to Cromwell's letter. They tried to turn to other

matters. even as the Speaker reminded them that the business of the day was the Protector 's letter.

There was, in fact, plenty to do. This was not an addled parliament. They took up both a public and a private bill - the one for the observance of the Lord's day, the other to do with Yorkshire cloths. The diarist poits out: "Thus was the business of the day jostled out and nobody said a word to it . I hear it will never be mentioned again ; if it be I dread the consequence" . In the event, like jesting Pilate, Cromwell did not stay for an answer, and Nayler's sentence was carried out . But the le\_ga\_I and cnstitutional issues raised, reinforced by others brought up within and without parliament, would not go away. The effect of debates about such questions was to argue for a major revision of the constitution and for the achievement of some sort of "screen or balance" between Protector and Commons. The upshot of it all was a new constitutional bill

w ich included the parliamentary offer of a crown but, as significantly, the reintroduction of a second chamber .

In January 1656/7 Cromwell escaped an assassination attempt. The Commons decided on a message of congatulations. On the 19th "Mr\_ Ashe the elder" - a mercantile member - suggested an addition to it, asking the Protector for the sake of "the preservation of himself and us" and to frustrate our enemies to "be pleased to take upon himself the gov nrl\_l nt coding to the ancient constitution" . That meant kingship but 1mpllc1t within 1t was also the revival of the other of the three estates - the\_ Lords. The response was mixed. Luke Robinson, who would later be all m..favour of the\_re tor tion of Charles 11, was against it on the gounds that \_the\_ old const1tut1on 1s Charles Stuart's interest. I hope we are not to call him in again" . Downing was all for it as "the old and tried foundation" - not a word about what had happened in 1649. But another view was that to set it up again would make Cromwell "the greatest hypocrite in the world" . (There were many inside and outside the house who thought that that was what he was already). "The debate f ell asleep" rather abruptly - perhaps because those in favour of the change thought that it had been brought prematurely. But a month later it was raised again in more formal

anner by another ity man, Sir Christopher Packe, in a paper

..somwhat come to his hand" - i.e. he was not the only begetter - te\_ndmg to the settlement of the nation and of liberty and of property". This was The Humble Address and Remonstrance, which later after much de te, negotiation, amending and tightening became The Humble Pet1t1on and Advice, revising the Instrument of Government and leading

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to a second inauguration of the Protectorate. Packe's paper was given a hearing by 144-54 votes and the whole thing swung into motion.

It is not my purpose to go into detail of the offer of the a-own and Cromwell's eventual rejection of it. What is clear is that the sort of issues which Nayler's case and the Protector's letter about it had raised had their impact upon gowing feelings, since the failure of the constitutional bill of the first parliament. that the Instrument needed alteration. These sentiments were not coherent, nor did they grow from the same roots. Indeed many views were inimical, wanting to pull in opposing directions - but at least they had the one common element that the current situation was unsatisfactory. Cromwell himself expressed that when he spoke on 27 February to a large gathering of army officers who objected to Packe's paper, which included another house of parliament as well as the crown. Cromwell spoke of "the title" as a trifle, a feather in his cap. But he spent more time seriously explaining and defending "the Other House". "By the proceedings of this parliament you see they stand in need of a check or balancing power [ meaning the House of Lords or a House so constituted) for the case of James Nayler might happen to be your own case" - an echo of the view of Lambert and several other "merciful men" in the Nayler debates. "By their judicial authority they fall upon life and limb and doth the Instrument enable me to control it?" It was reported that this argument had a striking effect. Many army officers might well have had reason to f ear a future parliament.

On 7 March the Commons voted that future parliaments should consist of two houses, and on the 11th that the Other House to be created should have 40-70 members nominated by His Highness subject to after-approval by the Commons . On the 17th they resolved that the new house should not "proceed in any criminal case whatsoever . ..but upon an impeachment by the House of Commons", nor in any case, civil or a-iminal, but "according to the known laws of the land and in the due course and custom of parliament" - thus in effect defining the jurisdiction of a bicameral parliament. A f ew days later it was decided that Oliver should be asked to take upon himself "the name, style, title, dignity and office of king" with all that that implied. The Remonstrance then became The Humble Petition and Advice - a new written constitution - with the proviso that the Protector must accept it in toto or not at all. This was a device by the "kinglings" to ensure the re-creation of the a-own, for them the sine qua non of the whole business. On 31 March in presenting it to the Protector the Speaker referred to the introduction of the Other House as "a self-denying request, a modest condescension to admit others into the bosom of so great a trust as that of the legislative (a very jealous part)". It was theref ore not unreasonable that the Commons should have the approbation of those "intromitted" into the Other House "that they may know whom to trust". He also f elt it just that their judicial power should be limited "for it is natural for all men to be lovers and

promoters of the latitude of their own jurisdiction" - an ironical remark in view of some of the claims made in the Commons during the case of James Nayler.

It is not intended here to pursue the course of events and negotiations which led to Cromwell's eventual rejection of the kingship and his persuasion that the house should nevertheless persist with the rest of its proposals, including the Other House. While all that was going on the Commons got down to some of the finer detail. What should happen when members of the Other House died or were legally removed? (It was not established on what grounds they might be). "The recommendations of great men are equivalent to commands", so it should not, said someone, be left solely to the single person - King or Protctor. That would be another way to set up a house quite contrary to the interests of the Commons. Clearly, for many members, to establish noth\_er house was less a gesture of favour to Cromwell than something

in which they saw new possibilities for themselves - a balance, a medium between their house and the single person, yes, but one tipped towards them. So it was resolved that "the chief magistrate" should nominate

replacements and the Commons approve them, as with the initial nominations.

Towards the end of June, when it became known that the session was coming to an end, it was agreed after "great debate" that members of both houses must take oaths to be faithful to the Protector and, significantly, to preserve the rights and liberties of the people. Then on 24 June the house suddenly woke up to the fact that nothing had yet been done by the Protector to produce his list of nominations for the Other House. Time was running short, so short a court official argued that they could not expect to approve anyone now and therefore proposed that the approbation should be waived and nomination "may be in the Lord Protector alone", who would summon by individual writ. This naturally caused a debate, some members claiming that they had gone too far already in making concessions. Others felt it would be a humiliation to intended members to have their records "tumbled up and down here and their lives ripped up". But some were all for such a tumbling. Supposing some of the old Lords were named, "you had as good rake in a kennel as tumble some of them". Major-Gen. Disbrowe feared that arguing about individuals would divide this house into "parties" (as if it were not already). Col. Mitton asked "shall we put a yoke and bridle upon ourselves and have no cognizance of it?" But in the end it was voted to leave it to the Protector, "without approbation". On 26 June Cromwell gaciously accepted the new constitution and was installed a second time in an elaborate kingly ceremonial. The house went into recess, to meet again under very different auspices on 20 January 1657/8.

The Protector showed no hurry in completing his list of nominations. The delay while parliament was sitting had surely been

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deliberate and it is surprising that complaint had not t n r 1 long before the immediate eve of the recess. Secretary of St t Jolin Thur loe told Henry Cromwe1I, Lord Deputy in Ireland and bound to be on the list, that his f ather had not resolved on anyone even as late as 1 December , "the difficulty proving great between those who were fit and not w illing to serve and those who were willing and expected it but were not fit", that is, from the government's point of view. Certainly the considerations which the Protector and his advisers had to take into account were manifold, if the house were to act as intended as a balance or screen between himself and the Commons. To do that it needed substance. Members would have to represent not only themselves but also in a very real sense specific interests if they were to form a genuine estate - particularly against the background of the nature of the previous second chamber, the qualities of whose members, good and bad, were after all very fresh in the minds of the political nation. Two gret "substances" were land and long-standing territorial influence. These were best found in the old nobility and there was much to be said for summoning at least a few of the "faithful" peers. There were also solid gentlemen of a similar if somewhat lesser standing. Some others had established themselves as a result of land purchases from the confiscations of the Commonwealth. They, too, formed an interest, not indiff erent to the survival of the regime, as did City and commercial interests generally. There was a fourth estate of the realm, besides, which could not be ignored - the army, which at once served and was served by the Protector and had to be kept sweet. Civilian Cromwellian s - off ice-holders among them - must be included, much as the gr eat men of state had found a place in the old House of Lords: Such men could well have influence ·and patronage which, as in the old days, could extend to an element of control over individuals and groups in the Commons. Loyalty to the state was of essence. Some could be found in the Protector's own kin. There were varieties of religious interest s, too, which might expect to find a voice there. The parliament was, moreover , an imperial one representing the four nations of the British Isles, however imperfectly. This fact should be ref lected in the Other House, too. Lawyers - quite apart from judges who would, as in the past, be in attendance there as assistants - would be a v ital element. While not everyone in these categor ies would want to be elevated, certainly some would expect to be and it could be desirable to anticipate their ambitions. Finally , political wisdom suggested the inclusion of some not known for their loyalty to the regime - to buy them off , to keep them quiet (JI" to be able to say that tt'iis new house was not just a motley of docile creatures of the government.

The list became known of 10 December, which allowed barely

the obligatory forty days' interval between the issue of writs and the assembling of a parliament . On analysis the 63 names reveal an attempt to meet all the criteria indicated above - within the limitations of the

* 1 1 1111111 r 1 11111 s of the situation . It was in many ways an optimistic effort In th event some f orty-odd of the nominees accepted a summons which wa s couched as closely as possible in these unprecedented circumstances to the phraseology of the traditional one. (As Cromwell had not become king it was not sensible to put in the customary appeal to "f ealty and allegiance") . Seven genuine peers who had acted for Parliament in the 1640s were named, of whom only two responded, one of them Cromwell's son-in-law Fauconberg. Warwick , though he had lately played a ceremonial part in the second inauguration , stayed aloof. The father of Lord Keeper Nathaniel Fiennes, Lord Saye and Sele, who had supported continuing addresses to Charles I in 1648, not only refused f or himself but persuaded Wharton that to accept would be in effect f or the nobility, who had nothing to be ashamed of in their history either in relation to the monarchy or to the people, to commit felo de se. This defection was clearly a blow but like others was shaken off without comment. Of the office-holders , Fiennes and Lisle, commissioners of the Great Seal , Henry Lawrence, the president of the Privy Council , and Bulstr ode Whitelocke, Edward Montagu and William Sydenham , commissioners of the Treasury , jo ined military men like John Disbrowe, Edward Whalley and Philip Jones . Lord Chief Justices Glynne and St John were there too. George Monck and Archibald Johnston of Wariston
* who had once dismissed Cromwell as "a proud piece of clay" - were named for Scotland. William Lockhart, ambassador to France, accepted but could not sit, nor would Henry Cromwell come over from Ireland, but their names enhanced the list. John Claypole, husband of Oliver's favourite daughter Elizabeth and Master of the House, showed his respect for his f ather-in-law . Sir Arthur Hesilrige, "the great Sir Arthur" , the loquacious oracle of the Commonwealthsmen , was included as a rather desperate conciliatory gesture to a known opposition . He refused, of course, and, glorying in it, took his seat for Leicester in the Commons.

The effect of acceptances and refusals was to give the house a greater and more obvious proportion of military men and parvenus than was originally intended, but that could not be helped, and it is clear that the government was in no mind to apologise publicly for any deficiencies, though privately men close to the Protector expressed anxiety that the house as finally constituted looked like being too lightweight to act effectively as a check, a screen or a balance.

The second session of the second Protectorate Parliament opened on 20 January 1657/8. It was a very different body from the first. Not only was it bicameral but the composition of the "lower chamber" had drastically changed. In order to make up the Other House the Protector had had to withdraw a good number of experienced , able and influential supporters from the Commons. That was bad enough , but it had also been agreed in the Humble Petition that those elected members - a diverse lot of about a hundred, including embittered Rumpers and

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------,---Two -judge-s (as-sistan-ts to-the h-ouse-who-were-, as i-t happ-ened-, me-n who- -

doctrinaire republicans - who had been excluded from the first session

should be allowed back. Some of these men were almost professional politicians , masters of parliamentary procedure, tireless orator . well apprised of recent and earlier history. Hesilrige in particular found it h\_ard not to hark back to the Heptarchy. In the absence of so many courtiers these dissenting voices would have an alarming influence out of all proportion to their numbers in the crift, length an outome f debates .

The session began in the Commons with d1scuss1on over the

appointment of their Clerk - their previous one, Henry Scobell, having taken himself off to be, as he had been before, Clerk to the Parliaments at the second chamber - a move indicating a superiority for the Other House over the Commons. (The matter of the location of the Commons records would also be the occasion of an early niggling debate) . Then the house was summoned to the Painted Chamber by Black Rod (straightway appointed by the Other House, determined to stick fst to the traditi ns of "the upper chamber") to join in hearing, if not listening to, a welcoming adcress - the equivalent of the speech from the throne - from the Protector and another (at tedious length) from the Lord Keeper . Cromwell began categorically "My Lords and Gentlemen of the Commons", enjoining unity and co-operation in facing the problems of the time, but otherwise making little specific reference to the new form of the parliament. His speech, comments Whitelocke, "was short. by reason of his indisposition of health". Fiennes said rather more bth in wdag\_e and substance, celebrating this meeting of "the chief magistrate with his two houses of parliament" as "not a pageantry but a real and measured advantage" to all three. "Let them esteem each other" and "let one and the same good blood run in and through them all , and by a perpetual

circulation preserve the whole and ever y part in perfect unity, strength and vigour" , showing himself as well up-to-date with medical advances but somewhat out of touch with the prevailing political atmosphere . He also used the image of resetting a trampled-down hedge. Edified or nt, back the two houses went to their respective chambers to get on with

business .

The sur viving draf t Journal of the Other House, referring

throughout to "the Lords", does not tell us of much more than formal activity there, but we do know that Bulstrode Whitelocke gav them a account of his Swedish embassy when they - he calls them without cavil "the House of Lords" - took into consideration "the state of affairs relating to foreign princes and states", which suggests that they certainly intended to take their parliamentary role seriously. For the Commons Thomas Burton's diary more than supplements their own Journal in bringing out their concerns, chief of which were the title and status of the Other House. Given the novelty of that body, this was bound to have come up quickly, but it was precipitated by an action of the Other House itself in what it must have regarded as an innocuous and routine matter .

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had fulfilled that role for the late House of Peers) were sent with a message t\_o the Speaker of the Commons. Immediately there was a debate, with the lead taken by the newly-admitted members. No message should be received.from them as "Lords". "You have resolved they should be another house but not Lords. By this it looks like children that bcaus they can pronounce A they must say also B, which haply you will not like so well". The judges were at length allowed in to deliver the request for the Commons to join in an address to the Lord Protector. Debate again ! ed \_up. Members saw the message as a covert gambit by the persons sitting 1n the Other House to get themselves recognised as '.eers . It was compared to the Nominated Assembly of 1653 taking upon itself the name and function of an elected parliament. Thomas Scot regicide and republican, suggested that "as they have asserted their titl of Lords", the Commons should say bluntly they would return an answer to "the Other House". At length they decided that they would send an answer but by their own messengers without any reference to a title.

It soon became obvious that the Commonwealthsmen had fixed their tactics well in advance. On 25 January when the house was summoned to hear a Protectoral speech to both houses about interational and other pressing affairs calling for supply, Hesilrige was for coming to a decision at once on the name, fearful, he said, "whether we shall sit a fortnight or no". His attitude seems to have been better to risk a dissolution than to give way on the matter. Outvoted on this, the Commonwealthsmen continued to press the point even after the Protector's appeal urging them to get on with more matters. For them determi e t embarras and obstruct the government , "upon a spirit of contrad1ct1on says Wh1telocke, there were no more pressing matters. One of them wondered whether the Other House, whatever its title, would lay claim to co-ordinate power with the Commons and whether members like himself, who had not been able to take part in debates over the Humble Petition, should not have liberty to debate it all over again. Anthony Ashley Cooper, future Lord Chancellor and as Earl of Shaftesbury to become an hereditary peer of the realm, would not return any answer, lest by doing so they tacitly admit without further ado the existence of such a house. He wanted more debate and the once­ excluded i:ie'.;'bers, stirring up others (as Whitelocke put it) "against it on oher fancies , saw that he got it. The Protector intervened on 29 Janucry with a note to a Commons committee about an adcress to himself that he did not like it not coming jointly from the two houses, the privileges of each he was sworn equally to maintain. That was met with an unwonted silence, broken only when Hesilrige, protesting innocently that he did not come to make "a faction or a division", objected that it was, of course, to the Commons alone that "the business of money was wholly and absolutely to be communicated". This gave, as it was intended to, a

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further fillip to the controversy over the Other House. one in w ich a gre.t deal of dubious history was bandied about. Thomas Scot opined that 1f you resort to the ancientness of parliaments. you will find that th.at house [the Peers] was justly cast out by their being clogs upon passing many good laws" . They would not take part in the trial of the king. When they were abolished it was hoped that "thereafter the people of England should never have a negative [veto] upon them" . It all looked like coming back. Wasn't there still an Engagement to government without king or House of Lords? He went on (and on): "The providence of God which governs the world has so ordered it that England is returned into a Commonwealth . Do what you can, you cannot make it otherwise" . Besides, those there "now in the Other House have not the reason of the quality of Lords. They have not interest, not the\_fort-thousndt part of England". (Harringtonian remarks were common m this and m Richard Cromwell's parliament). To the frequent arguments about precedent and custom , he objected that "an old custom and an old constitution" coul? be an opening for popery , prelacy - bishops had sat in the Lords until 1642 - and atheism. Drawing to a peroration. he was prepared to concede that perhaps they had been made a high court of justice - "but 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 and magistrates to execute them". That was much too much. He concluded that the appellation was obviously too big a matter to settle there and then . Best to leave it to a

Grand Committee . Meantime, let us go to dinner.

Such dilatory tactics while the pot of controversy was kept simmering continued over the next few days. Hesilrige now thought it might \ake two months to come to a decision and worked hard to see that it did. On 30 January Col. Shapcott pressed that it had clearly been the intention in the framing of the new constitution that there should be a settlement of three estates. including two houses of parliament. Nothing was surer than that the Other House was a house of parliament and there could hardly be two Houses of Commons. "Y ou know what they are, where they sit , what they are doing. Consider your return to the L.ord". Up again, Hesilrige said "gant them once as Lords and you will find tenderness to maintain the privileges of a House of Lords... The Commons will quake that they are returning to Egypt, to a kingdom". Still at it on 2 February, Hesilrige plunged into a long tale about how useless and pernicious the House of Lords had been - a harangue too tedious !or even an indiscriminate diarist like Thomas Burton to take down. Ma1or Gen. Boteler ageed that the old Lords. if they had been a balance, were

always a balance with the king against the Co on. But t preent members of the Other House had their own quahf1cat1ons: religion, piety and faithfulness to the Commonwealth. "They are the best balance. It is not estates will be the balance". Anyway, two were better than one and three better than two, even more safe, off ering a three-fold cord not

easily broken - an echo of Fiennes's highly metaphorical opening oration. Agree, then, that they were a new House of Lords. Someone else remarked that they knew what the old House of Lords could do - but did they? - not what a new-born Other House could. Reverting to the balance line - debates rarely go in a straight path from alpha to omega - Major Beake observed that "the sword is there . Is not that also a good balance?" - a question hardly likely to disarm opposition. When a loquacious W elshman asserted that "you must give them some name, call them a house of men. or women. or something that have two legs", Ashley Cooper hotly disagreed. "There is nothing but a compliment to call a man a Lord but if he calls himself the Lord of my manor I shall be loath to give him the title, lest he claim the manor".

In the midst of all this another message came down from the Other House and gave renewed vigour to Sir Arthur: "This looks like a House of Lords!" He trembled to think about lordships and slavery and could speak against it till four o'clock. Members knew that he could. too. But the message was received. It turned out to be a request f or concurrence in an appeal to the Protector to banish papists from the environs of London. Sir Arthur trembled again, seeing in this a proposal for a restriction that could happen to "any of us". The debate continued. Someone pointed out that "all precedents [were] out of doors in this case". When was there a precedent for a House of Lords of England, Scotland and Ireland? Sergeant John Maynard, a legal beagle who would forty years later still be subjecting a House of Commons to his law and lore, warned them of going into "a wilderness". There was a need of some check upon a house which in its first session had "passed in one month more bills than the best student can read in a year and well if he can understand it then". Wearily he begged "Call them the Lords!"



Suddenly Black Rod was at the door. His Highness desired their presence . Debate was adjourned until they came back - but they never did. The Protector, exasperated by their inaction about the things he had so hopefully put to them and concerned by growing agitation and rumours of plots outside, flourishing in their shadow, had decided upon an abrupt dissolution. He defended the Other House as neither a party nor a faction but "a Christian and an English interest" - he appears to have forgotten about the imperial nature of the parliament - "men of your own rank and quality who will not only be a balance to you but to themselves while you love England and religion". He had expected a just accord between the governor and the governed. but had not had it. Turning directly towards the Commons, he accused them of playing the King of Scots's game. They must go - and let God be the judge between them and him! It was his last parliament.

The dissolution about which "some were troubled...others rejoiced", was the prelude to a period of repression, culminating in Cromwell's death on 3 September 1658 and the strangely quiet

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succession of h:s son Ri;;;1ard, whose grooming for the office had included, though *to* little purpose, membership of the Other House.



I hav e examined elsewher e the tactic s of the Commonwealths men, particularly towards the Other House. in the bicameral parliament which Richard called in January 165819 . These were very much those already purS'.Jed before with arguments and instances and the very phraseoiogy, but if anything fiercer, more pernickety and tedious, but at the same time serious and significant of opinion within a good old cause that had yet to be lost. Though the republicans could not prevent recognition of the Protector nor transacting with the Other House, their obstructionism both within and without Westminster in association with other dissident groups contributed to making Richard's position untenable . Though he was by no means the poltroon of popular history , lacking his father's unique relationship with the army, he could not resist the pressure of the military grandees. who forced him to dissolve the parliament in April 1659. Soon very sensibly he resigned. Not knowing what to do themselves, the generals recalled the unicameral Rump as a stop-gap . It turned in their hand. seeing itself once more as "the victorious parliament" of 1649-53, which had "ruled the world". forgetting that that had been as much an expedient then as it was now. It was thrown out and again recalled. Chaos was - almost - come again . It was the march of General George Monck with his brain-washed troops down to London which in the end stabilised the situation. He enforced the return to the Commons of the members excluded by Col. Pride in 1648 and in effect arranged a Convention parliament in which, quietly but inexorably, the old House of Lords came back. There were not Scottish or Irish members in either house. Parliament was back. in its historic fcrm - apart from bishops in the Lords. (They came back in a year or so). The Convention declared that government was and ought to be by king, Lords and Commons. Monarchy in the old line and in the surprised person of Charles II was back. by the end of May 1660. But in the Convention parliament that did it all the second chamber - the old House of Lords - now useful, even essential, and safe - was back before him. If the last year of the Interregnum had been a plangent advertisement for monarchy, so it had for a second ·:;hamber , persuasive now even to men like Luoce Robinson and Ashley Cooper , who had spoken out so strongly · only a .::ouple of years before against any such thing, whether revising, checkh·;J, cc;rordinate or whatever, and most of all a House of Lords.

The experience of 1649-60 for many, including for mer parliamentarians. argued not only that monarchy was the best policy - to the point that it was a sign of God's and the stars' grace to England - but. less dramatically but very effectively , that a bicameral parliament must be, too. The failure of the Other House came about because from one point of view it looked like an unwelcome and unnecessary - useless and dangerous, indeed - re-creation of the traditional upper chamber, while

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from nother it had \_nothing of he quality of the old for performing the checking and balancing role assigned to it and for which experience of a would-b sover:eign Commons had spoken . The inveterate enmity and destructive tactics of the Commonwealthsmen in particular ensured that it never had the chance to show what it could do. It might have become very useful and protective, but it must be admitted, too. that what little we know of its actual proceedings har dly inspir es confidence . But henceforward the Lords House and the powerful aristocracy it stood with and \_f?r would play a vital constitutional role, which has only slowly been modified over the last three centuries . Still with status and prestige, still not fund mentally an:inded in its composition, still with some capacity as a checking and revising chamber - if no longer a screen or balance

?e.tween he government and the governed and their representatives - it is 1mposs1ble to ignore, even by a government with a huge majority in the lower hose, as the Commons can still be called. For its critics, the House

?f Lords is useless or dangerous or both. In considering its reform - even its outright abolition and the denial of any role for a second chamber hoever cnstituted - many of the arguments called into play for 0

against during the Interregnum might well be profitably raked over again.

#### CROMWELLIAN BRITAIN V:

EVESHAM. WORCESTER SHIRE

Evesam is more usually associated with a thirteenth century battle than with any events of the Cromwellian period. On Greenhill above the town on the Stratford-upon-A von road, the forces of Simon d Montfort \_ were in 1265 routed by Prince Edward, loyal to King Henry 111 , an portions of the corpse of the luckless Simon were dispatched to various parts of the kingdom pour encourager les autres. Monks of Evesham Abbey, around whose walls the town gr-ew during the Middle Ages, nurtured a cult of Simon de Montfort and kept his memory gr-een . By 1640 the town had for a century been weaned from the institution and the faith which had brought it into being. Abbot Clement Lichfield's bell tower, raised in he 1530s, which still dominates the Evesham skyline, was the last flourish of a relationship between monastery and community · from the Dissolution of 1540 to the end of the seventeenth century, th town depended on the cloth trade, and particularly the specialist trades in finished rtis -. caps, collars and gloves. By 1640 the townspeople were busily quarrying the ruined abbey walls for building stone.

. The town only first received a royal charter in 1603, as a result of the influence the vica\_r of Evesham. Lewes Bayly (a future bishop of Bangor) had as chaplain to James l's eldest son, Prince Henry. The town

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