CHAPTER XIII

WORK OF THE PROTECTORATE COUNCILS

The work of the privy council of the protectorate was large and varied. It was much like that of the councils of state and of the committee of both houses preceding; and it was even more like that of the privy council before the civil wars and the fall of the king. It can be studied partly in what the council accomplished in its various sessions, partly in what was done by numerous and active committees, to be considered later on. As in chapters preceding, it is probably a dull and laborious theme, to be constructed from a vast abundance of details that made the life and the work of the council. As before, a glimpse may be had by studying the council in some of its sessions; better understanding by grouping the activities in what seem to have been the main categories of work.

At a meeting in March 1654, at which eleven members of the council were present, “The Lord President reported that he hath presented unto his Highnes, the Lo. Protect: these Ordinances which his Highnes doth approue”: an ordinance for reviving an act of parliament for impressing seamen; an ordinance imposing a tax of four pence a pint on Scots ale and beer in Edinburgh; an ordinance for the relief of persons who had acted in the service of parliament. Respecting forty orders during the month preceding: “His Highnes the Lord Protecto’ was this day attended by the Lo: Presidt with the seuell Ord: following Which being read by Mr. Jessop, His High: did in his Lop: presence approve the same.”

1 S. P. D., Interregnum, I 75, 23 March 1653-4.
whereas orders, proceedings, decisions and other things
done in the council of the Stuart kings had been known as
"causes" or "acts," in the protector's council the term
"ordinance" was frequently used not merely with respect
to proceedings essentially legislative—what had formerly
been known as acts when passed by parliament, and ordi-
nances when passed in the privy council—but also with
respect to various proceedings, decisions, and orders.
During this time, for example, the standing committees
of the council seem to have been appointed by ordinances
of the council, and not merely named as formerly it had
been done.\(^2\)

In August 1655, at a meeting of the lord protector and
nine of the council, passes were granted to various persons
to go beyond the seas, and numerous petitions referred
for consideration. Ordered that two weeks pay, which
was to be given out of the sum of £92,000 appropriated
from money arising out of compositions, sequestrations,
or sale of delinquents' estates, which was not available,
however, because insufficient money had come in from
these sources, should be made up to the extent of some
£10,800 "out of any other monies in their hands." And
that "they doe reimburse the same out of the next monies
that shalbe paid unto them out of the Excheq' upon the
said Seale." Until further notice, Sir Thomas Vyner and
Alderman Riccard not to pay from £85,000 deposited in
their hands, any more of the £30,000 previously ordered
to be paid to the East India Company. Consideration of
certain navy business to be on the following morning.
Provision of victuals to be made for 8,000 men for the
fleet for six months for the winter guard. The admiralty
commissioners to consider whether the navy victualling
could be better managed by contract or by themselves.

Three of the council were appointed to consider the state of the treasuries, what allowance might be regularly supplied for the navy. The petition of certain inventors was referred to the lord mayor and the aldermen of London for their report.⁸

As the privy council had assisted the king in important government matters, so now the protector’s council took part in management and affairs of state. In December 1653 was prepared in the council a proclamation for continuing commissions and courts of law:

That all persons who on the tenth day of this instant Decembʳ were duly and lawfully possessed of any place of Judicature or office of Authority, Jurisdiction or Governmʹ with in this Coṃonwealth, shall be, and shall soe hold themselves continued in the said Offices and places respectively, as formerly they held & enjoyed the same, and not otherwise, untill his Highnesse pleasure be further knowne. And all Comissions, Patents and other Grants, which respect or relate unto the doing and executing of publique Justice, and all proceedings of what nature soever, in Courts of Coṃon Law or equity, or in the Court of Admiralty, or by Coṃissionʹ of Sewers shall stand and be in the same and like force to all intents and purposes as the same were on the said tenth day of this instant Decembʹ, untill further Order given by his Highnesse therein.

The draft of this proclamation, presented to the protector with the advice of the council, was by his highness with consent of the council passed and ordered to be printed and published.⁴ In April 1654, at a meeting of the lord protector and eight of the council, the ordinance for uniting Scotland in one commonwealth with England was

⁸S. P. D., Interregnum, I 76, 1 August 1655.
⁴Ibid., I 75, 21 December 1653.
read for the third time and the blanks filled up at the table; whereupon it was passed by his highness with consent of the council. * Shortly after: "The Lord President reports his Highnesse approbation of the Writt for election of Members to Parliament, which was now passed." *

During much of this time Cromwell and his privy council ruled England with as much authority and decision as Charles I and his privy councillors had in the era preceding. A fortnight after the protector had dismissed his first parliament elected under the Instrument of Government:

The Co[m]ittee of the Councell [to which the matter had been referred] report amendments to the Order & Declaraçion of his Highnesse the Lord Protector with the advise of his Councell, for an Assessment of Three score thousand pounds by the moneth for six moneths for and towards the maintenance of the Armyes and Navyes of this Commonwealth, and the whole order with the amendments was read by parts, and severall alteraçons and omissions being agreed, the whole soe amended was assented unto, and with this Title was passed and Ordered to be presented to his Highnesse as the advise of the Councell.

Next day it was approved by the protector and ordered to be printed and published. 7 In March the council settled the civil government of Scotland. 8 In the council were drawn up the instructions to the major generals for governing the districts of England. 9 In March 1658 it was ordered "That the Counsell be Sumond particullerly to be present, precisely at Nine of the Clock to-morrow morning, upon important business by the Speciall Comaund of his Highness." 10 In the council officers and officials were

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* Ibid., 12 April 1654.
* Ibid., 6, 7 February 1654-5.
* Ibid., 30 March 1655.
* Ibid., 1 76, 22, 24 August 1655.  
"Ibid., I 78, 25 March 1658.
appointed. In council, in June 1655, the protector in person approved the appointment of Miles Corbett as chief baron of the court of exchequer in Ireland.\textsuperscript{11}

The council was essentially an advisory and executive body, occupied with problems of administration, but circumstances of the time caused it to be much concerned with legislative work as well. It was asserted from the start that the lord protector and his council had power until the next meeting of parliament "to make Lawes & Ordinances for the peace and welfare of these Nations, where it shall bee necessary, which shall be binding and in force untill order shall be taken in Parlam! concerning the same."\textsuperscript{12} The council at once proceeded to prepare a bill for renewing the former powers for probate of wills, and this bill was quickly passed.\textsuperscript{13} At the same time order was given to bring in to the council "the draught of an Act for confirming of the Excise till further order."\textsuperscript{14} For 1659 a remaining index book of the council record contains note of an "Act to be p\'pared for Treason" and an "Act for such as have served p\' of their tyme of Apprenticeship in the warres to be p\'pred."\textsuperscript{15} To Thurloe, secretary of the council, was entrusted the task of making ready for enrolling and publication "the Instrument entitled The Government of the Commonwealth."\textsuperscript{16}

The privy council of the protector had much to do with the procuring of revenue, appropriation of money, and management of taxation, and finance. In 1654 the council referred it to the committee for inspection of the treasuries to consider how £7,000 might be speedily provided for contingencies of the council.\textsuperscript{17} A little later an ordinance presented by a committee of the council for bringing

\textsuperscript{11} S. P. D., Interregnum, I 76, 13 June 1655.
\textsuperscript{12} Ibid., I 75, 21 December 1653.
\textsuperscript{13} Ibid., 20, 21 December 1653.
\textsuperscript{14} Ibid., I 85, col. 2.
\textsuperscript{15} Ibid., I 75, 20 December 1653.

\textsuperscript{16} Ibid., 21 April 1654.
the public revenues of the commonwealth into one treasury was read, amended, and passed, by the protector with consent of the council. In 1655 there was an order “That it be referred” to certain ones “to consider of and prepare something to be offered to the Counsell for the better Collecting the Customes and Excise in Scotland.” A little later it was ordered by the protector and his council that the committee for the army should issue warrants to the treasurers at war authorizing them to send, out of the moneys designed for the forces in Ireland, £40,000 by wagons to Chester, thence by ships, as the commissioners of the admiralty should direct, to be taken to Dublin for the forces in Ireland. In September 1655: “Ordered That all such monyes as shalbe paid into the receipt of his Highnes Exchequer this weeke shalbe paid unto the Treasurer of the Navvy for the service of the Navvy and that the Comrs of the Treary doe take care the same be done.” In 1657 the council referred to a committee of eight members consideration of the whole question of public money, particularly payment of the protector’s household, the council’s contingencies, payment of the public officers, allotment of revenue to the army and the navy, and how £300,000 for the government’s charges might best be obtained. A little later the council referred it to the committee “for the affaires of money” to consider the state of the revenue payable into the receipt of his highness’s exchequer, and the sum charged on that receipt, and what would be fit to be offered upon this debate “for makeing the Charge thereon, proporconable to the Income.”

As was the case with councils preceding, the protector’s council had much to do with management and direction of

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"Ibid., 21 June 1654."
"Ibid., I 76, 13 June 1655."
"Ibid., 3 September 1655."
"Ibid., 8 September 1657."
"Ibid., I 78, 21 July 1657."
the army and the navy—much more with the navy than
the army, which was in this unusual time so largely of a
law to itself—though a great part of army and of navy
administration, as in previous times, was managed by
subordinate or related "committees" or boards.

In January 1655 the treasurers at war attending the
council, pursuant to an order of the day before, four mem-
bers of the council were deputed to withdraw from the
council chamber and speak with the treasurers about the
business for which their presence was required." Shortly
after, the protector with the advice of his council referred
it to the committee for the army to send into the several
counties printed copies of an order for assessment of
£60,000 a month for six months, for the maintenance of
the army and the navy, and to see to the execution of the
order.25 In 1655 the lord protector and his council ordered
the committee for the army forthwith to issue their war-
rant to the treasurer at war to pay to a certain one £400
for army expenses.26

The protector’s council was often occupied with matters
that concerned administration of the navy. Immediately
on beginning its work the council ordered "That the Com-
f[appointed by parliament to in-
spect the "treasuries"] be desired to prepare an Act for
renewing the power of the Treas of the Navy and to bring
in the same to the Councell with the first opportunity." 27
During the commonwealth period there had, for adminis-
tration of naval matters, been instituted a board of com-
missioners for the admiralty, which now continued to
function; and a parliamentary committee for the navy
had recently done much work. In January 1654, the coun-
cil authorized the admiralty commissioners, some of them

26 Ibid., I 75, 20 December 1653.
members of the council, to give warrants to the treasurer of the navy for the payment of all monies due for stores and ammunition, and to contract for ammunition and stores to supply the armies and the garrisons, the treasurer of the navy to pay such warrants as the commissioners from time to time issued for such purpose.\textsuperscript{28} In June 1654 an ordinance of the council was passed continuing the commission for managing the affairs of the admiralty and the navy.\textsuperscript{29} Somewhat later the council drew up instructions for the commissioners, and still later installed them at Derby House, where the parliamentary councils of pre-commonwealth times had so often assembled.\textsuperscript{30}

In June 1655 the council ordered that debate about the fleet commanded by General Blake should be resumed first thing the next morning, and that the commissioners of the admiralty and the navy should attend the council.\textsuperscript{31} A few days later "At the Councill at Whitehall" the protector and councilors referred it to the commissioners of the admiralty to provide with all speed thirteen weeks' victuals for 3,500 men who were to be continued with Blake.\textsuperscript{32} Shortly after: "The Letter to Generall Blake from his Highness was read and agreed to be sent."\textsuperscript{33} At a meeting of the council in July it was resolved that next morning there should be consideration of naval affairs.\textsuperscript{34} In November 1655 a commission and lengthy instructions to the commissioners of the admiralty and the navy, having been referred to a committee of the privy council, and by the committee presented to the council,

\textsuperscript{28} Ibid., 10 January 1653-4.
\textsuperscript{29} Ibid., 1, 13 June 1654.
\textsuperscript{30} Ibid., 2 September 1654, 25 January 1654-5.
\textsuperscript{31} Ibid., 176, 5 June 1655.
\textsuperscript{32} Ibid., xcvi, 8 June 1655.
\textsuperscript{33} Ibid., 176, 13 June 1655.
\textsuperscript{34} Ibid., 23 July 1655.
were amended, passed, ordered to be presented to the protector, and then by the protector approved.\textsuperscript{38}

At a meeting in 1656 Lambert and Desborough were ordered to withdraw and confer with the commissioners of the admiralty about business then in debate before the council.\textsuperscript{39} In 1657, the protector and eight being present, it was ordered "That the whole business of the Fleet be taken into Consideration, at the Counsell, to morrow morning." \textsuperscript{37} At another meeting, of the lord protector and nine, was presented a letter from the commissioners of the admiralty and navy, with two letters enclosed—one from the commissioners of the navy, another from the victuallers of the navy—about the necessity of providing money for the navy. Ordered that the council meet again that afternoon to consider the matter.\textsuperscript{38} In 1658 the council ordered the commissioners to send necessary provisions to the garrison at Yarmouth.\textsuperscript{39}

Local affairs always claimed some of the attention of the council in England, though there was not now, apparently, the minute and constant supervision once given by the privy councils of James I and Charles I. In 1654 Cromwell's council ordered that a committee of the council be appointed for regulation of the justices of the peace throughout the nation.\textsuperscript{40} In 1658 the council advised his highness that he would be pleased to issue a proclamation prohibiting all horse racing for the next eight months.\textsuperscript{41}

In 1657, following a petition from Quakers, President Lawrence wrote to the justices of the peace: \textsuperscript{42}

\textsuperscript{38} S. P. D., Interregnum, I 76, 8, 9 November 1655.
\textsuperscript{39} Ibid., I 77, 22 May 1656.  "Ibid., I 78, 22 September 1657.
\textsuperscript{39} Ibid., 29 December 1657.
\textsuperscript{40} Ibid., clxxx, 20 April 1658.
\textsuperscript{41} Ibid., I 75, 3 January 1653-4.
\textsuperscript{42} Ibid., I 78, 8 April 1658.
\textsuperscript{43} Ibid., cvii. 88, undated, but apparently relating to 10 November 1657.
His Highness and the Councell haue received seuarall addresses on the behalfe of diurese prsions commonly called Quakers who are imprisoned in seuerall places some of them for not pulling off their hatts others for not finding sureties for the good behauio, or for their retorne to their owne houses and some of them haue layne long in prison and not likely to get out by conforming to what might be expected from them and becomes them to doe, His Highnes and the Councell though they are farre from giving any Countenance to the mistaken principles or practises of such men especially in their disturbance of godly Ministers or in any affronts put uppon Magestrates whose dignity ought to be maintained, yet finding that the same doth for the most part p'ceed rather from a spirit of erro wch hath seduced them then from a malicious opposiçon to authority in wch case they (especially such among them as are otherwise of sober Conversacon) are to be pittied and dealt wth as pr'sons undr a strong delusion who chuse rather to suffer & pr'ish then to doe any thing contrary to their strange ungrounded and Corrup principles. therefore his Highnes and the Councell haue thought fit to recomend their Condiçon unto yo' prudence to take such Course for the discharge of such of them as are in prisons within yo' County as (having put a discountenance on their miscarriages) their liues may be preserued, diu'se of them hav'g died in their imprisonments. And that out of a tendernes towards such poore deluded persons you would as much as in you lyes endeavor to prevent this running into such Contempts for not giving that Civill report wch they owe to you as Magestrates when they are brought before you, by Causing their hatts to be pulled off before hand. or that for such contempts such punishment may be inflicted as may rather discountenonce their folly then
endanger their Lives. His Highnes & the Councell judg-
ing it safer in dealing with persons whose miscarriages
arise rather from defects in their understanding then
from malice in their wills to exercise too much lenity
then too much severity.

There was also not a little council business concerning
Scotland, Ireland, and the plantations. In 1655 the pro-
tector and the council drew up instructions for "his High-
ness Councell in Scotland for the Government of that
Nation." A year later a letter from the council in
Scotland to the privy council in England, concerning the
fines in Scotland, along with papers sent also, was referred
to the committee of the council for Scotland to consider
and report. On another occasion the privy council or-
dered "That the Quorum of the Counsell in Scotland
be reduced to the Number of three." In 1658 an act of
the common council of Edinburgh—that all buyers or
sellers of ale there should pay four pence Scots for every
Scots pint, to discharge the corporation's debt of £54,761,
being presented to the lord protector and his council, was
approved, provided it were not contrary to law. In the
summer of 1655, at a council of the protector and nine,
it was ordered that the lord deputy of Ireland should be
asked to come to London as soon as he could, to confer
about Irish affairs. In 1656 a petition of the agents for
Virginia and the other plantations on Chesapeake Bay
was referred to a committee of the council.

The council of the protectorate was much occupied with
foreign affairs. As in the earlier period much that related
to diplomacy and to negotiation and correspondence with
foreign states was dealt with by the committee of the
council for foreign affairs; but much of it also was handled

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"S. P. D., Interregnum, I 76A, 30 March 1655.
"Ibid., I 77, 16 May 1656.
"Ibid., I 78, 27 July 1656.
"Ibid., I 76, 14 August 1655.
"Ibid., I 76, 26 July 1655.
""Ibid., I 77, 15 July 1656.
by the council itself—more, perhaps, than in the earlier period, before 1640, when the foreign committee, under the king, was monopolizing more and more of the conduct of important foreign relations, and much more than after the restoration, when the privy council committee of foreign affairs engrossed important foreign business, then all other important business, and gradually as “the committee” or cabinet, superseded the privy council in effect.

The council, or more usually committees of the council, conferred with representatives of foreign powers. In 1654 the lord protector in council ordered that certain members of the council be commissioners to treat with the ambassador extraordinary from the French king, while others were to treat with the ambassador from Spain.48 On another occasion the protector ordered three of the council to treat with the ambassador from Genoa.49 In June 1655 the council arranged to meet again that afternoon to consider papers brought by the Spanish ambassador, Secretary Thurloe to have them ready.50 A few days after, the council was to consider letters from France about distressed Protestants, who were subjects of the duke of Savoy.51 In August at a council of nine, the protector present, a letter from Geneva to the secretary was read. “Ordered That a Letter be prepared by Mr. Secy according to the sense of the present Debate to be sent to Mr. Moreland.”52 At a meeting in May 1656, the secretary presented some letters from his highness’s agent in Portugal. They were considered, and ordered to be further debated next morning.53 On another occasion the council referred it to the commissioners of the admiralty and the navy, to consider and offer their opinion, whether an English consul should be appointed at Tetuan on the Barbary

48 Ibid., I 75, 4 April 1654.
49 Ibid., I 76, 5 June 1655.
50 Ibid., 2 August 1655.
51 Ibid., 23 January 1654-5.
52 Ibid., 8 June 1655.
53 Ibid., I 77, 5 May 1656.
Coast. In 1657 the secretary presented a memorial from the duke of Courland to the protector; read, then referred to two of the council to consider fitting instructions to his highness’s agent at Hamburg concerning the matter.

Ambassadors from abroad were sometimes received with much entertainment and care. In August 1657 the council ordered Secretary Strickland to give directions about entertaining Don Francisco de Mello, ambassador from Portugal. He was to arrange for a house for the ambassador and a steward to serve him; two of the council to receive and conduct him to his lodgings; from the council’s contingencies £300 to be paid for expense of the ambassador’s diet; he to be allowed a diet of fifty dishes for the first and second course, and thirty of fruits and sweetmeats for each meal, with a convenient allowance for his attendants; seven meals at the state’s charge to be given in the ambassador’s entertainment; the plate required to be provided; twelve of the council’s messengers to carry dishes and wait at the table.

At a meeting of the council in 1657 the secretary was bidden to inform the Swedish resident and agent what he had just told the council concerning the English resident at Hamburg, communicating the sense of the council therein, and then report to the council. A little later the council arranged an afternoon meeting to consider further a paper from the Portuguese ambassador. In 1658 the secretary presented to the council letters from the English ambassador who had been sent to the king of France; and the letters were read.

At a meeting in April 1658 the secretary reported various bills of exchange from public ministers abroad,

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84 S. P. D., Interregnum, cliii, 8 January 1656–7.
85 Ibid., I 78, 14 July 1657.
86 Ibid., 25 August 1657.
87 Ibid., 1st September 1657.
88 Ibid., 1 June 1658.  
89 Ibid., 20 October 1657.
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charged on a certain Martin Noel, for sums due on account of their negotiations—the envoy to Sweden about £1 000, the ambassador to France £1 000, the envoy to Denmark about £5 000, the resident in Holland £2 000: order thereupon to the treasury commissioners to pay to the treasurer of the council's contingencies, he to pay the agent; a committee of council to consider how best these sums and others might be paid, and report to the council.51

In connection with its work the council issued numerous orders and warrants, considered many petitions, and like the councils preceding allowed passes for going abroad. On one day in August 1655 the lord protector approved eleven orders of the council.62 A great number of warrants was issued for the payment of money, or for ordering that something be done.63 In February 1655 a letter from the commissioners of the treasury was read in the council, that £100,000 was required for the pressing needs of the navy. So the council advised his highness to issue warrants under the great seal for the commissioners of the treasury to pay to the treasurer of the navy £100,000 to carry on the service of the navy and the land stores.64 In 1658, shortly after the death of Oliver Cromwell, the lord president of the council was authorized to issue warrants.65 The council also issued many warrants allowing passes for persons desiring to go abroad.66

The council of the protectorate gave out many proclamations and declarations.67 In 1657, at a council of ten, to which also came the protector, a proclamation set apart a day for solemn fasting and prayer: 68

His Highness the Lord Protector, and his privy Counsell takeing notice of the hand of God, whch, at this

51 Ibid., 20 April 1658.
52 Ibid., I 76, 2 August 1655.
53 Ibid., I 75, 7 February 1654-5.
54 Ibid., I 76, 16 March 1655-4, 30 March 1655.
55 Ibid., I 76A.
56 Ibid., I 78, 13 August 1657.
tyme, is gonne out ag' this Nacon, in the present Visita-
tion by Sickness, that is much Spread on the Land, wch
calls upon the people of this Nacon to humble themselves
in a Solemne manner before the Lord, and to seeke his
face in reference thereunto.

The protector's privy council, like the other councils
before it, gave orders to commit to prison. In 1656 the
protector and seven councillors ordered that Colonel Mat-
thew Allured be committed to the Isle of Man, and that
Colonel Nathaniel Rich be kept prisoner at Windsor
Ca. 1le. 49

As always, there were many petitions to be dealt with.
In 1654 "The humble petition of Mary Gernon the wife
of Luke Gernon referred by his Highnesse to the Coun-
cell was this day read." 70 Many petitions came to the
protector, he referring them usually to the privy council,
while many others were addressed to the council itself.
Sometimes considered in council, more frequently they
were referred to committees appointed temporarily to exami-
ze them. 71 In 1655 a petition beautifully written
to the lord protector was by him referred to the council
with recommendation that the petitioner be satisfied. 72
In 1658 the council ordered the petition of certain mer-
chants of London referred to the commissioners of the
admiralty and the navy, they to consider and report to
the council on the next Thursday. 73

Evidently business connected with petitions encroached
on the time of the council. The committee appointed to
consider petitions was enlarged in September 1655. 74
Shortly after a standing committee of all the members
of the council, or any three of them, was appointed to

49 S. P. D., Interregnum, I 77, 14 August 1656.
50 Ibid., I 75, 10 March 1653-4.
51 Ibid., xcvii, 25 May 1655.
52 Ibid., clxxiii, 19 October 1658.
53 Ibid., I 76, 25 September 1655.
54 Ibid., I 121.
consider all petitions addressed to the council, by reference from the protector or otherwise, and deal with them in order, unless special direction of the council to the contrary was given. This committee was to have the room adjoining the council chamber. The council set aside every Thursday to receive the committee’s report.78 From time to time, however, particular petitions were otherwise dealt with. In 1656 the petition of certain merchants of Bristol was referred by the protector to the council, and by the council to a committee of four of the council’s members.76 At a meeting of the council about this time, “On the Question put whether the Counsell shall sitt to morrow for heareing of Reports on private petitions It passed in the Negative.”77 On another occasion it was arranged that the reports prepared by the committee of the council for petitions should be considered on the following Tuesday.78

At a meeting of the protector and eleven of the council in August 1655, a certain one who had been summoned was questioned whether he had penned and dispersed a paper entitled “the humble peticon of the freetholders and other welaffected people of this Commonwealth etc.” He admitted having written it, as a lawyer in behalf of clients for whom he was counsel about some of the particulars mentioned. When he had learned that the petition was disliked, however, he had stopped distribution of the printed copies. He was commanded to withdraw. “And being againe called in his Highness did sharply reproove him for diverse passages in the Peticon being against the Governm’t and Comaundd him to proceed noe further in this busines.” He was ordered to call in all the papers put out, and deliver those which he had to the council.79

78 Ibid., 1 November 1655.
76 Ibid., 31 January 1655-6. 77 Ibid., 18 January 1655-6.
76 Ibid., I 78, 20 August 1657. 78 Ibid., I 76, 14 August 1655.