

The First Phase Of Healing And Settling: The Instrument Of Government

Aims:

- healing divisions and settling the government definitively became the focus.

Origins of IoG:

- In December 1653 he listened to a more conservative general, John Lambert, probably the most influential officer in the forces after Cromwell. Within four days of the Barebones Parliament abdicating, Cromwell had accepted Lambert's constitution, the Instrument of Government.
- The Instrument combined many earlier proposals, ranging from the terms Pym had demanded from the king in 1641 and 1642, through the army's suggestions of 1647 and 1648, to the devices of the Rump.

Structure

- For the moment the people's 'powers were assumed by a triumvirate of unequal partners.
- A Protector, a Council of State and an occasional, single- chamber parliament replaced the three traditional elements of king, Privy Council and Lords and Commons gathered in Parliament .

Protector

- The office of Protector was conferred on Cromwell for life.
- His successor would be selected by the Council of State.
- The Protector enjoyed many of the powers previously of the monarch, such as conferring honours, appointing magistrates and pardoning the convicted.
- His more substantial powers had to be shared either with parliament or, more often, with the Council of State.

Council of State

- The chief watchdog of IoG
- = revised version of the old Privy Council
- it was to guide the Protector.
- nominated Cromwell's successor and select its own members.
- Parliamentary supervision was confined to the periods when parliament was sitting
- At most number twenty-one.
- Cromwell complained of the restraints imposed on him as Protector by the Council.
- Evidence about discussions in the Council is scanty, though we do know of divergences over foreign policy.
- Cromwell absented himself from 60 per cent of the recorded meetings. However, councillors would usually defer to him.

Single chamber Parliament

- parliament had a role little better than it had under the king and less powerful than the Rump.
- Parliament must automatically assemble every three years, and sit at least five months.
- In the hope of making it more independent and representative, its composition was changed, along the lines planned by the Rump:
 - County seats were reallocated, roughly in proportion with the tax burden, and increased to two-thirds of the total of 400.
 - Scotland and Ireland were assigned thirty members each
 - permanently excluded Catholics and participants in the Irish rebellion of 1641.
 - Active English royalists would be de-barred from voting in the next three elections
 - only those of known integrity, fearing God and of good conversation should be returned as MPs.
 - Also all MPs should undertake not to tamper with the central principle of the new settlement, the division of power between the Protector and parliament.

Finance

The Protector and Council

- to use the customs and other revenues of their choice to maintain an army of 30,000, the navy and the civil administration.
- allowed to raise money for special needs before parliament met.

Parliament

- 'no tax, charge or imposition' could be 'laid on the people but by common consent in Parliament'.

The Army

- The standing forces, of late grown to over 57,000, were also to be governed by the Protector and parliament when the latter was in being.
- Whether by accident or design, nothing was said of the standing army when parliament was not meeting, so that the Protector could assume that it was his to do with as he wished.

Religion

- sought to balance toleration and control. As Cromwell desired, the state retained care for seeing that Christianity was practised, and continued to pay ministers with tithes until a less vexatious method could be found.
- independent sects would be tolerated so long as they did not disturb the peace, follow popery or bishops, or behave immorally.
- Protector could annul any laws proposed by parliament which jeopardised liberty of conscience.

The First Months Of The Protectorate: Government by Ordinance

- Until parliament assembled in September 1654, Cromwell as Protector, helped by the Council of State, could rule the country as he wanted

Cromwell's urgent tasks

- still criticism and
- to win backing.
 - ie heal & settle

Basically to set up a working framework before the arrival of Parliament

Early resistance to loG

- former colleagues, some of whom felt betrayed by his assumption of supreme power.
- Millenarians railed against him as an apostate (=going against the faith). Quickly their leader, Harrison, was stripped of his commission and forced into rural retirement.
- The Leveller Lilburne denounced the Protectorate and was hustled away to prison in the Channel Islands.

Initial Army attitude to loG

- At the moments of choice in 1647, 1648 and 1653 Cromwell had sided with the soldiers. But on becoming Protector he was thought by some officers to have deserted the cause for which they had fought throughout the 1640s.
- The army in Ireland was particularly restless. As a matter of deliberate policy some of the most radical officers had been shipped there in 1649.

Restless officers in other parts of the British Isles also alarmed Cromwell. Although his ultimate aim was to rest his régime on civilian followers, the latter would be won over only slowly, and until then he needed a dependable army.

Healing & Settling: Gaining support

- rich London merchants would lend money to the impoverished régime. The City, though cool, was not openly obstructive. Too many of its privileges derived from the central government for the corporation openly to oppose the Protectorate.
- Lawyers questioned the legality of the Instrument, some judges resigned. However, enough judges were persuaded to man the courts
- Cromwell, by substituting for the Rump's Engagement a much less exacting test, widened the circle from which the government's servants could be drawn.
- Leading Families: He hoped to win over the leading families, most of whom had retired from public life under the Long Parliament or Rump. The policy was hazardous. Many gentry could not forget how they had been treated in the 1640s, nor would they alter their allegiances and support the novel régime. If Cromwell readmitted such men to local office, he risked undermining the Protectorate, for few of the old county governors shared his vision of a reformed society .

The Ordinances

(Modestly Cr assumed some of the trappings of majesty, mindful that foreign emissaries had to be impressed. Inevitably he lost touch with the provinces in which he had originated and, to a lesser extent, with the army in which his triumphant career had been built.)

Financial

- all official receipts into a single treasury was carried out.

Legal

- Cromwell and his Council then returned to reforming Chancery. Cromwell demonstrated his moderation by consulting the legal profession.
- When it offered no proposals, he resurrected the scheme of the Hale Commission, and used it as the basis for his ordinance of August 1654 = abolished unnecessary offices, simplified procedure, regulated fees to stop overcharging, ended queue-jumping and forbade the sale of offices. But the modesty of the changes, aimed at making a sound institution function properly, dismayed the few who had campaigned for Chancery's total destruction, and yet failed to appease the self-interested lawyers.

Religious

- Based on reform originally offered to the Rump by Owen in 1652.
 - The principles of a state-controlled Church, supported for the moment by tithes, and of limited toleration outside it, had been written into the Instrument.
 - Commissioners (the triers) to scrutinise a minister's credentials before he was appointed to a church
 - Cr made sure that varied opinions – of Presbyterians, Independents and even Baptists – were represented among the triers.
 - Commissioners in each county were to eject clergy and schoolmasters unsound in doctrine, politics or way of life.

Understandably the godly praised this system, but the majority attached still to the old ways disliked it. The survival of familiar parish worship, little altered by recent decrees, was assisted by continuity in the personnel of the Church. Only 28 % of parishes, concentrated in the south-east, had their incumbents ejected.

- Finances of the Church made clearer. They hoped to pay every minister in England at least £100 per annum
- The Protector also resumed the Rump's work of dividing and uniting parishes

Conclusion:

Much remained to be done as parliament approached:

- the criminal law was untouched,
- and no confession of faith had been promulgated.

Nevertheless the reforms of 1654 merit their description as 'the great series of reforming ordinances', and showed that Cromwell had not abandoned reform.