

The Resignation of Clarendon: The Power of Personal Relationships in Politics in Early Modern England

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The English Civil War separated the reigns of King Charles I and King Charles II in seventeenth century England and it was the political career of Edward Hyde the First Earl of Clarendon that epitomized the political changes between the two reigns. According to Clarendon, he "had been employed by [Charles I] in all affairs of the greatest Trust and Secrecy; had been made Privy Councillor and Chancellor of the Exchequer."¹ Once Charles I fled England, "the King gave him to the Prince" and from that time on Clarendon assisted Charles II.² After Charles II's Restoration "the Chancellor was generally thought to have more Credit with his Master, and most Power in the Counsels, because the King referred all Matters of what Kind forever to him."³ Thus, Clarendon enjoyed a position of prestige within the English government and as such he was afforded the disdain from aspiring politicians. As a result, in 1667 Articles of Impeachment were drawn up against Clarendon and soon after Charles II demanded his resignation from his post of Lord Chancellor. Although the impeachment and banishment of Clarendon from England was in part the result of the political ambitions of his adversaries, ultimately it was King Charles II's personal animosity towards Clarendon which finally motivated him to ask for Clarendon's resignation.

Fortunately for historians, there is an extensive history of Clarendon's impeachment through his own eyes. Clarendon recorded his observations in his autobiography entitled *The Life of Edward Earl of Clarendon, Lord High Chancellor of England, and Chancellor of the University of Oxford*, in which the growing animosity between the Chancellor and Charles II, that precipitated Clarendon's resignation, is readily evident. Early in Charles II's reign, Clarendon criticizes that "the King's House quickly appeared in its full Lustre...the Charge and Expence of it much exceeding the Precedents of the most luxurious Times; and all this before there was any Provision of ready Money."⁴ This is especially poignant in the early years of the Restoration, for it was this excessive luxury which had spawned animosity to Charles' father in the first place. To continue to flaunt the wealth of the Monarchy so imprudently with a total disregard could destroy Clarendon's most prize creation, the Restoration of the Monarchy. The animosity between the two, however, was not limited to being strictly Clarendon's disdain of Charles, but anyone "who stood at any near Distance could not but discern, that the Chancellor's Interest and Credit with the King manifestly declined."⁵ Thus, Clarendon's influence over Charles II decreased to such a point where Clarendon believed that in his place courtiers were promoted "for what Reason no Man knew nor could imagine."⁶ These courtiers, Clarendon believed, then

initiated and pushed Charles II for his resignation, and thus he blames them for his downfall.

Sir Henry Craik was one of the historians to first analyze Clarendon's life and his impeachment and he basically agreed with Clarendon that he was a victim of ambitious courtiers. Craik cites that the impetus of this conflict was that Clarendon "was too little known by the new generations to be cordially trusted."⁷ This lack of trust translated into overt actions against Clarendon. In order to prove that these same distrusting courtiers caused Clarendon's impeachment, Craik draws a parallel, albeit a suggested one, to a previous attempt. In 1663 the Earl of Bristol acted as an informant in the drawing up articles of treason against Clarendon in the House of Lords along the grounds that Clarendon "had arrogated himself a superior direction in all his Majesty's affairs."⁸ However, Bristol's actions failed and were an isolated incident, not repeated by other courtiers till 1667. In addition, they are not enough to prove that the actions of courtiers alone directly led to Clarendon's resignation, as Craik attempts, for it was not the courtiers whom asked for Clarendon's resignation, but rather Charles himself.

Clayton Roberts clarifies that in all actuality the actions taken by Parliament, through the courtiers, demonstrate a lack of unilateral power in the impeachment of Clarendon. Roberts, rather, proves how "determined were the King's ministers and the House of Lords to prevent [judicial] abuses", thereby leaving the ultimate power, in Robert's opinion, to the House of Lords, not the Commons, for they "possessed the power to decide what offenses were rightfully grounds for finding a person guilty."⁹ The House of Lords was composed not of Charles' courtiers, but rather long standing English aristocracy, and thus with the ultimate power being theirs and they are not courtiers, it is illogical to assume that the courtiers had the ability to directly cause Clarendon's impeachment. However, Roberts, despite his insight, does not adequately address the effects of the personal relationship between Charles II and Clarendon as a cause of Clarendon's impeachment. He fails in that he presumes that Clarendon's impeachment was a forgone conclusion and that the Charles' demand for his resignation was but a step on that inevitable path. Instead one should examine how Clarendon's resignation and his subsequent fall from power made it possible for his impeachment to occur, a more of a cause and effect relationship.

The pitfalls of Roberts' argument, as are the pitfalls of the other historians is the result the limitations which they place on themselves. Craik suffers from a desire to "vindicate [Clarendon's] place in history."¹⁰ Roberts, on the other hand, is guilty of a Whig philosophy, evident in his conclusion:

Charles, by inviting [Parliament] to impeach Clarendon, paved the way for the factious political warfare of the next century and a half and for the eventual attainment of ministerial responsibility to Parliament. This is the true significance of Clarendon's fall from power.¹¹

The impeachment of Clarendon needs to be examined from a historicist approach, thus eliminating the tendency to fit all historical actions on a line of progression, which misrepresents the significance of an act at the time it took place, as Roberts does. It is far better to examine how Clarendon's impeachment proves the influence of personal relationships on seventeenth century English court politics.

Despite Charles' confidence in Clarendon's desire to govern England to the best of his ability, shortly after Charles' restoration, Clarendon's fierce defense of the status quo formed the beginning of overt arguments between Clarendon and the King. Initially, these arguments were but mere scuffles between peers, as he and Clarendon were still friendly towards each other, exemplified by their joking around during the Privy Council Meetings.¹³ In addition, Clarendon still enjoyed the private company of Charles II, as he did while the Monarchy was in exile, thus giving him increased influence over Charles II.¹³ However, in an attempt to prevent against accusations of manipulating Charles, Clarendon refused "to monopolize access to the king."¹⁴ Clarendon again tried to preserve public legitimacy by refusing to be Prime Minister, a promotion from Lord Chancellor.¹⁵ Clarendon scolded the Duke of Ormonde, who suggested this promotion by stating that "England would not bear a favourite, nor any one man who should out of his ambition engross himself in the disposal of the public affairs."¹⁶ Despite his attempts to appear as legitimate an advisor as possible, Clarendon actually distanced himself from the King and was beginning to gradually lose his personal appeal.

The fact that Charles II began to confide in men other than Clarendon was an exemplification of this loss of favor. For example, Clarendon was fervently against the knighting of one of his enemies, William Coventry, and the inclusion of him onto the Privy Council, to which "Clarendon [complained] that [Coventry's] influence was employed to diminish his own credit with the king."¹⁷ Also, the favor of Sir Charles Berkeley, the Earl of Bristol, and the Earl of Arlington with Charles II was the symbolic gesture of Charles II disfavor with Clarendon.¹⁸ For not only were "Sir Charles Berkeley and [Clarendon]...enemies during the exile" but these new favorites of Charles II "endeavored to monopolize access to the monarch for political ends."¹⁹ As a result, as Samuel Pepys, an observer of the Court, describes they were able to "cast my Lord Chancellor upon his back...there is little for him to do, and [he] waits at court attending to speak with the King as others do."²⁰ However, the impact of Charles' loss of Clarendon's direct council was eased by Charles' inclusion of these new courtiers in his stead. It was not these courtiers which caused this loss, for Clarendon at his peak had the ability to control access to the King and consequently the King's access to potential substitutes for Clarendon. In order for the courtiers to infiltrate and gain access to Charles, Clarendon must have already been losing favor, thus the personal animosity between the two predates the introduction of the courtiers into the trust of Charles.

The schism between Charles and Clarendon was facilitated by younger ministers, like Coventry and the Earl of Arlington, who suggested that there should be "a definite party in the commons to act in the king's interest", which Clarendon opposed.²¹ Logically, he did so in order to maintain his control over Charles. But unfortunately when Charles II gave his assent to the creation of this body, Clarendon's fears were materialized, for "the persons who eventually succeeded Clarendon in the direction of the administration first made their influence in the commons."²² Thus, the only body in the Commons whose expressed purpose was to represent the King and his Councilors was from its inception against Clarendon. The fact that Charles would override Clarendon's staunch opinion against such a body exemplifies the digression of their relationship. This, coupled with the rather obvious fact that creating such a body

would erode Clarendon's power, proves that Clarendon no longer enjoyed the luxury of the Monarch's protection.

Clarendon's previous position on the creation of the body in the Commons made Clarendon's contention in the summer of 1667 that Parliament should not be preemptively called in order to obtain funds for the impending war with the Dutch extremely damaging to his prestige in the Commons.²³ Clarendon suggested the use of loans to raise the money necessary, an obvious attempt to circumvent Parliament's powers and with the King's committee unwilling to defend Clarendon, his proposition "was soon to form a good handle of attack to his enemies."²⁴ It was this anti-Clarendon House of Commons which then soon demanded from the King a reason for the failures of the Dutch War. This demand from the Commons gave Charles the excuse he needed in order to officially rid himself of his once trusted advisor, Lord Clarendon.

The failures of the Dutch War extended beyond simply military losses, but also extended to fiscal irresponsibility. Clarendon believed that it was the right of the Privy Council to freely distribute the funds from Parliament's grants; however, Parliament included a clause in the grant for the Dutch War that stated that the money had to be used by Charles strictly for the Dutch War.²⁵ Despite Clarendon's objection to this revolutionary clause, Charles II assented to the bill, but he did not adhere to this clause, so Parliament began to scrutinize the King's treasury.²⁶ Faced with this scrutiny, Coventry and Arlington urged Charles to force Clarendon to resign "in part at least, in order to protect themselves from the nation's anger at the loss of the Dutch War."²⁷ Thus, Charles made the executive decision to capitulate to the demands of the Commons for as he stated "I could not retain the Chancellor and do those things in Parliament that I desired."²⁸ Although in reality, Charles could still deal with the Parliament, for as was proven above, only a minority were against Clarendon, with the country gentlemen and gentry, as well as the House of Lords on his side.

Thus far the focus of Clarendon and Charles' relationship has been largely in the political realm; however, their relationship extended into the social, where one of the most volatile misunderstandings between the two took place. It was over the marriage of Frances Stuart to the Duke of Richmond, in the spring of 1667 and "the King's fury at Frances Stuart's marriage was a God-send to the Chancellor's enemies."²⁹ In order to understand how the marriage of Frances Stuart enraged Charles so much, it is necessary to examine his complex and unique relationship with her.

Frances Stuart came from the Portuguese House of Braganca at the age of fifteen in order to serve the Queen of England in 1661.³⁰ Almost immediately Charles became infatuated with her and he told her mother that he "loved [Frances] not as a mistress, but as one that he could marry as well as any lady in France."³¹ In response, as would be her typical response, Frances rebuked Charles' advances, which seemed to only ignite his passion even more.³² Charles was so infatuated with her that, even in the most historical and precarious moment of his reign, he "spent with [Frances] the night of his return to his capital."³³ For the six years that followed Frances and Charles entered into what can be best described as an elaborate dance of rebuked advances. Frances "herself always maintained that she had never surrendered to the King's importunities..." and thus by the very nature of the word she was not Charles

II's mistress.³⁴ However, Frances enjoyed privileges above and beyond a mistress, she was not only extremely beautiful, "but Frances possessed a gift more dangerous than her beauty in a sense of humor."³⁵ With her stunning beauty and cunning wit, Frances commanded the heart and mind of Charles II for close to six years.

In 1667 Francis Stuart finally avoided Charles II's advances permanently by eloping with a courtier and cousin of Charles II, the Duke of Richmond. After about six years of unrequited love it is understandable that Charles would be distraught at the marriage of Frances and the consequential removal of her from daily court life. This emotional burden was fueled by anonymous court rumors that Clarendon actually coordinated the marriage in order to further cement his power, for by marrying off Frances and making Charles remain with his infertile Queen, he would enable his daughter, married to the Duke of York, to be Queen when Charles died.³⁶ The impact of these rumors on Charles' future decision to ask Clarendon to resign is evident, for it is the proximate cause of Clarendon's resignation. In other words, it was closer in proximity to the actual event than any other aggravation. Logically, these rumors would have more significance on Charles' personal decision to ask Clarendon to resign.

In November 1667, with Charles still upset about the marriage of Frances Stuart, the political rivals of Clarendon saw their chance to eliminate him and drafted articles of treason in the House of Commons against him. There were seventeen articles of treason passed by the House of Commons to the House of Lords for their judgment on November 14 1667.³⁷ The charges stated "that the Earl of Clarendon hath designed a standing Army to be Raised, and to govern the Kingdom thereby...he hath...said, the King was in his Heart a Papist...he advised the effected the Sale of *Dunkirk* to the French King."³⁸ The other charges centered on Clarendon's financial status and how he "gained to himself a far greater Estate then can be imagined to be lawfully gained", as well as "that he hath Deluded and Betrayed his Majesty, and the Nation."³⁹ To the public it would seem that because these charges were so numerous and straight forward, Clarendon must have been guilty. Even the House of Commons could not possibly conceive why "the Lords have not Complied with the Desires of the House of Commons, concerning the commitment of the *Earl of Clarendon*."⁴⁰ What the Commons failed to understand was the lack of credibility of the accusations against Clarendon, which forced the House of Lords to acquit Clarendon. Yet, Charles based his decision to ask Clarendon to resign off of these unsupported asinine accusations, demonstrating that Charles simply wanted the avenue by which to formally remove Clarendon from power. If the King and Clarendon's relationship was not so strained, Charles would have no motive to believe the farcical accusations, as the House of Lords did.

In reference to the first article of impeachment the evidence presented to the House of Commons before they voted was that Sir Robert Howard and Lord Vaugh, both Members of Parliament, "Heard from persons of Quality, That it would be proved."⁴¹ This practice of not presenting evidence to the Commons was the norm during the debate on the articles of treason. For example, article seven about his Estate was proven by Mr. Edward Seymour's comment "I suppose you need no proof the Sun shines at Noon-day."⁴² In this manner, without any substantiated proof, the House of

Commons passed the Articles of Treason against Clarendon; however the House of Lords did not convict Clarendon.⁴³

Clarendon in response to the House's accusations fervently defended his innocence in a two column broadside, addressed to the House of Lords.⁴⁴ In which, he "cannot express the insupportable trouble and grief of mind I sustain[ed] under the apprehension of being mis-represented to your Lordships."⁴⁵ What follows in the broadside is a systematic refutation of the articles, yet despite this and the simple fact that Clarendon was never proven guilty of these charges, Charles in 1667 asked for Clarendon's resignation.⁴⁶ It is possible that Charles II thought "that a timely surrender would have saved his Minister from anything more than a loss of office"; however, the "history had not yet many instances to show of a Minister who had fallen from high place, and yet was suffered to lead a private life."⁴⁷ Rather the precedent, as in Lord Strafford's case, was for the Minister to be executed after being removed from office.⁴⁸ It is therefore impractical to assume that Charles II's intentions were benign in his request for Clarendon to resign.

Testifying to the fact that Charles acted on a personal vendetta, was that he never corroborated the articles of treason drafted against Clarendon. As a matter of fact when the Duke of York asked "had the Chancellor...ever proposed to govern by an army?" "Never" answered the King; "on the contrary, his fault was that he always insisted too much upon the law."⁴⁹ This reasoning of Charles for asking for Clarendon's resignation is oxymoronic, for it was Clarendon's duty as Lord Chancellor to function as the King's supreme advisor. To turn his responsibilities then against Clarendon demonstrated that Charles was basing his decision on capricious sentiments and not on the truthfulness of the allegations.

In addition, the licentious manner in which Charles II dealt with Clarendon's written plea to Charles that "God knows I am innocent in every particular as I ought to be", verifies Charles's demand for resignation as a personal attack.⁵⁰ In response to the letter "Charles was free to accept the letter as a passionate appeal from a loyal servant", however he did not and rather "he read the letter, held it over a candle until it was consumed."⁵¹ Such are not the actions of an unbiased King, or even a strictly politically motivated King, but rather a King motivated by personal animosity.

It was through the coaxing of his peers, Clarendon soon realized the precarious nature of his political future and physical wellbeing and "it was only Clarendon's flight to France on 27 November that ended this irreconcilable conflict" with Charles.⁵² With his flight, Clarendon was effectively considered guilty in the court of public opinion. This sentiment only fueled Parliament's desire to impeach him and without an ample defense, being as Clarendon fled, "three weeks later Parliament passed and the King signed a bill permanently banishing him from the kingdom."⁵³ Permanently banished, Clarendon was destined to live out the rest of his years in his new estate in Calais, France. It was from here that Clarendon was able to transcribe his words and thoughts by writing *History of the Rebellion and Life of Edward, Earl of Clarendon*, so that, in his own words, "posterity may not be deceived, the prosperous wickedness of these times."⁵⁴

In order to understand the importance of Charles II decision to ask for Clarendon's resignation, it is necessary to realize that Clarendon was not actually impeached by Parliament; therefore, there was no constitutional reason for Charles

to force for Clarendon's resignation. However, there was the fact that Clarendon had lost favor with Charles and was replaced by younger courtiers needed someone to take be publicly responsible for the failures of the Dutch War. Yet, this was not what ultimately influenced Charles to ask for Clarendon's resignation, for Clarendon was still in office throughout the courtiers conspiracies. It was not till the rumor surfaced that Clarendon arranged the marriage of Frances Stuart with the Duke of Richmond that Charles asked for Clarendon's resignation. Thus, the personal animosity between the two resulting from the marriage of Stuart was the proximate and the ultimate determining factor in Charles' decision to ask for Clarendon's resignation. It was this decision, inundated with personal animosity, which in turn led to Clarendon's fleeing to France and his subsequent impeachment. Therefore, "the true significance of Clarendon's fall from power" was in proving how the personal relationship asserted itself as the most potent and influential agent in 17th century English politics.³⁵

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ENDNOTES

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