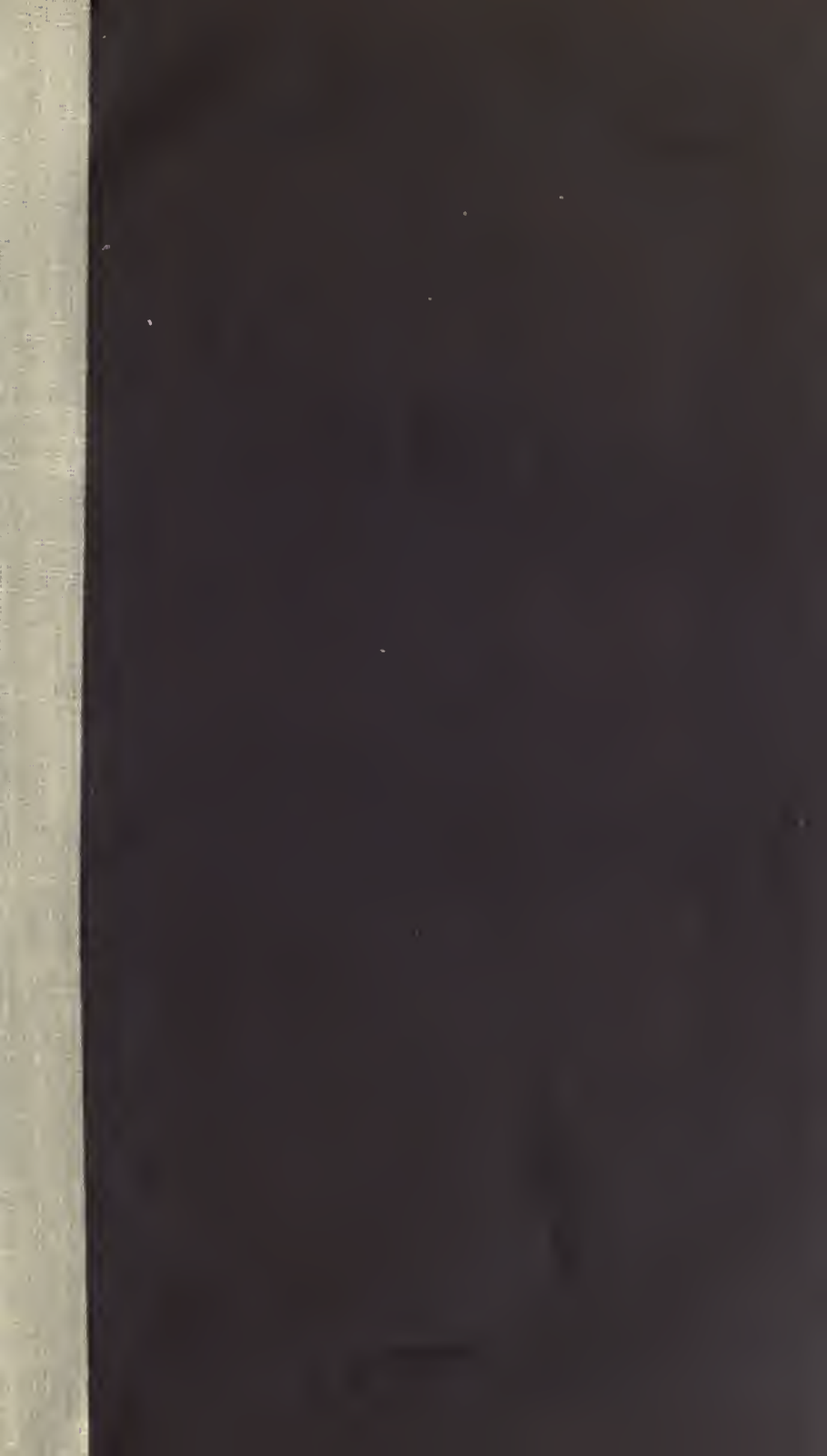




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C. K. OGDEN



HISTORY OF SCOTLAND



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THE
HISTORY OF SCOTLAND

FROM AGRICOLA'S INVASION TO THE
REVOLUTION OF 1688

BY
JOHN HILL BURTON

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CHAPTER LXXI.

Charles I.

THE TWO PARTIES IN THE NORTH—THE POWER OF HUNTLY—FORCES AVAILABLE IN THE SOUTH OF SCOTLAND—GENERAL ALEXANDER LESLIE—THE SCOTS TRAINED IN THE THIRTY YEARS' WAR—COLLECTION OF MONEY AND RECRUITING—THE GREAT GENERAL ASSEMBLY AT GLASGOW—ITS IMPORTANCE AND PICTURESQUENESS—THE RECOVERY OF THE RECORDS—THE ABOLITION OF THE EPISCOPAL HIERARCHY—RECONSTRUCTION OF THE CHURCH—END OF A GREAT ECCLESIASTICAL CONTROVERSY—A COVENANTING ARMY SENT NORTHWARD—APPEARANCE IN ABERDEEN—MONTROSE AND HUNTLY—CAPTURE AND REMOVAL OF HUNTLY—LORD LEWIS GORDON—TROT OF TURRIFF—FIRST BLOOD DRAWN IN THE GREAT WAR.

WHEN Huntly, the natural leader of the king's party in the north, died in 1636, his son George, the heir of the house, was in France, commanding a company of *gens d'armes*. He had not long returned home when it became clear that the Royalist and Cavalier party must look to him as the centre of their strength; and soon after the period which we have reached he was appointed the king's Lieutenant in the north. At an

early stage of the dispute we find the instinct of the Covenanters pointing to him as their natural enemy, but taking a moderate estimate of his power to hurt them. Strong he was, no doubt, in his own place : but he was isolated by barriers not to be broken by any strength at his command. Roxburgh had alluded to danger in that quarter in a conversation with Rothes ; “ whereto Rothes replied he would not give a salt citron for him ; for two Fife lairds could keep him from crossing Dundee Ferry, and half-a-dozen Angus lairds could keep him from crossing the Cairn o’ Month ; that three parts of his name is decayed, and he wants the two sheriffships.”¹ This is an allusion to the discountenance of the house of Huntly by the Court of King Charles, and especially to the removal out of its hands of the sheriffship of Aberdeen and the sheriffship of Inverness.

But, if we may credit one who had good means of knowing what he said, though the Covenanting chief thus slighted Huntly’s power, the party had made zealous efforts to secure him as an ally. Had they done so, all Scotland would have been theirs before the war had begun ; for the community of Aberdeen, even if a few zealous lairds in the neighbourhood had joined them, could not have made even a show of resistance. The young Huntly had been brought up a Protestant, so that no impassable gulf lay between him and the Presbyterians, as in his father’s day. Colonel Robert Monro, one of the Scotsmen from the German wars who had taken service with the Covenanters, was sent as their ambassador to Strathbogie. The offers intrusted to him were great : “ The sum

¹ Relation, 62, 63.

of his commission to Huntly was, that the noblemen Covenanters were desirous that he should join with them in the common cause; that if he would do so, and take the Covenant, they would give him the first place, and make him leader of their forces; and further, they would make his state and his fortunes greater than ever they were; and, moreover, they should pay off and discharge all his debts, which they knew to be about ane hundred thousand pounds sterling: that their forces and associates were a hundred, to one with the king; and therefore it was to no purpose to him to take up arms against them, for if he refused his offer and declared against them, they should find means to disable him for to help the king; and, moreover, they knew how to undo him; and bade him expect that they will ruinate his family and estates."

The reception given by the new marquess to this alternative is told in thorough keeping with the chivalrous character of his father: "To this proposition Huntly gave a short and resolute *repartee*, that his family had risen and stood by the kings of Scotland; and for his part, if the event proved the ruin of this king, he was resolved to lay his life, honours, and estate under the rubbish of the king his ruins. But withal thanked the gentleman who had brought the commission and had advised him thereto, as proceeding from one whom he took for a friend and good-willer, and urged out of a good intention to him."¹

To note the source whence the chief secular strength on the other side was to be drawn we must pass to a distant scene. England and Scotland had

¹ Gordon's Scots Affairs, i. 49, 50.

been for many years at peace both with each other and with the rest of the world. Through the affair of the Palatinate, Britain seemed to be drifting into the mighty contests of the Continent. Here, and in the affair of La Rochelle, the peaceful or timid policy of King James kept his dominions out of war, and brought on him the reproach of acting the unnatural father and the indifferent Protestant. The Continent was shaken by the longest and bloodiest war of modern ages. This island seemed to stand serenely aloof from all its horrors; but it was yet to be seen that the Thirty Years' War and its effects would not pass away without leaving a mark on the destinies of Britain. In fact the winding up of that war threw loose the materials that were to revive into the civil wars of Britain. A political axiom of Chesterfield's that seems always the more accurate the more one reflects on it was, that "the Peace of Westphalia is the foundation of all subsequent treaties." Even the later readjustment of the map of Europe at the treaty of Vienna scarcely modifies this character. The great treaty itself was not yet concluded, but the armies were breaking up, and the war was drawing towards the end. The time was yet distant when Scotland was to reap, in improved industry and enlarged riches, the fruit of a good understanding with England. The country was still dependent on foreign enterprise for the employment of its more restless spirits. They were to be found scattered through the armies on both sides of the great war, but chiefly on the Protestant side. Gustavus Adolphus, who knew well what went to make a good soldier, courted them to his standard. It is impossible to approach by an estimate the number of Scots who thus

swarmed out of the country in the various leaguers. Gustavus is said to have had ten thousand at his disposal. That altogether the Scots troopers were a large element in the war we may gather from the strength of specific reinforcements. Thus in 1626 went forth the small army called Mackay's Regiment, said at the time to be four thousand strong, whose deeds have been recorded by their leader, Colonel Robert Monro. Raising these troops was private venture; but King Charles gave his benediction and a contribution of £2000 to the cause, doing so much to strengthen the hand that was to be his enemy's. In 1631 there was another reinforcement of six thousand men to the Protestant host. When the items of reinforcing parties were on a scale like this, it is easy to see how strong a body of Scots trained soldiers the 'Thirty Years' War left available.¹

As the great armies on both sides gradually broke up, Europe became sorely infested with ruffians. Not within the memory of man had soldiers been so long and ceaselessly inured to the great game of war, and had so few opportunities for seeing and acquiring the pursuits of industrial life. While the roads throughout Germany swarmed with robbers, the Scots found that a congenial theatre of exertion was opening for them at home. They brought with them a wonderful experience. Never before had such rapid progress been made in the converse arts of destruction and defence. All operations as to fortified places, even in England—and of course more thoroughly in Scotland—were mere play beside the operations in which

¹ For more information on this subject the author refers to his *Scot Abroad*, ii. 134 *et seq.* See, too, Chambers's *Domestic Annals*, ii. 10, 55.

these men had taken part. Round some small town in the Low Countries there might be as much apparatus of fortification as all the fortified places in Scotland could furnish. Almost all the elements of war—defences, artillery, small-arms, drilling, and discipline—had been readjusted with a vast increase of efficiency. The possession of a few thousands of her sons thus trained gave Scotland the advantage over England which a country with a standing army has over the country which can only bring raw recruits into action. From the fugitive nature of the Scottish feudal array, the opportunities which other nations, including England, had of keeping troops embodied for a longer period, had been telling against Scotland in the fortunes of war. Now a concurrence of affairs, in which Scotland as a nation seemed to have no concern, had changed the balance. At the same time, while England had been brought under the reign of law and order, Scotland had elements of dispeace which compelled the citizen to be a soldier. The English country gentleman lived, as we have seen, in a mansion; but the Scots laird still required the protection of a fortress. The Scots Borderers had not been as yet completely quieted, and the Highlanders had become more formidable than ever as reivers. Such were the conditions which rendered Scotland strong, and regardless of the threats which found their way northwards.

In the midst of the supplications, protestations, and other wordy warfare following on the first outbreak, it is a significant incident that General Alexander Leslie comes over from Sweden “in a small bark,” having thus evaded a ship of war, which might have intercepted him had he come in a more conspicuous

shape. This Leslie—not to be confounded with his nephew David—was not a man of high military genius. He had worked, however, in half the mighty battles and sieges of the Thirty Years' War, and was so accomplished in all the military mechanism brought to perfection in that long contest, that no one who had spent his days at home in England or Scotland could have a chance against him in the field, or compete with him for the command of an army. It was said that, unconscious of the destiny awaiting him, he had come to spend his old age in peaceful retirement, and that he had to this end purchased an estate in Fifeshire, in the midst of his kindred, or those whom he chose to claim as such.¹ But a casual word dropped by the well-informed Baillie shows that when he arrived, during the sitting of the Assembly, he had been preparing for other things; for he had “caused a great number of our commanders in Germany subscribe our Covenant, and provided much good munition.”²

So early as the month of June, one of the grievances of which the Tables complained was an interruption of the commerce of Scotland by vessels of war sailing under the English flag, and by the interference of the

¹ Spalding, who did not highly esteem him, says: “There came out of Germany from the wars home to Scotland a gentleman of base birth, born in Balveny, who had served long and fortunately in the German wars, and called by the name of Felt-Marschal Leslie—his excellence. His name, indeed, was Alexander Leslie, but by his valour and good luck attained to this title ‘his excellence,’ inferior to none but to the King of Sweden, under whom he served among all his cavalry. Well, this Felt-Marschal Leslie, having conquest [acquired] from nought honour and wealth in great abundance, resolved to come home to his native country of Scotland, and settle him beside his chief the Earl of Rothes.”—*Memorials of the Troubles*, i. 130.

² Letters, i. 111.

Estates of Holland, which, at the request of the king's English ambassador there, had set an embargo on certain merchandise bought by Scots traders in Amsterdam. The excuse made for this interference was, that the goods in question were arms and other munitions of war. This could not be denied. One of the agents in whose hands the goods were intercepted makes explanations about having "prepared some five hundred muskets and as many pikes, and paid custom for them; that he had put them in a ship, with some two hundred muskets besides, that he had not paid custom for."¹ Still the Tables maintained that they were free to buy what goods they pleased, and it was a wrong done to interrupt their commerce. This was at the time when they had themselves placed guards to intercept any munitions that might be conveyed to Edinburgh Castle. There was much scornful ridicule cast at the grievances of these merchants whose commerce was interrupted in the matter of preparing to make war upon their king; and the whole is characteristic of that curious position ever taken by the Covenanters—that they were loyal subjects, all along performing their duty to their king and country.

Ere this time the Covenanters were in possession of a revenue. A project for a "contribution" appears among their papers so early as the month of February 1638.² In the beginning of March a sum amounting to 670 dollars is subscribed by thirty-seven of the leaders. The name of Montrose appears at the head of the list, put down for 25 dollars, the highest rate of contribution—the scale being from 10 to 25 dollars. At the

¹ Rothes's Relation, 170.

² Ibid., 72.

same time an arrangement was completed for levying a tax over all Scotland: "It was resolved anent the contribution that eight shall be appointed collectors in every shire, according to one dollar the thousand marks of free-rent, as they can try, taking the party's declaration whether it be more or less. The contribution is voluntary, and every one must be valued as they are pleased voluntarily to declare the worth of their free-rent. The half of the contribution raised in ilk shire must be delivered to John Smith, and after the same is spent to send for the other half."¹ Of this contribution, which was to be merely voluntary, and to be given according to the giver's estimate of his means, it may be said that it was a tax exacted to the last penny with a rigid uniformity unknown before either in England or Scotland, unless, indeed, it might be said that in the exaction of ship-money the English Council had achieved a like exactness. The committee appointed to collect this tax in each county afterwards obtained the appropriate title of "the War Committee."²

So stood Scotland when, on the 21st of November 1638, the General Assembly opened in the cathedral church of Glasgow. A second time that community, which abjured all pomp and all attempt to draw influence from external conditions, was fortunate in a fitting stage for the enactment of a grand drama. Had it been a great council of the old Church that was to assemble, it could not have found any other building in Scotland so well suited for the solemn occasion by

¹ Rothes's Relation, 80, 81.

² See the "Minute book kept by the War Committee of the Covenanters in the Stewartry of Kirkeudbright in the years 1640 and 1641;" Kirkeudbright, 1855.

supplying conditions of time-honoured ecclesiastical magnificence. It was the only great church in Scotland which had suffered nothing save the removal or destruction of the apparatus for the mass and the other decorations held to savour of idolatry. It was a meeting eminently solemn. Of the general councils of the old Church, hallowed by the presence of dignitaries whose rank made them princes over all Christendom, and adorned by every superfluity of pomp, few were so momentous in their influence as this gathering together, in a small corner of Christian Europe, of a body of men acknowledging no grades of superiority, and indulging in none of the pomps which were the usual companions and symbols of greatness.¹

¹ There is a story told by Spottiswood how the magistrates of Glasgow had agreed to sacrifice the cathedral to Andrew Melville and others of the clergy as "a monument of idolatry," but that the city mob rose and protected the building. Dr M'Crie said he could find no contemporary trace of such an event; and where he was baffled in such a pursuit nobody else need attempt it. He says: "I never met with anything in the public or private writings of Melville, or of any minister contemporary with him, that gives the smallest ground for the conclusion that they looked upon cathedral churches as monuments of idolatry, or that they would have advised their demolition on this ground."—Works, ii. 39. The Cathedral of St Mungo owed its preservation to the wealth and liberality of the community of Glasgow. The other churches which rivalled or excelled it—Elgin, St Andrews, the Abbey Church of Arbroath, and others—fell to pieces through poverty. The Church of St Mungo was never completed, but its fabric was sustained in the condition in which the Reformation found it. Neglect had begun to work on it, and, as in other neglected buildings, the materials available for sordid purposes had begun to disappear. After fruitless attempts to obtain funds from the proper revenues of the see, on the 21st of October 1574, the provost and council, with the deans of the craft and other public-spirited citizens, held a meeting, the result of which is thus recorded: "Having respect and consideration to the great decay and ruin that the High Kirk of Glasgow has come to through taking away of the lead, slate, and other graith thereof in the troublous time bygone, so that such a great monument will alluterly fall down and decay with-

The opening of the Assembly of 1638 may fairly vie with that of the Long Parliament as a momentous historical event. It was the earlier in time. Had it not been, perhaps the Long Parliament also might not have been. At that juncture, so far as England alone was concerned, the looker-on would have said that the Court would prevail, and that without a struggle. The organisation for the collection of ship-money got the prerogative out of its only remaining difficulty—the supply of money capable of supporting a standing army. All things had the aspect of a monarchy serene and absolute, such as Englishmen knew only from specimens on the other side of the Channel. This General Assembly takes precedence in history as the first meeting of a body existing by constitutional sanction, yet giving defiance to the Court. It assembled under royal authority, the king being through his Commissioner an element of its constitution.

But memorable as this Assembly is for its influence over the history of the coming times, it stands not less memorable as a monument of the fallacy of human calculations. The power it achieved not only fulfilled the expectations of its promoters, but realised, or even exceeded, the wildest dreams of the most enthusiastic among them. They felt as if the Almighty were leading them on to absolute triumph, when, by a

out it be remedied, and because the helping thereof is so great and will extend to more nor they may spare, and that they are not addebted to the upholding and repairing thereof by law, yet of their own freewill uncompeled, and for the zeal they bear to the Kirk, of mere alms and liberality, all in one voice consented to a tax and imposition of two hundred pounds money to be taxed and paid by the township and freemen thereof, for helping to repair the said kirk and holding it water-fast.”—Burgh Records of the City of Glasgow, Maitland Club.

mysterious and scarce perceptible agency, the great power of which they were a portion was turned to purposes utterly adverse to their designs. No doubt they did not expect by their own human policy to execute the great things that were to be done; but another form of presumption was visited upon them, when they acted as those specially selected to accomplish the policy of the Ruler of all things. A mighty potentate of modern days said to his people, "We are with God, and God is with us;" and the words of assurance had scarcely spread among them ere shame and ruin overtook both speaker and audience. This is but one of the forms in which presumptuous men give their command to that future which will not obey them. The history of the coming struggle gives many instances in which the very confidence of success seemed to achieve it. But, on the other hand, it shows many others where the power created by such confidence turned against its possessor; and this Assembly was one of them.

This great council was not unadorned by rank and pompous ceremonial, but all of this was secular. The Lord High Commissioner, the Marquess of Hamilton, sat on a canopied throne, surrounded by the chief officers of State. There were seventeen peers and a large body of powerful territorial barons, who, as lay elders, were members of the Assembly. To these a place of honour was conceded—they sat at a long table running down the centre of the church, while the ministers were content to occupy seats running in tiers up on either side. Above, in one of the aisles apparently, there was a stage for young nobles and men of rank not members of the Assembly, "with

huge numbers of people, ladies, and some gentlewomen in the vaults above." There were one hundred and forty ecclesiastical and one hundred lay members. Among the ecclesiastics there were no bishops or dignitaries, for a reason presently to be seen — all were simple Ministers of the Word.

The presence of the powerful body of laymen on this occasion naturally opens up the topic of a long and acrid controversy about the constitution of the Assembly. On the Cavalier and Episcopal side, it was maintained not to be a free and fair Assembly. There were denunciations of partiality in the organisation for the selection of its members, especially of the lay elders. Such disputes will ever occur, but there is no use of blurring history with them. We know that whatever the standard of the political morality of the time permits people to do for their party, that they will do—nay, they must do it, under the pain of being denounced as weak or perhaps treacherous. The Court had power to serve its own ends in the other Assemblies held in Perth and Aberdeen, and they freely used the power. The Covenanters were now masters of the situation, and they resolved to hold a Covenanting Assembly. No one was to be a member of it who had not taken the Covenant, and remained true to that symbol of his faith. An attempt was made to modify the severity of the qualification by a recourse to the old Covenant or Confession of 1580, and so omitting the bitter supplemental document which brought the terms of that Covenant to bear on the new grievances. But this was strenuously and fiercely resisted. For a true Covenanter to sign it, was likened to the "horrible impiety" of one

who had given his faith both to the Old and the New Testament, "to sign only the Old for fear of displeasing a Jewish magistrate who neglects the New."¹

The Tables undertook the working of the elections, so as to produce a thoroughly Covenanting Assembly. They resolved to go back upon an Act of Assembly of the year 1597, which required each presbytery to elect two clergymen and one lay elder, while the royal burghs sent lay commissioners—Edinburgh two, and the others one each. It was thus that the Lords and other lay leaders of the Covenant came in. There was some slight discord between the clerical "Table" and the others on this point. The clergy could not but see that this nominally rigid adherence to their standards was transferring them into the hands of new masters. They could not be blind to the reason why the office destined for men of a religious turn and serious walk in life was wanted for a haughty powerful nobility, many of them profligate livers. Among them, indeed, were men fighting their own personal battle for the preservation of the old ecclesiastical estates, which they believed to be in danger—all had a personal dislike of the bishops, as assuming a superiority over them. But it was in such men that the strength of the Assembly as a hostile declaration against the Court lay, and they prevailed in the elections.

The Tables sent instructions to the constituencies—some of a public character known at the time, others of a more secret kind, which have only lately seen the light. In these, provision was made for striking a simple but decisive blow against the bishops. They

¹ Monteth's History of the Troubles, 29.

were all to be put on trial before the Assembly as criminals, therefore they could not be members of the Assembly, since it was the tribunal before which they were to be tried. To carry this exclusion into the lower grades of the Church, a minister was to be disqualified from election if any one should bring a process against him as "erroneous in doctrine or scandalous in life." As a criterion for choosing the right men, presbyteries were carefully to avoid "Chapter men who have chosen bishops, those who have sitten upon the High Commission, chapel men who have countenanced the chapel ceremonies and novations, all who have offered to read and practice the Service-book, the Book of Canons, and ministers who are justice of peace." The Tables supplied the presbyteries with forms of commission to be given to their representatives, and other guidance for the transaction of business. These instructions were accompanied by a letter attuned to the exuberant piety of the time and place. Besides the clerical members of the Tables, it bore the signatures of the lay chiefs, Montrose, as usual, taking the lead.¹ He afterwards, with characteristic rashness, brought some scandal on the Assembly by avowing and hotly supporting the approval of a candidate by the Tables, as if it gave his election a legal sanction.²

A General Assembly was now a novelty, and indeed there had been no precedent for one like this. Such a body, before putting itself in working order, naturally went through a preliminary phase of confusion and mixed disputation. The old national practice of "protestation" was so amply exercised, that, as Bail-

¹ Baillie's Letters, i. 469 *et seq.*

² *Ibid.*, 133.

lie says, all were “wearied with the multitude of protestations but the clerk, who with every one received a piece of gold.” The superior weight of the more zealous party carried all points, and they succeeded in the election of Alexander Henderson as moderator —“a moderator without moderation,” as Laud called him, in one of his efforts to be witty. Johnston of Warriston was the clerk, and thus became instructor and director in all things connected with form and law.

When he took his chair of office, there came a little dramatic incident of which he was the hero. In the long interval since Assemblies were held, the records of the Church since the Reformation down to the year 1590 had passed out of public sight. There was no one officially responsible for their custody, and there was a strong suspicion that they had got foul play at the hands of the Episcopal party and the Court. Johnston laid on the table certain volumes which he maintained to be these veritable records—they had come into his possession “by the good providence of God.” A committee of the House, after professing to have closely examined them, pronounced them to be the authentic record of the Kirk from the year 1560 to the year 1590.¹

¹ Baillie’s Letters, 159, 139. This reporter of the business has thus recorded his pious joy at this auspicious incident: “It is one of the notable passages of God’s providence towards our Church, that these books were not destroyed or put in hands whence we should never have drawn them; this forty years bygone so great a desire being in the hearts of the prince and prelates for covering in perpetual darkness of our old Assemblies which crossed their intentions: so great negligence on our parts to keep these monuments, that no man among us, so far as I could ever hear, knew what was become of these books, but all took it for granted that they were in St Andrews’ possession, who would be loath

There was a logical difficulty about these first steps. The validity of the elections had to be tried. How, then, could those present elect office-bearers until it was known whether they themselves were legal mem-

ever to let them go, or any true double of them; yet God has brought them out, and set them up now at the door of our Church, to be the rule, after Scripture, of this Assemblie and all their proceedings."—P. 139.

It was the fate of these books afterwards to pass through a career as remarkable in the unexpected strangeness of its incidents as any that has enabled people to discover that Providence has been specially at work to create the result which pleases themselves. In this branch of their career, however, the problem of a special providence would require to be solved from the other side, since the end was not the special preservation, but the special destruction, of the books. When the civil war began it was thought prudent to have a duplicate made of the records, and place each record in a place of safety. One was preserved in Dumbarton, the other in the fortress of the Bass. This latter was removed to London, with other Scots records, by the Government of the Commonwealth. What became of it is not precisely known, but it is believed to have been lost, along with other records, on their way to Scotland, in a vessel shipwrecked in the year 1660. The Dumbarton copy passed from its official custodier to his representative, as private property. It fell into the hands of Archibald Campbell, a member of the Argyle family, and a clergyman of the nonjuring Episcopal Church of Scotland in Queen Anne's reign. Mr Campbell was an eccentric man, and a collector of rare books and manuscripts, and it was in this character that he professed to take an interest in the records. He tantalised the Church authorities in Scotland with offers to restore them on conditions which were pronounced preposterous. In the end, according to a statement by Principal Lee, "Mr Campbell, as he had sometimes threatened to do, took a step which was intended to put the books for ever beyond the reach of the Church of Scotland, by entering into a deed of trust or covenant with the President and Fellows of Sion College, the terms of which do not appear to be accurately known to any member of the Church of Scotland, but the effect of which has undoubtedly been to detain these records from their lawful owners for nearly a century past." This was written in the year 1828. In the winter of 1834, Principal Lee was examined by a select committee of the House of Commons on patronage in Scotland. He desired to refer to these records, and the all-potent order of the committee brought them to St Stephen's. They were in the charge of an officer of the college, who expected to take them back when they were no longer needed for the

bers of Assembly? On the other hand, how could these nice questions be tried by a chaotic multitude without an official staff? The practical sense, so conspicuous in the tactic of large assemblages in this country, adjusted the difficulty. Let the arrangement be made provisionally—when the Assembly has adjusted itself, it can rejudge its choice. Down to the 28th, election disputes were busily discussed and promptly settled in favour of the prevailing party. One of the questions the most promptly settled among all was of a fundamental character. A body of the clergy gave in a protestation against the admission of lay elders; but this admitted not of discussion, for it was equivalent to a repudiation of the Assembly itself.

Through all this business the commissioner waited patiently. On the 29th, when the Assembly, having put itself in order, was to begin its work, it was known that the royal countenance was to be withdrawn. There was a desultory conversation about the position taken on both sides, involving the questions of clerical independence and royal supremacy, which had been so profusely reiterated. The commissioner then delivered a parting address, stating in a more technical and specific manner those grounds on which he could no longer give the royal countenance to the meeting. They came under two prin-

time; but he was told that “the committee wished the books to lie upon the table for their inspection, and that the committee would send for him when they wished them to be returned.” But before he was sent for the Houses of Parliament were burned, and the records in them. See the prefaces to the two editions of “the Book of the Universal Kirk.” This title was given to a book often cited in these pages, in which a worthy attempt was made to supply the substance of the lost records from other and incidental sources.

cial heads—first, the constitution of the Assembly, in so far as lay elders were admitted; second, the form of the business before it, in as far as it professed to hold authority over bishops, and deliberate on the validity of the Episcopal office. A proclamation was then published at the market-cross. It was more diffuse than the commissioner's speech, going over again the whole quarrel from the beginning, and especially enlarging on the dictatorial conduct of the Tables. It forbade all farther meetings of the Assembly, and required all the individual members "to depart furth of this city of Glasgow within the space of twenty-four hours, and to repair home to their own houses, or that they go about their private affairs in a quiet manner." There was, of course, the usual inevitable protestation, and the business in hand went on.

The commissioner's departure was accompanied by an event deemed sufficiently propitious to balance the loss. Among the secondary questions about the constitution of the Assembly, one arose on a proposal that the officers of State and some other men of high rank who attended the commissioner should have votes in the Assembly as "assessors." One of these was Archibald, Earl of Argyle. He was thirty years old. His father, who had died in the spring of 1638, professed the old Church. By the letter of the law the heir was entitled to enjoy the estates of his Papist father, and it was said by his enemies that he entered on possession in his father's lifetime. But that was an affair of the past; he had now fully succeeded to the honours and to the estates, or rather dominions, of his house. His following, estimated by mere numbers, was the greatest in Scotland—greater than even Huntly's.

It was rumoured that he could bring five thousand men into the field. He was counted among those favourable to the Covenant, but he was not yet a Covenanter. He took the opportunity, before Hamilton's farewell, to address the Assembly. He said he had been sent there by the king, but he had impartially watched their proceedings as a neutral person. "I have not," he said, "striven to blow the bellows, but studied to keep matters in as soft a temper as I could; and now I desire to make it known to you, that I take you all for members of a lawful Assembly and honest countrymen." He had himself, as yet, only, like others of the Court, put his hand to the old Confession without the protestation against the recent innovations; but that he had gone only so far was not to be imputed to him as disloyal to the Covenant. Some other nobles came forward in the same condition—they had signed the "King's Confession," as it was called, but they were true Covenanters—among these, Montrose, who was a busy member of the Assembly, proclaimed the names of the Earl of Mar and his own relation, Lord Napier.

The departure of the commissioner gave no interruption to the weighty affairs on hand. The first business of moment completed by the Assembly was the repeal or annulling of the Acts of preceding Assemblies from 1606 downwards, including the Five Articles of Perth. Then the Service-book, the Book of Canons, and the Book of Ordination were severally repudiated, for reasons of which enough has been seen to render repetition unnecessary. Then came the great scene of the trial of the bishops and their "declinature." This was a document in which at some length the bishops protested against the power of the Assembly

to deal with them, a doctrine for which men in their position could find many obvious reasons. The Presbyterian Church of Scotland, in the practice of its judicatories, has ever sought the principle, that judicial proceedings are to begin in the lower and find their way up to the higher courts. On the present occasion they were true to the spirit of this principle. The "libel" or indictment against the bishops was first laid before the Presbytery of Edinburgh, who referred it to the Assembly. By discounting the Articles of Perth and the several laws recently passed for the restoration of Episcopacy as all being null, there was ample opportunity to show that, both in the titles and powers they adopted, and in the ceremonials which they practised, the bishops had acted against the laws of the Church. But it has ever been the good fortune of those who have from time to time raised a war of extermination against bishops, to find that they are all so vicious in their lives as to render unnecessary any discussion of doctrines and ceremonies as a means of driving them from the Church. The Tables sent down to the several presbyteries a list of the crimes which it was desirable to prove against bishops—a list which has the merit of distinctness, in the use of terms from which the decorum of modern literature shrinks. As Baillie remarks, with exulting candour, on his way to join the conclave in Edinburgh, "No kind of crime which can be gotten proven of a bishop will now be concealed."¹ The Bishop of Dunblane being denounced as a corrupter of the people by the spread of Arminianism, and an agent of Canterbury's, there follows the remark, "What drunkenness, swear-

¹ Letters, i. 105.

ing, or other crimes was libelled, I do not remember ;”¹ as if these things must have been charged as a matter of form, although the fact is forgotten.

It seems to have been felt that to speak of a virtuous bishop was a logical contradiction, as if one should say an honest swindler or a moral gambler. Guthrie, Bishop of Moray, had, we are told, “all the ordinary faults of a bishop, besides his boldness to be the first who put on his sleeves in Edinburgh.” “There was objected against him,” continues Baillie, “but, as I suspect, not sufficiently proven, his countenancing of a vile dance of naked women in his own house, and of women going barefooted on pilgrimages not far from his dwelling.”² It would seem, indeed, as if the idolatry of the old Church, sensuality, and profanity were deemed natural companions, each helping and promoting the others. The Bishop of Edinburgh was “a bower to the altar, a wearer of the rochet, a consecrator of churches,” and, as a natural accompaniment of such practices, he “made no bones of swearing and cursing.”³

The end was, that of the fourteen prelates six were simply deposed, eight were deposed and excommunicated. The moderator uttered the sentences against them in a sermon, having for its text, “The LORD said unto my Lord, Sit thou at my right hand until I make thine enemies thy footstool.” The bystander so often quoted has these notes and reflections on the occasion : “Thereafter in a very dreadful and grave manner he pronounced these sentences as ye have them in print. My heart was filled with admiration of the power and justice of God, who can bring down the highest and

¹ Letters, i. 108.

² *Ibid.*, 164.

³ *Ibid.*, 161.

pour shame on them, even in this world, suddenly, by a means utterly unexpected, who will sin against Him proudly with a uplifted hand. And withal I heartily pitied those who were excommunicate, remembering the great gifts of some and eminent places of all, whence their ambition and avarice had pulled them down to the dunghill of contempt.”¹

The sentence of excommunication placed the poor men in great peril. By the letter of the law the excommunicated person could hold no civil rights—he was an outlaw. When the ecclesiastical courts were at enmity with the executive this might be an empty threat, but now those who had thundered the excommunications had the power of all. As a body the bishops sought refuge in England, throwing themselves in utter wretchedness on the charity of their party there, who were themselves in anxiety and peril. There was a general clearing off of the Episcopal party among the ordinary clergy, and it helped on the work of weeding that the Church was to contain within its bosom no clergy who had not sufficient parochial work to occupy their time.

After transacting a crowd of other affairs, chiefly for the reconstruction of the Presbyterian Church courts, and interesting only to those who have to deal with these tribunals, this renowned Assembly dispersed on the 20th of December.²

A change now comes over the spirit of our history. A few casual controversies may continue to interrupt

¹ Letters, i. 168.

² The best collection of materials for the history of the Assembly of 1638 is to be found in Peterkin's 'Records of the Kirk of Scotland, containing the Acts and Proceedings of the General Assemblies from the year 1638 downwards.'

the path ; but we are now free of that complex labyrinth of political and polemical wrangling which has to be traced through the dense mass of State papers and pamphlets of the day, and we come forth into the open field of war. The sword was first drawn in the north—Scot against Scot. Between the signing of the Covenant and the holding of the Assembly, the Tables had determined to subdue the city of Aberdeen and the district around it, and to compel the people there to sign the Covenant. A committee of clergymen, with the Earl of Montrose as their leader or chairman, was sent northwards to deal with these uncovenanted people. There were among the clergy three eminent men—the great Henderson, David Dickson, and Andrew Cant, a clergyman of Aberdeenshire, whose zeal for the Covenant appears to have been heated and hardened by the antagonistic pressure of his prelatial neighbours. The capital of the north was famous for its hospitality, and every distinguished stranger was welcomed by the corporation to a wine-banquet, or “cup of bon-accord,” as it was termed, in the words of the motto on the corporation arms. When this hospitality was offered to the new visitors it was “disdainfully refused.” They would not have fellowship with the uncovenanted. “They would drink none with them till first the Covenant was subscribed.” This was an insult “whereof the like was never done to Aberdeen in no man’s memory.” The materials for the feast were distributed among the city paupers, a disposal which had a touch of disdain in it.¹

The three clerical commissioners desired to occupy

¹ Spalding’s Memorials, i. 91, 92.

the city pulpits next Sunday, but the clergymen to whom these belonged thought fit to use them for their own ordinary ministrations. The visitors had one important supporter in the district, the Earl Marischal, whose winter hotel was in the centre of the town, and in the place now known as Marischal Street. The house had wooden benches or galleries in front, and there the three ministers preached in succession, judiciously occupying the intervals between the regular church services. The community of this isolated district, with the group of scholars belonging to its cathedral and colleges, and its Episcopalian tastes, was liker to one of the smaller cathedral towns of England than any other part of Scotland was. Hence the ways of the new-comers were as strange and peculiar there as they would have been in Canterbury.¹ The strangers had a considerable audience, but an audience neither sympathetic nor reverential. So each party, with very little trouble, had managed to cast tokens of bitter despite at the other.

The strife which had thus been sown first broke forth in print. The attack was begun by six of the Aberdeen clergy—John Forbes of Corse; Robert Baron, Professor of Divinity; Alexander Scrogie; William Leslie, Principal of King's College; John Sibbald, and Alexander Ross. They were all men of ability and learning; but three of their names had a wide renown—Forbes, Baron, and Ross; the last will perhaps be remembered more for its curious service in helping Butler to a two-syllabled rhyme, than for its owner's works, though they had in their day considerable renown. These began by issuing 'General Demands

¹ Spalding's Memorials, i. 92; Gordon's Scots Affairs, i. 84.

concerning the late Covenant, propounded by the Ministers and Professors of Divinity in Aberdeen to some Reverend Brethren who came thither to recommend the late Covenant to them, and to those who were committed to their charge.' The controversy spread over several papers on both sides; and the whole of them were arranged and printed by "the Aberdeen Doctors," as they were called, under the nomenclature of the stages in a suit of law. To the Demands there were "Answers," to these came "Replies" by the Doctors; then second Answers, and finally "Duplies" by the Doctors. A piece of dry humour was no doubt intended in these titles; but it is not likely to be enjoyed in the present day, nor are the papers in substance very attractive. The position taken by the Doctors is the unassailable one of the dry sarcastic negative. Whatever the Covenant might be—good or bad—and whatever right its approvers had to bind themselves to it, how were they entitled to force it on those who desired it not? And when their adversaries became eloquent on its conformity to Scripture and the privileges of the Christian Church, the Doctors ever went back to the same negative position—even if it were so, which we do not admit, yet why force it upon *us*?¹

¹ The "Doctors" had the gratification to receive from the king a brief but favourable criticism of their part in the controversy. They were commended for their loyal service, and particularly for "hindering some strange ministers" from preaching in their churches. The king said he had not had time to consult some of their own profession, whose judgment he proposed to ask on their merits; but from his "own reading of them"—he does not say how far it had gone—he says, "we do hold them, both with learning and a peaceable moderate style, answerable to men of your profession and place."—Documents, Spalding's Memorials, i. 98, 99.

The commissioners having canvassed the town and county of Aberdeen, returned with a scanty list of adherents to the Covenant. It gradually increased, however; for there was a political party there, as well as elsewhere, to whom it was convenient. Some who chafed under the power of the Gordons—such as the Frasers, the Forbeses, and the Keiths, whose chief, the Earl Marischal, had already helped the Covenanters—ultimately joined them, to the weakening of Huntly's power. Early in the year 1639, the Tables, who saw a greater war before them, resolved to deal, in the first place, with the malignants of the north, and relieve themselves from an enemy in the rear. A fine small army of some three or four thousand men was thus gathered and disciplined under the command of Montrose, with the experienced Leslie as his lieutenant. In February, and before it had been put in marching order, the commander heard that the few friends of his cause in Aberdeenshire were to meet in Turriff, on the border of Banffshire, then a market-town of some importance, but now a mere village. He heard, also, that the Gordons were to assemble in force to disperse them; and he resolved, by one of those bold and original acts in which his strength lay, to protect his friends. Taking with him not quite two hundred men, he moved this light body, by the unfrequented drove-roads of the uplands, across the Grampians, by Fettercairn and the Cairn o' Month, and had them placed behind the churchyard-wall of Turriff, as a breast-work to them, before the Gordons arrived. These were a large body—two thousand, it was said—with Huntly at their head. He, so far as the king was concerned, had been named the royal lieutenant in the north; but

he shrank from then drawing the first blood, though he might have been secure of victory; and allowed the Covenanters to have their way. It was said that there was a policy in his abstinence. He had been instructed not to proclaim his lieutenancy until some great emergency occurred. The Turiff meeting was in the middle of February, and he proclaimed his commission a month later. It was desirable that he should forbear until the royal forces were at hand, lest, if he came to issue with the strong army of the Covenanters while free to act, it might crush him, and extinguish the only available ally whom the royal army was to find in Scotland.¹ At the same time, his authority was in an awkward position. His commission as lieutenant had been "stopped at the Seals." It had not received, and was not now likely to receive, official attestation, as sealed and certified by the proper Government officers.² Meanwhile the citizens of Aberdeen were fortifying their town, and the general tone of tacit menace in the district prompted the Tables to strike a blow in the north before their hands became full elsewhere. The force at their disposal was too overwhelming to be safely resisted. It is said that nine thousand marched northwards, and were joined by two thousand from those families who were

¹ Gordon's Scots Affairs, ii. 210, 313, 314; Spalding's Memorials, i. 145. "A commission for the lieutenancy of the north of Scotland was sent to the Marquis of Huntly; but he was ordered to keep it up as long as possible, and carefully to observe two things. One was, not to be the first aggressor, except he were highly provoked, or his majesty's authority signally affronted; the other was, that he should keep off with long weapons till his majesty were on the Borders, lest, if he should begin sooner, the Covenanters might overwhelm him with their whole force, and either ruin him or force him to lay down his arms."—Burnet's Memoirs, 113.

² Spalding's Memorials, i. 168.

zealous against the house of Gordon, if not for the Covenant.

The town-clerk of Aberdeen, whose descriptive powers had probably been exercised on inventories of furniture and commodities, brings before our eyes this well-ordered army with a distinctness such as we often seek vainly in the pompous technical narratives of those who profess an acquaintance with military science. Perhaps his very ignorance of the apparatus of war, and the novelty of the sight, made its impression on his mind all the clearer: "They came in order of battle, well armed, both on horse and foot, ilk horseman having five shot at the least, where he had ane carbine in his hand, two pistols by his side, and other two at his saddle-tor. The pikemen in their ranks, with pike and sword; the musketeers in their ranks, with musket, musket-staff, bandeleer, sword, powder, ball, and match. Ilk company, both on horse and foot, had their captains, lieutenants, ensigns, sergeants, and other officers and commanders, all for the most part in buffle coats and goodly order. They had five colours or ensigns, whereof the Earl of Montrose had one, having this motto drawn in letters, 'FOR RELIGION, THE COVENANT, AND THE COUNTRY.' The Earl Marisal had one, the Earl of Kinghorn had one, and the town of Dundee had two. They had trumpeters to ilk company of horsemen, and drummers to ilk company of footmen. They had their meat, drink, and other provisions, bag and baggage, carried with them.—Done all by advice of his excellency Felt-Marshal Leslie, whose counsel General Montrose followed in this business. Now, in seemly order and good array, this army came forward and entered the burgh of Aberdeen about ten

hours in the morning, at the Over-Kirkgate Port, syne came down through the Broadgate, through the Castle-gate, out at the Justice Port to the Queen's Links directly." ¹

The Covenanting clergy now got possession of the Aberdeen pulpits, where, in the month of April, they were able to proclaim against the bishop the doom that had been pronounced in December. He and all other persons of note who would not take the Covenant had fled from the town. Those who remained submitted quietly to the test, whether with sincerity or not. All things were orderly. No plundering was allowed. The community were required to compel the suspicious people to furnish provisions, but they were paid for. A contribution of ten thousand marks was levied on the community at large, out of which the individual creditors of the army were paid. The ten thousand marks were accepted as a dramatic surprise in relief from a penal impost of ten times the amount. The poor provost, when the first demand was made, said it was impossible to raise a hundred thousand marks. On this "the general nobly said: 'Since ye have subscribed our Covenant, we think us all but one; therefore we will not take so great a sum from you, upon condition ye contribute with us in this our good cause since the beginning, and in time coming with men and moneys as occasion shall offer; and in the mean time give up the names of your neighbours who have fled the town for fear of us, that we may plunder their goods at our pleasure during their absence, and likewise with all convenient speed to go fortify your blockhouse with men and cannon, and other necessaries

¹ Spalding's Memorials, i. 154.

for defence of foreign invasion, if it shall happen at the water-mouth; and withal to lay us down ten thousand marks for support of our army's charges." ¹ As appropriate to Montrose's reasonable clemency, it must be noted that when Aberdeen sent commissioners to represent the town at "the Tables," these laid a fine of forty thousand marks on their community "for their outstanding against them and their Covenant." ²

Argyle sent five hundred of his Highlanders to swell the Covenanting force in Aberdeen. It did not suit the policy of the commander at that time to be assisted by such inveterate marauders. He therefore stationed them where they could conveniently foray on the lands of the Irvines and other malignants. This was a happy arrangement. They were at hand in case of need, they supported themselves, and they chastised the enemy. When the business was completed, and a strong organisation established, it was deemed safe to bring them into quarters assigned to them in the city, with strong injunctions to abstain from mischief. So, just before the departure of the main body of the army, they were marched from the ground, "where they wanted not abundance of beef, mutton, and other good fare for little pay, in order of battle, with bagpipes and Highland arms." ³ On the 12th of April the infantry marched southwards under Leslie; and it is noted by the town-clerk, "Thus Felt Leslie marched upon Good Friday; but in none of the Aberdeens was there preaching, as was used before upon Good Friday, according to the Perth Articles—such was the change of time." ⁴

¹ Spalding's Memorials, i. 167.

³ *Ibid.*, 166.

² *Ibid.*, 172.

⁴ *Ibid.*, 168.

Huntly, finding that, unless he received aid from the king—and that was now unlikely to come soon—he would speedily be overwhelmed, desired to make what terms he could with safety and honour, and proposed to hold a meeting with Montrose. They met twice in a place selected as safe for the purpose, each with eleven followers, and all armed no further than with the indispensable sword. Huntly wished to conform to existing conditions without actually humiliating himself to sign the Covenant. He and his Protestant friends were content to acknowledge the old Confessions, and to subscribe a document maintaining the king's authority, "together with the liberties both of Church and State—of religion and laws." He proposed a course for the co-operation even of the Papists of the north, "they subscribing a declaration of their willingness to concur with the Covenanters of maintaining the laws and liberties of the kingdom." ¹

In point of policy this was a promising bargain to the Tables—it secured to them the neutrality, if not the active assistance, of the only force that could effectually trouble them at home in co-operation with an English invasion. How the zealous Covenanters might take it, and how Montrose, when he accepted the terms, counted upon their conduct, are among the smaller mysteries of history.

It was desirable that, to complete the arrangements, Huntly should come to Aberdeen. He was now no longer an enemy, and the exceeding caution of the previous meetings was unnecessary. Still there might be quarrels and difficulties; and he required a safe-conduct, insuring his life and liberty. It was signed

¹ Spalding's Memorials, i. 157, 160; Gordon's Scots Affairs, ii. 233.

by Montrose and some others.¹ Huntly had been in Aberdeen some two or three days, hospitably entertained in the house of the Laird of Pitfodells, when he began to have an unpleasant sensation that his steps were watched and his abode guarded. When he sought an explanation, the end was that he found he was to be removed to Edinburgh. Nominally he went of his own freewill, but really as entirely a prisoner as the genteel criminal who, to save appearances, is permitted to drive with his captor in a carriage to prison. On this transaction a question has been debated, whether, on the one hand, it was a bold stroke of treachery, devised and executed by Montrose; or, on the other, it was a surrender of his own naturally honourable nature to the stronger and unscrupulous will of Huntly's personal enemies. On neither side is there anything to found on better than the account of the town-clerk of Aberdeen, and the best that can be done for the reader is to give his story.

He tells how Montrose asked the marquis to shake hands with the deadly enemy of his house, Fren-draught, and put several other points, which are called "frivolous," until at last he turned to his great purpose, and said: "'My lord, seeing we are all now friends, will ye go south to Edinburgh with us?' The marquis, seeing his purpose, answered quickly: 'My lord, I am here in this town upon assurance that I would come and go at my own pleasure but [without] molestation or inquietation. And now I see by condition my lodging was guarded that I could not come

¹ "Huntly's desire was granted, and an assurance sent him under the chief men's hands, especially Montrose's, that he should be free to return."—Gordon's Scots Affairs, ii. 235.

out nor in. And now by expectation ye would take myself—who is here and bidden here by your lordship, in quiet manner, merry and glad—and carry me to Edinburgh whether I would or not. This, in my sight, seems not fair nor honourable.’ Always says he, ‘My lord, give me my bond whilk I gave you at Inverurie, and ye shall have ane answer;’ whilk the general obeyed, and delivered to the marquis. Then he said, ‘Whether will ye take me south as ane captive, or willingly of my own mind?’ The general answered, ‘Make your choice.’ Then he said, ‘I will not go as ane captive, but as ane volunteer;’ whereupon he comes to door, hastily goes to his own lodging, where he finds the same strictly guarded with musketeers.”¹

Some of Huntly’s friends besought Montrose to leave a hostage for him, but this he refused. The marquis had been attended by two of his sons—the Lord Gordon, the eldest, and his brother, the Lord Aboyne—who were persuaded by their kindred to return to Strathbogie. On reaching Edinburgh the marquis was secured in the castle. This transaction cast a shadow on the destinies of Montrose, and crossed his path towards objects very different from those on which he was dreaming as an unscrupulous promoter of the Covenant. One who had good opportunities of knowing how Huntly felt tells us: “For Montrose going along with that action it is most certain, to the best of my knowledge—for I write this knowingly—that it bred such a distaste in Huntly against Montrose, that afterwards, when Montrose fell off to the king and forsook the Covenanters, and was glad to

¹ Spalding’s Memorials, i. 170.

get the assistance of Huntly and his followers, the Marquis of Huntly could never be gained to join cordially with him, nor to swallow that indignity. This bred jars betwixt them in the carrying on of the war, and that which was pleasing to the one was seldom pleasing to the other. Whence it came to pass that such as were equally enemies to both (who knew it well enough) were secured, and in end prevailed so far as to ruin and destroy both of them, and the king by a consequent.”¹

At the moment the achievement appeared to be a success, since it shook and weakened the combination which formed the Cavalier strength in the north. One must keep in view the peculiar and complex structure of the organisation of which Huntly was the head, to know how chaotic and purposeless it might become when that head was gone. The removal of a king from a well-organised independent state might have less influence, because naturally the organisation would be sufficiently sound to work for him in his absence. On the other hand, if the head of a clan got into trouble—a frequent occurrence—the heir or next in command would get the obedience of the clan. The clansmen held of such a leader by pure loyalty; but the greater portion of the force commanded by Huntly was kept together not by loyalty to him but by policy—the policy of combining for mutual aid against the Government and the rival house of Argyle. Within that combination were all manner of subordinate jealousies and hatreds. There were Lowland families of ancient blood, who could say they were as good as the proud Gordons themselves, and

¹ Gordon's Scots Affairs, ii. 238.

were bitterly jealous of each other, and repudiative of any other leader but the great marquess, towards whom they took the position rather of allies acknowledging leadership than of vassals acknowledging obedience. There was a still more difficult and dangerous element in the wild Highland tribes, with whom Argyle was trafficking to consolidate an influence from his centre of government at Inverary, while Huntly was doing the same from Strathbogie. It was the rehearsal, on a small scale, but in a far more tangible shape, of that competition between the Russian and the British influence which politicians have professed to find in the territories of Central Asia between Russia and Hindustan. Then there was through and through the whole mountain district such a ramification of hereditary quarrels and old wrongs standing over for vengeance, that the most diligent of the local and genealogical historians become confused in the attempts to trace them. Sometimes the feud lay between a clan in Argyle's interest and another in Huntly's, and indeed was the cause of their thus drawing off into opposite camps. But sometimes the two enemies belonged to the same organisation, which their bickerings continually disturbed. It has to be added that all were inveterate thieves, and when temptation fell in their way did not always distinguish with proper nicety their allies from their enemies.¹

¹ Take, for instance, some of the elements in a general meeting at Strathbogie of the Lowlanders of Aberdeenshire and the Highland following of Huntly, "the most part of Lochaber only excepted, whom Argyle either tampered with or forced to keep home." With those who came "likewise joined James Grant, a son of the family of Carron on Spey side, with some twenty of his followers. This gentleman had been an outlaw several years before, upon a private account, which was, that his nephew, John Grant of Carron, had been killed by a near neighbour

Huntly's second son, the Lord Aboyne, acted as head of the house and of the confederation, and for his assistance was invested by the king's writ with his father's office of Lieutenant; but he was young, and without capacity to overcome the disorganising influences. The king gave him an order on Hamilton for two thousand of the men on board his vessels; but the order was of no avail—the two thousand men were not to be had; and it was said that Hamilton, premonished of the order, had sent them back to England. This was all the more irritating, that the kidnapping of the chief had created deep resentment; and when it was known that Hamilton was in the Forth with a

gentleman, John Grant of Ballandallach, which slaughter was so resented by James Grant, that for to prosecute the revenge thereof he wilfully turned outlaw, and had been prisoner in Edinburgh Castle not long before, and had made his escape thence; but being well descended, and cousin to Huntly on his mother's side, he was protected in the country, all being his friends almost, and at this time owned by Aboyne, although the Covenanters took occasion thence to traduce Aboyne and that party for taking such associates by the hand.

“They got greater ground to speak against him by Aboyne his taking under his protection one John Maegregor, a Ramoch man born (known by the Irish nickname of John Dow Geare), and a notorious robber; yet was he and his followers, about twenty-four arrant thieves and cut-throats, taken into the party. The addition of all this, as it contributed little to the service, so it gave great occasion to the Covenanters to upbraid Aboyne, who, being young and inexperienced, was persuaded thereto by such as either looked not to his honour, or wilfully strove to affront him. And the wiser and most sober of his friends were very ill satisfied therewith, and so much the rather that these two bandits, though both of them were willing to serve Aboyne, yet they could not agree together, but wherever they met they were like to fall to blows with their companies, and could hardly be kept asunder. The reason whereof was, because James Grant had killed one Patrick Maegregor, brother to the Laird of Maegregor, who had undertaken (by warrant from the Privy Council) for to kill or retake James Grant. This slaughter was as much resented by the Clangregor (according to their Highland form) as Carron's slaughter was resented by James Grant.”—Gordon's Scots Affairs, ii. 257, 258.

fleet, the opportunity seemed to have come for striking a blow.¹

An incident had the effect of drawing these Cavaliers into common action. The Covenanters of the north resolved to assemble in force, and to that end they again selected Turriff, as so far from the centre of the Gordon power that it was neutralised by others. They were to meet on the 13th of May, and to remain as a centre round which their brethren would gather until the 21st, when they would begin to act. The Gordons, assembled in some numbers in Strathbogie, resolved to strike at once, and marched to Turriff on the same evening. The Covenanters were numbered at twelve hundred—their assailants were about as many; but they had what greatly enhanced their effective force—four brass field-pieces. The assailants had three commanders, each doing his best; but it was their chief good fortune that one of the three, Robert Johnston of Crimond, “had been brought up in the war, and wanted neither gallantry nor resolution.” They showed so much science, that instead of rushing

¹ This is a rather perplexing story. It is thus told by a contemporary not prejudiced against the Royalist side, and with good means of information: “The king gave a new warrant and patent of lieutenancy unto Aboyne in place of his father, and an order to Hamilton, who was then lying in the Firth of Forth, for to deliver to Aboyne two thousand of the land soldiers, whom he commanded Hamilton for to transport and land safe in Aberdeen. But Hamilton, who had quick intelligence of all that passed about the king’s hand, being advertised hereof, upon pretext of scarcity of victuals and sickness, sends back these two thousand men for England before Aboyne came to him with the king’s order; so that when Aboyne came to the Forth to Hamilton he was heartily welcomed and feasted, it’s true, and many volleys shot off at drinking the king’s health; but it was showed him that the men were gone, and all that Aboyne could procure was four brass field-pieces and some field-officers, and some small quantity of ammunition.”—Gordon’s Scots Affairs, ii. 265, 266.

on the village by the east end of its one street, which was nearest to them, they passed deliberately round to the west, where attack was easier and safer. The Covenanters were surprised—some in bed, others enjoying themselves—and even the delay in the attack did not give them time to form. Hence, when the street was swept by a volley of musketry and a few discharges from the field-pieces, they dispersed and left the town in the hands of the assailants. It was a small affair—two men on the assailed and one on the assailing side killed. Yet it became memorable in local history as “the Trot of Turriff;” and it had some claim to commemoration, since in that distant village the first blood in the great civil war was spilt. It was remembered, too, in the north, though the many turns in the mighty conflict drove it out of memory elsewhere, that it was on the side of the Cavaliers that the sword was first drawn.¹

Among the incidents of the excitement naturally raised by this triumph, one was in itself a small romance of a character peculiarly Highland. Lord Ludovic or Lewis Gordon, the third son of Huntly, was, as we are told, a young boy at school in Strathbogie with his grandmother.² On hearing of the Trot of Turriff he “broke away from his grandmother, and had forsaken the school and his tutor, leaping over the walls so hazardously as he went near to break one of his arms.”³ He wandered up to the hills, and came back the leader of a horde of Highlanders from Strathdee, Braemar, Strath-

¹ The parson of Rothiemay gives a minute account of the stages of the short conflict, giving individual particulars, down to the minister wandering distractedly about his church while the bullets passed through the roof. *Scots Affairs*, ii. 256-58. See also Spalding's *Memorials*, i. 185.

² Gordon's *Scots Affairs*, ii. 238.

³ *Ibid.*, 261.

earn, and Glenlivet. They had crowded rapturously round the princely boy, for such he was to them. The king's Court had ever been too far off, even at Holyrood, for distinct vision by the Highlanders, and now it was farther off still. To this portion of them Strathbogie was their court. It was noted as one of the marvels of his escapade that the boy presented himself to the mountaineers "in Highland garb." This is perhaps the first occasion on which any person of high rank is mentioned as so attired. Thus Lewis Gordon seems, unwittingly perhaps, to have solved a problem practically applied in later times, that the nearest way to the heart of this peculiar people is to attire some person of illustrious rank in their peculiar garb. What it was at that time we do not well know, but it doubtless differed widely from the regulation Highland uniform of the present day. So, in Spalding's words, he and his followers, "upon Friday, the 7th of June, marched in brave order, about a thousand men on horse and foot, well armed, brave men, with captains, commanders, and leaders, trumpets, drums, and bagpipes."

Thus was this youth the commander of a body of troops the most irregular of irregulars—a post requiring great experience and peculiar military sagacity. How it fared with him in his command we are not precisely told; but we know that, swollen by this accession, the general body of Cavaliers, Highland and Lowland, dreamed of striking some great blow against the Covenanters southward of Aberdeenshire. They marched down Deeside, and turned to the right, menacing the Earl Marischal's great fortress of Dunnottar. Prudence prevailed, however, and abandoning an enterprise so hopeless, they returned to the

Gordon country by the easiest method—dispersing and reuniting. Thus they left the south side of the Dee, achieving nothing “except that the Highlanders plundered the country coming or going—a thing very usual with them.”¹

In the north “the Barons,” as their leaders were now called, reassembled in such strength as to threaten annihilation to the Covenanting party beyond the Spey, and it was deemed necessary that Montrose should return to punish them. As he passed through Aberdeen for this purpose, his army performed a peculiar feat long remembered in the district—the execution of a multitude of dogs found wandering after the practice of the species in the streets. This act was not without its provocative cause. At their former visit to the town, through what was called a “whimsy” of their commander, each Covenanting soldier was decorated with a blue ribbon. It had taken the fancy of the Cavalier damsels of Aberdeen to adorn their dogs with a precise duplicate of this device, and so distinguished were the offending animals found on the return of the great leader and his army.²

¹ Gordon's Scots Affairs, ii. 262.

² Spalding's Memorials, i. 195. Blue is the Presbyterian colour down to this day; and if Spalding's story be true, this affair was the cause of the adoption: “Here it is to be noted that few or none of this whole army wanted ane blue ribbon hung about his craig [neck] down under his left arm, whilk they called *the Covenantanter's ribbon*, because the Lord Gordon and some other of the marquis's bairns and family had ane ribbon, when he was dwelling in the town, of ane red flesh-colour, which they wore in their hats, and called it *the royal ribbon*, as a sign of their love and loyalty to the king. In despite or derision whereof this blue ribbon was worn, and called the Covenantanter's ribbon, by the hail soldiers of this army, and would not hear of the royal ribbon—such was their pride and malice.”—P. 154.

The parson of Rothiemay says of the Covenanting army which crossed

Montrose marched westward towards the Gordon country. The parson of Rothiemay notes that he stabled his troop-horses in the church of Udney, "a practice then unusual, though afterwards it grew to be more in fashion to turn churches to stables."¹

When he reached the ground on which he had intended to fight it out with the Barons he could not find his enemy. The Highlanders, with their usual nimbleness, had dived into their mountain recesses, to come forth again instantly when wanted. The leaders, with small bodies of picked men, had each shut himself up in his own strong house or castle. Montrose now formed the project of destroying these strongholds one by one. He began with the Tower of Gight. It was defended by Johnston, the victor at Turriff, one of the officers trained in the foreign wars, and threatened a tough resistance. Montrose had no siege-train, and his small field-pieces had little effect on the thick stone walls. He set himself down, however, for a steady siege, in which he worked for two days, when, suddenly changing his purpose, he broke up his camp, and retreated to Edinburgh as rapidly as if an enemy had been at his heels.

This was a mistake caused by false information. He learned that Aboyne, with his commission as

the Tweed next year: "And now the blue ribbons and blue caps had opened the door in the north of England, and the Covenant colours came triumphantly displayed to Newcastle. For it is to be known that, as the last year, so in this new expedition, the Scottish officers mostly wore blue bonnets out of contempt of the English, who scoffingly called them 'Blue-caps.' And they carried blue ribbons either in their caps or hung about them, and their spanners thereto appended like an order of knighthood, the Royalists wearing red ribbons in opposition of that colour."—Gordon's Scots Affairs, ii. 260.

¹ Gordon's Scots Affairs, ii. 264.

Lieutenant, had brought a fleet into the roadstead of Aberdeen having a land-force on board. He knew that Aboyne had got an order from the king for two thousand men, but did not know that the order had been ineffectual.¹ As to Aboyne's fleet, it was represented by a sorry collier-ship from the Tyne and two pinnaces. They carried the contribution supplied by Hamilton under the king's order, and landed some brass cannon and other munitions, and a few trained officers, the most important among whom was Crouner or Colonel Gun, a native of Caithness, who had served abroad.²

The retreat of Montrose did far more for the cause of the northern Cavaliers than the assistance brought by Aboyne. The dispersed army of the Barons again gathered round Strathbogie, and Aboyne was able to march on Aberdeen with some two thousand footmen and five hundred horse. He had a copy of the English oath of allegiance to the king; this he proclaimed on his way, and tendered for signature as an anti-Covenant declaration. Aberdeen was now again at the command of the Cavaliers, and those who had taken the Covenant, and continued to adhere to it, had to disappear. A curious and expressive chapter of local history might be filled by a description of the revolutions of "the gude toun" alternately under the

¹ See above, p. 37.

² Gun's career was a fair type of the fortunes of the more successful of the Scots officers who served abroad. According to the historian of the house of Sutherland, who says that Gun was born in that county, he returned to Germany, became a major-general in the imperial army and a baron of the empire, marrying "a rich and noble lady beside the imperial city of Ulm, upon the Danube" (Note, Gordon's Scots Affairs, ii. 266). It will be seen that he was not likely to have obtained high preferment at home.

military domination of either party. The poor town-clerk laments over this hard fate as exceptional to the peace enjoyed by the other towns: "No doubt but this vexation was grievous to Aberdeen to be overthrown by ilk party who by might and strength could be master of the fields, whereas all the other burghs within Scotland lived first and last at great rest and quietness."¹

As we shall presently see, the Tables—now a strong settled central government—were solemnly preparing to measure swords with England, or with so much of England as the king could command. With all the rest of Scotland fairly in hand, and contributing their due proportion of taxes and levies for the great national war, it was provoking to find so tough an obstacle in one corner of the country. Critical as the position was of the army in the south, it was necessary, before the situation became still more critical, to send a force sufficient to crush an opposition which, in the general unanimity in which their policy prevailed elsewhere, had naturally taught them to consider the Cavaliers of the north as traitors to their country's cause.

The knowledge which experience had given Montrose of the duty to be done marked him as the proper commander of the expedition, and he marched northwards in the middle of June. It happened that his enemies came so far to meet him. Having an officer of experience like Gun to command them, the Cavaliers in Aberdeen took the strong step of a march southwards, that, picking up adherents as they went, they might come upon the rear of the Covenanting force in the south, while the English Royalist army

¹ Memorials, i. 186.

was dealing with them in front. The ordnance, powder, and heavy baggage for this expedition were to be conveyed along the coast in the three ships brought by Aboyne; but in a storm off shore these drifted out to sea, and were heard of no more. When the Cavaliers had reached the Castle of Muchalls, five miles to the north of Stonehaven, Montrose was two miles on the other side, sheltered by Dunnottar, the great fortress of his ally the Earl Marischal. All seemed ready for a critical battle; and that something almost worse than a defeat befell the Cavaliers was attributed to the treachery of Gun, their leader. Their array is thus told: "The van was given to a troop of volunteer gentlemen cuiraciers, about one hundred in number, who for the colours carried a handkerchief upon a lance. These wanted nothing to have made them serviceable but some officer to lead them who had had more honesty than Colonel Gunne. The citizens of Aberdeen got the first place of all the foot, who had there a foot regiment of gallant firemen, well appointed, to the number of about four hundred. The Highlanders had the rear, and other troops of horses were put to the wings of the foot."¹

Either through accident or false strategy it befell that these Highlanders did the work of the enemy. The cannon—"the musket's mother," as they then called it—was an arm of war which they would not meet. The near roar of artillery at once dispersed them. It was not that they were influenced so much by ordinary fear, as by a superstition that the dreadful sound warned them of a force which man must not dare to resist. Montrose was strong in ordnance,

¹ Gordon's Scots Affairs, ii. 271.

having been supplied from Dunnottar. A party of the Covenanters advanced beyond their lines as if to attack the Cavaliers, then suddenly turned, and rapidly retreated as if in flight. They were followed, and thus the Highlanders were brought in front of a cannonade, with the natural result. While yet untouched themselves they beheld some casualties from the cannonade among their allies. One gun carried a twenty-pound ball, "which so affrighted the Highlanders, who stood farthest off, that, without expecting any word of command, they ran off all in a confusion, never looking behind them till they were got into a moss or fast ground near half a mile distant from the Hill of Meager." The rest of the force became unsteady and disappeared. It was not a retreat, for no order was kept; nor a flight, for there was no pursuit; but a dispersal, each seeking his own home. And so "this," says the historian of the affair, "is that action known so well afterwards under the name of the Raid of Stonehive, so ridiculously and grossly managed that in all the war nothing can be recounted like it."¹

The sole hope for the Cavalier party in Aberdeen now lay in holding the bridge over the Dee—a work of seven arches, narrow and crooked, as bridges were in that day. To this spot such of the scattered force as could again be gathered was brought. What defence-works of turf and stone the short time permitted were run up at the south end. They were so strong and well served that for a whole day the cannon assailed them, and swept the bridge in vain. Next day Montrose tried a strategy of so simple and transparent a kind, that its success, in the face of trained soldiers,

¹ Gordon's Scots Affairs, ii. 275.

was attributed to the treachery of the Cavalier commander. The Covenanting army appeared to be ascending the river to cross by a neighbouring ford. The other party went to defend the ford. There were but fifty left at the bridge, and the barriers were forced without resistance. So it was in this northern section of the contest that the second actual conflict as well as the first was fought. The affair of the Bridge of Dee made a nearer approach to the dignity of a battle than the Trot of Turriff; and its results were far more eminent, since they decided the fate not of a mere village, but of an important town, the capital of a district. Again the Covenanters were supreme in Aberdeen. Some conspicuous Malignants were imprisoned, others dispersed or hid themselves. There was momentous consultation about the fate of the city—whether it should be rased to the ground, and if not, what penalty should be exacted from it. But an event intercepted the decision of these momentous questions. It was on the 19th of June 1639 that the bridge was carried. On the 20th, “whilst the poor city was fearing the worst, that very night came there a pinnace from Berwick, with letters both from the king and chief of the Covenanters, ordering all acts of hostility to cease upon both sides, and intimating that the treaty was closed; so that tomorrow all the prisoners were released, the peace proclaimed, and every man began to come back to Aberdeen to their houses. Yet could not Montrose’s soldiers be gotten away out of the town of Aberdeen till the town paid five thousand merks Scots for a taxation to them, so ill were they satisfied both with the want of the plunder of Aberdeen and the hasty

news of the peace, which Montrose suspected would come before he entered the town.”¹

It has been thought best to trace up to a temporary conclusion this episode in the great contest, to prevent confusion and clear all out of the way of the account of the far more momentous, though less picturesque and animated, succession of events through which the main quarrel took its course.

¹ Gordon's Scots Affairs, ii. 281, 282.

CHAPTER LXXII.

Charles I.

HAMILTON AND LAUD—THE KING'S PREPARATIONS—MOVEMENTS IN SCOTLAND—THE SEIZURE OF EDINBURGH CASTLE AND OTHER FORTRESSES—ROYALIST FLEET IN THE FORTH—ALEXANDER LESLIE GATHERS A COVENANTING ARMY—COMPOSITION OF THE ARMY—THE LOWLAND AGRICULTURISTS—ARGYLE'S HIGHLANDERS—THE CAMP ON DUNSE LAW—THE KING'S ARMY ON THE OTHER SIDE—HINTS FOR A SUPPLICATION—THE PLAN TRIED—THE KING'S RECEPTION OF IT—PACIFICATION OF BERWICK—SUSPICIONS—A SUPPLEMENTAL GENERAL ASSEMBLY—DEMOLITION OF EPISCOPACY REPEATED—THE KING'S LARGE DECLARATION—A PARLIAMENT—THE CONSTITUTION OF THE ESTATES—DEALINGS WITH THE FRENCH COURT—THE QUARREL RENEWING—STATE OF FEELING IN ENGLAND—AN ENGLISH ARMY MARCHING TO THE NORTH—LESLIE'S ARMY RECONSTRUCTED—MONTROSE AND THE PASSAGE OF THE TWEED—CROSSING THE TYNE AT NEWBURN, AND DEFEAT OF THE KING'S ARMY—OCCUPATION OF NEWCASTLE—TREATY OF RIPON.

HAMILTON'S conduct received the approval of Laud, and therefore of the king; and he went to Court to hold consultations, having first duly consulted Laud on the propriety of such a step. So far as the voices of that age come down to the present, the loudest in denunciation and the firmest in the demand of strong measures is still the voice of Laud. He chafed with

fierce impatience at the slowness and insufficiency of the preparations for punishment. "I am as sorry," he says, "as your grace can be, that the king's preparations can make no more haste. I hope you think—for truth it is—I have called upon his majesty, and by his command upon some others, to hasten all that may be, and more than this I cannot do." And a few days later—on the 7th of December: "In tender care of his majesty's both safety and honour, I have done, and do daily call upon him for his preparations. He protests he makes all the haste he can, and I believe him; but the jealousies of giving the Covenanters umbrage too soon have made the preparations here so late. I do all I can here with trouble and sorrow enough."¹

The preparations were very formidable in design: "His majesty was to raise an army of thirty thousand horse and foot, and to lead them in person towards Scotland: he was to write to all the nobility of England to wait upon him to the campaign with their attendants, who should be maintained by his majesty's pay: he was to put good garrisons in Berwick and Carlisle—two thousand in the former and five hundred in the latter: he was at the same time to send a fleet to ply from the Firth northward for stopping of trade, and making a great diversion for guarding the coast: he was also to send an army of five thousand men under the marquis his command to land in the north and join with Huntly's forces—all which should be under his command, he retaining still the character of commissioner, with the addition of general of the forces in Scotland; and with these he was

¹ Burnet's *Memoirs of Hamilton*, 111.

first to make the north sure, and then to move southward, which might both make another great diversion, and encourage such as wished well to his majesty's service, who were the greater number in those parts. Next, the Earl of Antrim was to land in Argyleshire, upon his pretensions to Kintyre and the old feuds betwixt the Macdonalds and Campbells; and he promised to bring with him ten or twelve thousand men. And last of all, the Earl of Strafford was to draw together such forces as could be levied and spared out of Ireland, and come with another fleet into Dumbrition Firth; and for his encouragement the marquis desired him to touch at Arran (that being the only place of his interest which he could offer unto his majesty), and he would be sure of all his men there (such naked rogues as they were is his own phrase); besides, there were store of cows in that island for the provision of the fleet, which he appointed should not be spared."¹

But poverty stood in the way of this, as of many another brilliant project. Though the revenue from ship-money supported the Court in time of tranquillity, there was so little for any exigency that the expense of entertaining the queen's mother becomingly crippled the treasury. As a type of the condition of the departments connected with war and the national defence, we may take the facts which Sir John Heydon, Lieutenant-General of the Ordnance, gave as his excuse for not rendering certain returns required by the master-general: "The surveyor is sick; the clerk of the ordnance restrained of his liberty, and one of his clerks absent; the clerk of the deliveries is out of

¹ Burnet's Memoirs, 113.

town, and his clerk absent; the master-gunner dead, the yeomen of the ordnance never present, nor any of the gunner attendants.”¹

So wretchedly were the royal fortresses in Scotland appavelled and manned, that the Tables resolved to take them at one sweep out of the hands of the Government. The project was discussed as a matter of policy rather than ability, the question being, whether it was just and prudent to take the king's strong places out of the hands of his appointed servants, and themselves hold them in his name. On the 23d of March, Leslie, at the head of a strong party, demanded possession of Edinburgh Castle. It was refused. Contrary to all proper precaution, he was allowed to put his demand at the outer gate; and when this was closed on him, like a house-door on an unwelcome visitor, he took the opportunity to screw a petard on it. This explosive engine had, of course, been prepared with the latest improvements known in the great war; and the effects of its explosion were so astounding that the garrison tacitly permitted the assailants to take possession of the fortress. “Dumbarton,” says Baillie, “was a strength that no force ever had won, and what stratagem to use we knew not, the captain being so vigilant a gentleman, and having provided it so well with men, munition, and victuals; yet God put it in our hands most easily.”² It happened that this “vigilant gentleman” attended church on Sunday with so many of the garrison that when they were seized on their way back the place was defenceless. Dalkeith was easily taken by as-

¹ Calendar of State Papers (Domestic), 1637-38, preface, xiii.

² Letters, i, 193.

sault. Within it were found the warlike stores about which there had been so much discussion. Something still more interesting was found there,—the Honours of the realm—the crown, sceptre, and sword. These were conveyed with reverential pomp to Edinburgh Castle. Stirling Castle did not require to be assailed—it was in the hands of a sure friend, the Earl of Mar. All this was accomplished without the shedding of a drop of blood, and was treated as a mere change of officers—an administrative reform. Some strong places, in the hands of powerful subjects, such as Hamilton Palace and Douglas Castle, were in the same manner put into safe keeping. The Tables cast longing eyes on the fortress of Caerlaverock, already twice memorable in our History. They let it alone, for a reason which shows how much prudence was allied to their strength. As a Border fortress its possession was of moment. But it might have been assisted from the garrison of Carlisle, and it was infinitely desirable to avoid any conflict with English troops.

On the king's side the Commission of Array was issued requiring the feudal force of England to assemble at York. Hamilton was to take a fleet transporting land-forces into the Firth of Forth. "He desired the king might choose a fitter person for the naval forces, since he was altogether unacquainted with sea affairs, and not fit for such an important service. But his majesty, looking upon this as an effect of his modesty, gave no hearing to it, telling him that as for affairs purely naval, Sir John Pennington, the vice-admiral, should go with him, and would abundantly supply his defects in that."¹

¹ Burnet's Memoirs, 114.

Such was the practice of the day. It took many years' experience and many disasters to prove that skill and science were necessary for sea commands, and that birth and rank could not effect the handling of vessels without these qualities.

On the 1st of May Hamilton and his fleet entered the Firth of Forth. He had nineteen vessels, and the rumour spread that he brought five thousand men in them. We are told that these were in good condition, "well clothed and well armed, but so little exercised that of the five thousand there were not two hundred who could fire a musket."¹ This was, it appears, because the trained men were kept at home for the defence of their own counties in case of need. Whether there actually were five thousand men in the fleet may be doubted. Though there were five regiments, we have seen already how, when two thousand men were ordered from them for service, they were not to be found. Two of these regiments were, as we have seen, sent to join the king's army in the north of England. The whole affair partook of a pretence organised, after the fashion of Chinese warfare, to frighten the country. But the alarm inspired by it took the wrong direction. It communicated to the preparations of the Tables an impulsive rapidity. They were soon in possession of thirty thousand stand of arms. They had twenty thousand men embodied, and in the hands of an organisation for diligently drilling and training them. Prompt measures were taken for the defence of the coast. Leith was strongly fortified. Round the coast of Fife there was at that time a string of seaport towns which conducted a lucrative commerce. They had an abun-

¹ Burnet's Memoirs, 120.

dant shipping, and, like all enterprising maritime communities of that age, transacted in the Spanish main and other distant seas a kind of business that accustomed them to the use of arms. These towns were so affluent that King James compared the bleak county of Fife to a frieze cloak with a trimming of gold-lace. All these towns fortified themselves, and there was no spot where a party could be landed from the fleet without a struggle.

The Tables had again been supplicating in the old fashion, vindication of the past and determination to go on for the future in the same course, being set forth with all deep humility. The king answered them in a denunciatory proclamation intrusted to Hamilton. Times were changed, however, and it was no longer that the king's lieutenant played a game at hide-and-seek with those who were to neutralise his Proclamation by a Protestation. The authorities in Edinburgh would neither announce the proclamation nor permit it to be announced. They sent a remonstrance to Hamilton, with the old professions of loyalty and humility, but pointing out to him that this document which comes from abroad, and has no sanction from the local government of Scotland, "carries a denunciation of the high crime of treason against all such as do not accept the offer therein contained." "Whereas your grace knows well that by the laws of this kingdom, treason and the forfeiture of the lands, life, and estate of the meanest subject within the same cannot be declared but either in Parliament or in a supreme justice court, after citation and lawful probation; how much less of the whole peers and body of the kingdom, without either court, proof, or

trial." They are convinced that it is not the doing of their gracious king, but "a deep plot contrived by the policy of the devilish malice of the known and cursed enemies of this Kirk and State."¹

On the 20th of May the Scots army was paraded on the links of Leith by their commander-in-chief, Leslie. The articles of war under which they took themselves bound to serve were read to them. Next day the march towards the English border began. They were accompanied by several clergymen, who filled the regimental chaplain department to superfluity. Fortunately for the entertainment and instruction of later times, Baillie was among them, and left some picturesque notices of his experience. He was chaplain to the contingent from Ayrshire, where he ministered, and he says: "I furnished to half-a-dozen of good fellows muskets and pikes, and to my boy a broadsword. I carried myself, as the fashion was, a sword and a couple of Dutch pistols at my saddle; but I promise for the offence of no man except a robber on the way, for it was our part alone to pray and preach for the encouragement of our countrymen."² It may be questioned if any army since the time of chivalry had in it so much of the aristocratic element as this which went to make war upon the sovereign. Baillie says: "Our crouners [that is, colonels], for the most part, were noblemen. Rothies, Lindsay, Sinclair, had among them two full regiments, at least, from Fife. Balcarras, a horse troop; Loudon, Montgomery, Erskine, Boyd, Fleming, Kirkeudbright, Yester, Dalhousie, Eglinton, and others, either with whole or half regiments. Montrose's regiment was

¹ Burnet's Memoirs.

² Letters, &c., i. 211.

above fifteen hundred men.”¹ His clerical mind was surprised that so large a representative force of the territorial aristocracy of Scotland should defer to the soldier of fortune who commanded in chief: “We were feared that emulation among our nobles might have done harm when they should be met in the fields; but such was the wisdom and authority of that old, little, crooked soldier, that all with ane incredible submission from the beginning to the end gave over themselves to be guided by him, as if he had been great Solomon.”²

There was a strong element of religious enthusiasm in that host, yet perhaps it was not quite so strong as some have believed it was. Through the whole struggle the working of the religious element was in the hands of the loudest speakers, while those whose impulses were of a secular character were more reserved in their communications. What Baillie says of his own entranced inner feelings may have applied to his

¹ Letters, &c., i. 211.

² *Ibid.*, 213, 214. Old Leslie was popular in England. The author possesses a slim quarto pamphlet with the title, “General Lesley’s Speech in the Parliament of Scotland, the 25th of October 1641, in Defence of himself upon certain Slanders which are reported of him—wherein he expresseth his Affection to the King and Kingdom of England. Also concerning the Traytors of Scotland which did lay a Plot to take away his Life. Printed at London for T. B., 1641.” There is a woodcut on the title-page representing the general, in much more than complete armour, careering away on a thundering war-steed. The speech is in keeping with this—a rodomontade of turgid English sprinkled with Latin. It must have taken skill to make anything so absolutely at odds with the tough old practical Scots soldier, who had spent his life abroad, and had a dubious reputation as to reading and writing. The interest in the existence of such a document is in the fact that it should have been fabricated for the English. On turning to the Lord Lyon’s diary of the session of 1641, to find whether Leslie did address the House on the 25th of October 1641, the response is: “25th October—Monday: no meeting of Parliament.”—Balfour, iii. 119.

brother clergy and a few others. The soldiers from the Swedish camp had been taught to submit to religious ordinances as part of the soldier's discipline. The same practice will in some measure account for the sound of psalm-singing and praise which fed the ears of Baillie with spiritual luxuries. That there was somewhat of swearing and brawling, and the other rough usages of the camp, was also an element which he was too honest to conceal.¹ Argyle was there with a few of his Highlanders. The others did not relish their fellowship, and it was prudently settled that the main body should remain in Scotland in the rear of the march, "to be a terror to our neutralists or masked friends, to make all without din march forward, lest his uncanny trewsmen should light on to call him up in their rear." Argyle's little group formed an object of wonder, like the French Mamelukes, or the other strange allies that armies employed on distant Oriental warfare bring home with them for ornament rather than use. They came from districts as utterly unknown in England as the interior of Africa, and their

¹ The short passage on which the text is a commentary is singularly interesting: "Had ye lent your ear in the morning, or especially at even, and heard in the tents the sound of some singing psalms, some praying, and some reading Scripture, ye would have been refreshed. True, there was swearing and cursing and brawling in some quarters, whereat we were grieved; but we hoped, if our camp had been a little settled, to have gotten some way for these misorders; for all of any fashion did regret, and all did promise to contribute their best endeavours for helping all abuses. For myself, I never found my mind in better temper than it was all that time frae I came from home, till my head was again homeward; for I was as a man who had taken my leave from the world, and was resolved to die in that service without return. I found the favour of God shining upon me, and a sweet, meek, humble, yet strong and vehement spirit leading me all along; but I was no sooner in my way westward, after the conclusion of peace, than my old security returned."—Letters, &c., i. 214.

people had a terrible name for rapine and ferocity. "It was thought," says Baillie, "the country of England was more afraid for the barbarity of his Highlanders than of any other terror. These of the English that came to visit our camp did gaze much with admiration on these supple fellows, with their plaids, target, and dorrachs." Thus it was in the cause of the Covenant that Highland troops first threatened the English border.

The army had an excellent commissariat, in which their own sagacious organisation was assisted by fortunate contingencies. The account of the material condition of the host would be spoilt if given in any other than Baillie's own words:—

"None of our gentlemen was anything worse of lying some weeks together in their cloak and boots on the ground, or standing all night in arms in the greatest storm. Whiles, through storm of weather and neglect of the commissaries, our bread would be too long in coming, which made some of the eastland soldiers half mutiny; but at once order being taken for our victuals from Edinburgh, East Lothian, and the country about us, we were answered better than we could have been at home. Our meanest soldiers was always served in wheat-bread, and a groat would have gotten them a lamb-leg, which was a dainty world to the most of them. There had been an extraordinary crop in that country the former year, beside abundance which still was stolen away to the English camp for great prices; we would have feared no inlake for little money in some months to come. Marche and Tevidaille are the best mixt and most plentiful shires both for grass and corn, for fleshes and bread, in all

our land. We were much obliged to the town of Edinburgh for moneys. Harie Rollock, by his sermons, moved them to shake out their purses. The garners of non-Covenanters, especially of James Maxwell and my Lord Wintoun, gave us plenty of wheat. One of our ordinances was to seize on the rents of non-Covenanters; for we thought it but reasonable, [since] they sided with these who put our lives and our lands for ever to seal, for the defence of our Church and country,—to employ for that cause, wherein their interest was as great as ours if they would be Scottishmen, a part of their rent for ane year; but for all that, few of them did incur any loss by that our decree, for the peace prevented the execution.”¹

The army, thus effectively equipped, contained twenty-two thousand footmen and five hundred horsemen. It will give some conception of the skill and perseverance of those who sent it forth, to note that, in mere proportion to the number of the inhabitants of Scotland, it was such a feat as if a British war minister of the present day could place an army of some six hundred thousand effective men on the march.

When the army had reached Dunglas, on the Berwickshire coast, the Lord Holland handed to the general a proclamation issued by the king at Newcastle on the 14th of May. It stated that he found the Scots nation were apprehensive that, contrary to his intentions, he had come to invade them. He wishes to remove this impression; “if all civil and temporal obedience be effectually and timely given and shown,” there is to be no invasion. The document is full of indistinct

¹ Letters, &c., i. 213.

matter of this kind; but it contained one positive declaration fit to be a ground of action,—if the Scots came within ten miles of the Border, they were to be treated as “rebels and invaders of this our kingdom of England,” and to be attacked by the English army.¹ A council of war was held in the Scots camp, and it was resolved in the mean time to obey the proclamation, and to keep themselves ten miles distant from the Border.² An inexplicable incident connects itself with this transaction. A large detachment of the Scots—four or five thousand—were stationed at Kelso. Whether or not they were at the time conscious of the proclamation, they were then within ten miles of England. The Lord Holland came up with a force of about equal strength and threatened a charge, but finding that it would be steadily received, wheeled his troop round and suddenly left the ground. The Scots exulted over this as an inglorious and disorderly retreat. It is likely that Holland supposed the Scots party to be a small one which he could easily drive back to the prescribed distance, and that when he saw there would be tough resistance he feared the responsibility of fighting the first battle.³

¹ The proclamation is printed from a MS., in Peterkin's Records, 220.

² Gordon's Scots Affairs, iii. 5.

³ *Ibid.*, 7. Sir Harry Vane, in a letter to Hamilton, described the affair thus: “My Lord Holland with one thousand horse and three thousand foot marched towards Kelso, which when the rebels discovered they instantly marched out with one hundred and fifty horse, and (as my Lord Holland says) eight or ten thousand foot—five or six thousand there might have been. He thereupon sent a trumpet commanding them to retreat, according to what they had promised by the proclamation. They asked whose trumpeter he was; he said my Lord Holland's. Their answer was, he had best to be gone; and so my Lord Holland made his retreat, and waited on his majesty this night to give him this account.”—Burnet's Memoirs, 139. Baillic's view was: “It is

The Scots commander called in all his separate detachments, so that his army might intrench itself in a permanent camp at Dunse. This selection was not in literal compliance with the proclamation to keep ten miles from the Border, but virtually it showed that he did not intend to cross the Border and attack the king's army. The nature of the ground was doubtless the reason of selection. The Law of Dunse is a round trap hill entirely coated with thick turf, not interrupted by breaks or rocks. It stands apart by itself, and has a thorough command over the country around, affording a view far into England. Baillie's description of the encampment is brief but sufficient: "Our hill was garnished on the top towards the south and east with our mounted cannon, well near to the number of forty, great and small. Our regiments lay on the sides of the hill almost round about. The place was not a mile in circle—a pretty round rising in a declivity without steepness to the height of a bowshot. On the top somewhat plain about a quarter of a mile in length, and as much in breadth, as I remember, capable of tents for forty thousand men. The crouners lay in canvas lodgings high and wide; their captains about them in lesser ones; the soldiers about all in huts of timber covered with divot or straw."¹

The king's army was on the other side of the Tweed. To honour the presence of royalty it was

thought Holland's commission was to cut off all he met in opposition to him; but his soldiers that day was a great deal more nimble in their legs nor arms, except their Cavaliers, whose right arms was not less weary in whipping than their heels in jading their horses."—*Letters*, i. 210.

¹ *Letters*, i. 211.

decorated with much splendour; but its materials were of the same worthless kind as the levies sent to Hamilton's fleet. The two hosts looked at each other, and to the English it was plain that the post taken by the Scots covered any road they might take northwards.

Thus, while still maintaining his divine right and the duty of implicit obedience, the king had come face to face with absolute defeat at the hands of his subjects. The question was, whether he should fight and be beaten, or treat. His advisers could not well hesitate which to choose; but the problem was how to treat, and yet to save the royal dignity. The other side were ready to help to this solution, provided they had practically their own way in all things. A Scotsman, Robert Leslie, one of the royal pages, stepped over to the Scots camp to see and converse with old friends. He touched on various topics, and at last, as if it were a spontaneous thought which he could not help uttering—might it not be prudent at this, the last moment, to present a humble supplication to his majesty? The hint was taken. The "humble supplication," partaking of the brevity of the camp, and strongly in contrast with previous documents of the same name, desired that his majesty would appoint some persons well affected to true religion and the common peace, to hear their humble desires and make known to them his majesty's gracious pleasure.¹ The king referred to his "gracious proclamation" to his subjects in Scotland, which had "been hitherto hindered to be published,"—when it was "publicly read" he would hear their supplications at length. Sir

¹ Rushworth, iii. 938.

Edward Vernay, a man who saw all the danger and eagerly desired to obviate it, was sent to the Scots camp with this proposal. He was told distinctly that the proclamation could not be acknowledged or published. The reasons for this were given at length and offered to him in writing; they were in substance the same as those tendered to Hamilton.¹ But Vernay was eager for some compromise. In the council of officers round the general's table the proclamation was produced and examined, as people met on business examine the documents connected with it. Some one suggested the reading it over, and it was read accordingly "with much reverence." This Vernay reported as "a satisfaction" of the king's demand. The satisfaction was accepted, and an intimation was sent to the Scots camp, that "his majesty, having understood of the obedience of the petitioners in reading his proclamation as was commanded them, is graciously pleased so far to condescend unto their petition, as to admit some of them to repair to his majesty's camp upon Monday next at eight o'clock in the morning at the lord general's tent, where they shall find six persons of honour and trust appointed by his majesty to hear their humble desires." Thus was the great crisis postponed and an opportunity opened for negotiation. Yet even at this point the Scots exemplified that spirit of suspicion that, whether well or ill founded, had taken possession of them, and a determination to rely on nothing but their own strength. This invitation, signed by Sir Edward Coke, the Secretary of State, was tendered to them as a safe-

¹ See above, p. 55. They will be found, as stated in the camp of date 18th June 1639, in Peterkin's Records, p. 226.

conduct, but was not accepted to that effect: "Although themselves did not mistrust his majesty's word signified by the secretary, yet the people and army would not permit their deputies to come without his majesty's own hand and warrant." The sting in such an intimation could not be the less sharp that it was made in honest caution and not in bravado; but the offence tendered in it could not be taken in such an emergency. With the necessary changes, "the self-same form which had been signed by Mr Secretary Coke was again returned them upon Sunday night, June the 9th, signed by his majesty."¹

The commissioners sent from the Scots camp were Rothes, Loudon, Douglas, the Sheriff of Teviotdale, Warriston, and Henderson. The place of meeting was the tent occupied by the English commander, the Earl of Arundel. There was something faintly displeasing in this arrangement, since he was suspected of Popish leanings; but the heterodoxy of the owner of the canvas stretched over them was a trifle, and they satisfied their consciences by addressing themselves not to him but to the Lord Holland. It was admitted, too, that Arundel's hospitality, also unaffected by his opinions, was munificent.

They had but begun business when a strange incident occurred. The king stepped into the tent unannounced, and so noiselessly that the Scots commissioners, who had their backs to the entrance, were for some little time unaware of his presence. Such a disturbing influence in deliberative assemblies, especially of small numbers, was inimical to British constitutional precedent both in England and Scotland. Whether or

¹ Rushworth, iii. 939; Hardwicke's State Papers, ii. 130.

not it was from a reliance on the overawing influence of the sacred presence, King Charles showed great hankering for such surprises—witness his undesired presence and interference in the meeting of the Estates in 1633, and afterwards his appearance in the House of Commons to claim the five members. He attended the conference pretty regularly, and bore with patience and complacency speeches that can have been neither enlivening nor congenial. “The king,” says Baillie, “was very sober, meek, and patient to hear all; our spokesmen were very earnest to speak much, to make large and plausible narrations, as well they could, of all our proceedings from the beginning.” “Much and most free communing there was of the highest matters of State. It is likely his majesty’s ears had never been tickled with such discourses; yet he was most patient of all, and loving of clear reason.” “His majesty was ever the longer the better loved of all that heard him, as one of the most just, reasonable, sweet persons they ever had seen; and he also was the more enamoured with us, especially with Henderson and Loudon. These conferences purchased to us a great deal of reputation for wisdom, eloquence, gravity, loyalty, and all other good parts with the English counsellors, who all the time did speak little, but suffered the speech to pass betwixt us and the king.”¹

Thus the king’s presence and demeanour infused through those stubborn men a soothing influence, prompting them to reliance. This feeling, however, did not take the direction that he who created it might have desired. It was not a reliance on the soundness of any step which the king might take, but a reliance

¹ Baillie’s Letters, i. 217.

that they had talked him over to their own side. They startled him somewhat by a request made with due formal reverence, that he would set his own hand as they had set theirs to the abolition of Episcopacy. But even to this he avoided an irritating answer—it was a weighty matter which he must take time to think of.

It would be easy to fill up a narrative of contradiction and debate from the writings connected with this conference. Papers were exchanged, as of old, with supplications and evasions or refusals. The way in which one side set forth in writing the verbal discussions or conclusions was contradicted by the other. When the king proclaimed his view of the future sanctioned by the conference, there was the inevitable “protestation” contradicting him. But these wranglings had none of the importance of those which preceded the Covenant and the General Assembly. Then they represented an actual contest, attended by uncertainties and mutations. Now it might be said that the Covenanters were in possession, the question remaining was, whether they were to hold that possession by the sword, or to keep it in peace, avoiding the scandal and the other evils of a civil war.

There were thus some points that might be called open questions, which the stronger party could close at their will. The king would not acknowledge that General Assembly which had been held against his command, and the other party would not disavow it. The whole question was left to a free Assembly and a free meeting of the Estates. The prevailing party could not object to these exercising their full power of revision. They knew well what the result would be; and

if the king's dignity was saved by its resolving itself into that shape, it was well. So with the Bishops. The king would not absolutely accept their destruction, nor would the other party disavow the act—this, too, would be in the hands of the Parliament and Assembly.

For other and immediate matters it was agreed that both armies should be disbanded, and that the Scottish fortresses should be restored to the king. There were other items of a secondary kind; but they are of little moment, since each party charged the other as unfaithful to the treaty, and it affected no more than a postponement of the quarrel. Other incidents were promotive of jealousy and irritation. While the king was yet on the Border he sent messages to fourteen of those who had chief influence in the management of Scots affairs, desiring them to come to him that he might consult with them on high and important matters of policy. There was something unusual, to the verge of eccentricity, in such a proposal, especially when a conference in which they were on one side and he on the other had been brought to a practical conclusion. There were two suspicious questions raised about the affair. Did he desire to have these men as his guests and companions, that he might try the influence of his royal blandishments on them? This was the lighter suspicion of the two. The other laid bluntly to his charge a design to kidnap the leaders of the Covenant party. Those so invited all declined to attend. Whatever was meant by the invitation, its rejection was naturally counted as an offence by subjects to their sovereign.¹

¹ The king, when he explained his absence from the Assembly which he had intended to grace, said: "But one of the greatest discouragements we had from going thither was the refusing of such lords and

On the other hand, the king cast a bitter reproach on those with whom he had been so gracious and genial in Arundel's tent. At a meeting of the English Privy Council he altered and denounced the account of the treaty as the Scots commissioners told it, as being "in most parts full of falsehood, dishonour, and scandal to his majesty's proceedings in the late pacification given of his majesty's princely grace and goodness to his subjects in Scotland." He called on the English commissioners who had been present to attest the falsehood of the account, and the minute of the meeting of Council records their testimony against its accuracy. In the end, "the whole board unanimously became humble petitioners to his majesty, that this false and scandalous paper might be publicly burnt by the hangman."¹ This was awkward treatment by the Government of England of what was virtually a State paper issued by the existing Government of Scotland. Then we are told that "the pulpits spoke it out very loudly, that the king had caused burn all the articles of the pacification at Berwick by the hand of the hangman after his return to London, which was believed by very many, who upon that account looked upon the king as a truce-breaker, and from that time forwards contracted so great animosity against him that they thought him not to be trusted."²

others of that nation whom we sent for to come to us to Berwick ; by which disobedience they manifestly discovered their distrust of us, and it cannot be thought reasonable that we should trust our person with those that distrusted us, after so many arguments and assurances of our goodness towards them." — His Majesty's Declaration concerning his Proceedings with his Subjects of Scotland since his Pacification in the Camp near Berwick ; Rushworth, 1018.

¹ Rushworth, iii. 965, 966.

² Gordon's Scots Affairs, iii. 31.

The next stage in the progress of events is the holding first of a General Assembly, and next of a meeting of the Estates. The king had announced that he was to be present at both, but he changed his intention. Hamilton was again desired to act as Commissioner, but he declined the trust. It was natural, and perhaps becoming, that neither the king nor his commissioner who had professed to close the previous Assembly should preside, since the business to be transacted was a formal surrender of all that the royal prerogative had asserted for upwards of thirty years in the ecclesiastical organisation of Scotland.

The Assembly met at Edinburgh on the 12th of August, with the Earl of Traquair as commissioner. As in the Assembly of 1638, care was taken to exclude the uncovenanted, and the process had become far less troublesome since the spirit of opposition was dead. Compared, indeed, with the other, this Assembly resembled a conclave of official persons who have to record and put in order the resolutions over which a great battle has been fought, with debates, musters of attendance, and anxious voting. The commissioner recommended brevity and expedition in the work to be accomplished. In the spirit of getting quickly over a disagreeable but necessary business, he suggested "that all these evils which were the grievances might be viewed together and included under one Act." It was conceded to the king, that although they were virtually met to confirm the Acts of the Assembly of 1638, it should not be referred to in the Acts of the new Assembly, however it might be mentioned in debate. Also, that in confirming the abolition of Episcopacy, nothing should be said abusive of that

form of Church government as Popish or otherwise, but that it should be simply condemned as “contrary to the constitution of the Church of Scotland.” The same negative courtesy was to be rendered to the Court of High Commission and to the abolished ceremonies.

In this spirit an Act was passed “containing the causes and remedies of the bygone evils of this Kirk.” It enumerated the Articles of Perth, the establishment of Bishops, the Service-book, Book of Canons, and the other grievances of which we have seen so much already, and declared them to be “still” abjured and unlawful. A little dramatic scene was prepared for the inauguration of this completion of the revolution. After “Mr Andrew Cant, having a strong voice,” had read the Act, some of the clergy present, including certain venerable ministers who had witnessed the perfection of the Presbyterian polity in the days of the Melvilles, were desired to “speak their judgment” on what had been accomplished. The voices of some of these men had been known of old, but in later times had been lost in the storm that had overtaken their favourite polity. Among these were Alexander Somerville, Harry Rollock, John Row, John Bell, William Livingston, and John Ker. As a fair specimen of these grave rejoicings, we may take the contribution made to them by John Weems, a man unknown in debate or polemics, but a scholar and a patient worker in Biblical criticism: “Mr John Weems called on, could scarce get a word spoken for tears trickling down along his grey hairs like drops of rain or dew upon the top of the tender grass, and yet withal smiling for joy, said: ‘I do remember when the Kirk of Scotland

had a beautiful face. I remember since there was a great power and life accompanying the ordinances of God, and a wonderful work of operation upon the hearts of people. These, my eyes, did see a fearful defection after, procured by our sins, and no more did I wish before my eyes were closed but to have seen such a beautiful day. Blessed for evermore be our Lord and King, Jesus; and the blessing of God be upon his majesty, and the Lord make us thankful.” On this the moderator, Mr David Dickson, said: “I believe the king’s majesty made never the heart of any man so blyth in giving them a bishopric as he has made the heart of that reverend man joyful in putting them away; and I am persuaded, if his majesty saw you shedding tears for blythness, he should have more pleasure in you nor in some of those that he has given great things unto.” Thereupon “old Mr John Bell, in Glasgow, said: ‘My voice nor my tongue cannot express the joy of my heart to see this torn-down Kirk restored to her beauty. The Lord make us thankful. Lord bless his majesty and commissioner.’” “Old Mr Livingston,” also, had seen the ancient glory, and mourned under the eclipse, and now he had lived to see the brightness, ending: “And now I have seen it, and bless the Lord for it, and begs the blessing from heaven upon our gracious sovereign.”¹

Such was the extinction of Episcopacy as enacted before the world. But before we understand the full poliey of the surrender, we must seek help from some documents which did not so frankly court the light—documents that, had they been known in that Assembly, would have been apt to extinguish the ardour of

¹ Peterkin’s Records, 250-52.

the thanks and blessings bestowed on the king. Of date the 6th of August—six days before the opening of the Assembly—there existed a letter by the king to Spottiswood, who had been Archbishop of St Andrews, and still was addressed as “right trusty and well-beloved councillor and reverend father in God.” It was an answer to an address sent by the Scottish bishops through Laud as their mediator; and the scroll of the letter was to be seen in Burnet’s day, in the handwriting of Hamilton, “interlined in some places by my Lord of Canterbury.” The king begins by telling them that he cannot comply with their proposal to prorogate the Assembly—the political conditions render that impossible. At the same time he does not see the use of their attempting to hold a meeting—in Scotland it would be dangerous, in England unproductive. Nor would he have them venture into the Assembly. With all this discouragement, he says: “We do hereby assure you that it shall be still one of our chiefest studies how to rectify and establish the government of that Church aright, and to repair your losses, which we desire you to be most confident of.” Then, to show that these are not mere vague expressions of goodwill, he instructs them how to begin in secret to aid him in the work of restoration, thus: “We conceive that the best way will be for your lordships to give in by way of protestation and remonstrance your exceptions against this Assembly and Parliament to our commissioner, which may be sent by any mean man, so he be trusty and deliver it at his entering into the church; but we would not have it be read or argued in this meeting, where nothing but partiality is to be expected, but to be represented to us by

him, which we promise to take so in consideration as becometh a prince sensible of his own interest and honour, joined with the equity of your desires. And you may rest secure, that though we may perhaps give way for the present to that which will be prejudicial both to the Church and our own Government, yet we shall not leave thinking in time how to remedy both.”¹

The task assigned to Traquair was delicate, and, looking to the temper of those who had undisputed command in Scotland, also perhaps dangerous. He would naturally desire directions in writing on the point, in addition to whatever he might derive from verbal conference. But such directions would require to be cautiously expressed ; for any document from the king regulating the conduct and procedure of his representative in Scotland would not so easily be kept private as the hint given to the poor bishops. Hence this enigmatical instruction : “ In giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any warrant from the bishops ; and if any offer to appear for them, you are to inquire into their warrant, and carry the dispute so as the conclusion seem not to be made in prejudice of Episcopacy as unlawful, but only in satisfaction to the people for settling the present disorders and such other reasons of State ; but herein you must be careful that our intentions appear not to any.”²

After they had concluded the great work, the Assembly had yet something of moment to do ere they separated. The king had come before the world in a new shape—as a controversial pamphleteer. Things had come forth from him, or at least in his name,

¹ Burnet's *Memoirs*, 154.

² *Ibid.*, 150.

against which it behoved them to lift their testimony. As the king marched northward, a "Declaration" had been circulated in England vindicating his resort to arms. Whether wisely or not, it appealed to the spirit of High Church and divine right as political influences still powerful in England, and treated the Covenanters somewhat bitterly, saying of their fundamental charter: "Which Covenant of theirs they have treacherously induced many of our people to swear to a band against us; which band and Covenant, or rather conspiracy of theirs, could not be with God, being against us, the Lord's anointed over them. But it was and is a band and Covenant pretended to be with God, that they may with the better countenance do the work of the devil, such as all treasons and rebellions are." There were appeals to other and more material English doctrines or prejudices. He pointed lastly to "their most hostile preparations of all kinds, as if we were not their king but their sworn enemy; for what can their intentions be, being thus prepared, but to invade this kingdom, should they not find us ready both to resist their force and to curb their insolences? For many, and some of the chiefest among them, are men not only of unquiet spirits, but of broken fortunes, and would be very glad of any occasion—especially under the colour of religion—to make them whole upon the lands and goods of our subjects in England, who, we presume, besides their allegiance to us, will look better to themselves and their estates than to share them with such desperate hypocrites, who seek to be better, and cannot well be worse." This document, called "The Short Declaration," announced that "there is a large Declaration coming forth, containing all the particular passages

which have occurred in this business from the beginning, attested with their own foul acts, to disannul and shame their fair but false words.”¹

The “Large Declaration” thus announced, though it professed to expound from the same text, is a document of a different kind. It is a folio volume containing more than four hundred pages. Every student of the history of the period knows it well, since it is not only of interest and moment as a declaration of the royal policy, but it contains in a consecutive form the documents which lie scattered in several collections. The Large Declaration is a patient and precise narrative—tedious no doubt, but prepossessing in its tediousness, as testifying to an honest desire to leave nothing untold or doubtful. The statements in it are supported throughout by abundant documents, the accurate rendering of which has not been questioned. It is the story of a magnanimous sovereign, the father of his people, dealing with his erring subjects. Some are selfish and aggrandising, others merely petulant and factious. He has on his side all the maxims, Scriptural and traditional, which require the people to obey the powers that are ordained to rule over them. If it be that he is changing some things either in Church or State, it is to remedy confusions and irregularities, and to restore sound order. But above all, he, the supreme ruler, has been meek and forbearing, while those whose duty it was to obey have been arrogant and dictatorial. If he has erred, it is in passive endurance rather than in anger. Into this, his error, he has been led by the Christian spirit of mercy and forgiveness. He

¹ Bibliotheca Regia, 173 *et seq.*

has been long-suffering, that he might spare the blood of his rebellious subjects, and leave them an opportunity for penitence and a return to duty.

The Large Declaration would, in fact, be a complete vindication of the Government of Charles I. in his dealing with Scotland, were its primary conditions accepted. Grant that he had the right to do what he was doing, it is shown that he did it in an amiable, considerate, and generous spirit. Whoever admitted that he was an absolute monarch, would readily admit, on the showing of the Large Declaration, that he had borne his faculties meekly in the fulfilling of his great office.

Had this book come from a triumphant cause, it would have been a triumphant vindication. Such as it is, it was well suited to establish the righteousness of the king's position in the monarchical States of Europe. In Spain and France, in the greater part of Germany, and even in the Scandinavian kingdoms, constitutional law and practice would not be understood as legitimate barriers to a king's prerogative. They would be seen only as old troublesome abuses, such as it might be counted meritorious in a government to sweep away. The Declaration was adorned with some touches of sarcasm ; but in these, also, there was taste and discretion, since they were directed not against the graver objects and acts of the Covenanters, but against the feminine riots, and some of the eccentricities apt to break out among communities in a state of excitement. Hence there are here preserved some features of the times on which the historians of the Covenant are not explicit—such as the performances

of a Mrs Margaret Nicholson, who was subject to fits of raving which passed for prophetic trances.¹

It was known that the Large Declaration was the work of Walter Balcanquhall, a Scotsman who was rising step by step in the English hierarchy. He had become Dean of Durham when the Declaration was published. Thus the arrow was discharged by one who seemed to have removed himself into a place of safety from the coming vengeance; but this did not tend to appease the rage of the brethren. Their method of giving it vent is perhaps the oddest of all their disputative exhibitions, and is of a kind so far apart from the usual tenor of political or theological controversy, that had it come from persons less grave and earnest, it might have been suspected of a latent spirit of jocular sarcasm. They charged the Declaration as an offence perpetrated against the king, whose name had been foully used for the factious purposes of the author. On this view of the case they presented another

¹ "The multitude was made believe her words proceeded not from herself but from God. Thence was that incredible concourse of all sorts of people—noblemen, gentlemen, ministers, women of all ranks and qualities—who watched or stayed by her day and night during the time of her pretended fits, and did admire her raptures and inspirations as coming from heaven. She spake but at certain times, and many times had intermissions of days and weeks, in all probability that she might have time to receive instructions, and to digest them against the next time of exercising her gifts, as they call them, which, so soon as she was ready to begin, the news of it was blown all the town over, and the house so thronged that thousands at every time could find no access. The joy which her auditors conceived for the comfort of such a messenger from heaven, and such messages as she delivered from thence, was many times expressed to them in tears, by none more than by Rolloc, her special favourite, who being desired sometimes by the spectators to pray with her, and speak to her, answered that he durst not do it, as being no good manners in him to speak while his Master was speaking in her."—Large Declaration, 227.

of their countless supplications to the throne. They appealed to his majesty as "so much wronged by the many foul and false relations suggested and persuaded to him as truths, and by stealing the protection of his royal name and authority to the doctrine of such a book." On this ground they called upon him "to be pleased first to call in the said book, and thereby to show his dislike thereof; next, to give commission and warrant to all such parties as are either known or suspect to had hand in it, and to appoint such as his majesty knows to be either authors, informers, or any ways accessory, being natives of this kingdom, to be sent hither to abide their trial and censure before the judge ordinary—and in special Mr Walter Baleanquall, now Dean of Durham, who is known and hath professed to be the author, at least avower and maintainer of a great part thereof—that by their exemplar punishment others may be deterred from such dangerous courses as in such a way to raise sedition betwixt the king and his subjects, God's honour may be vindicate from such high contempt, his majesty's justice may appear not only in cutting away such malefactors, but in discouraging all such underminers of his throne, his loyal and loving subjects shall be infinitely contented to be cleared before the world of so false and unjust imputations, and will live hereafter in the greater security when so dangerous a cause of sedition is prevented, and so will have the greater and greater cause to pray for his majesty's long and prosperous reign."¹

It would be interesting to know whether, on such minds as that of Charles and Laud, a sense of the

¹ Peterkin's Records, 206.

ludicrous might have lightened up the gloomy scene on the reception of such a "supplication." We are fortunate in possessing some morsels of the debate, if so it can be called where all are of one mind, which ended in this supplication:—

"Mr Andrew Cant said: 'It is so full of gross absurdities that I think hanging of the author should prevent all other censures.'

"The moderator answered: 'That punishment is not in the hands of Kirkmen.'

"The Sheriff of Teviotdale being asked his judgment, said: 'Ye were offended with a Churchman's hard sentence already; but truly I could execute that sentence with all my heart, because it is more proper to me, and I am better acquainted with hanging.'

"My Lord Kirkeudbright said: 'It is a great pity that many honest men in Christendom for writing little books called pamphlets should want ears, and false knaves for writing such volumes should brook heads.'" This was a reference to the fate of Prynne, Burton, and Bastwick. Hence "the Assembly, after serious consideration of the great dishonour to God, this Church, and kingdom, by the said book, did condescend upon a supplication."¹

One other item of business was transacted ere this Assembly dispersed. They expressed their thanks for the goodness of the Secret Council in resolving at their request to enforce subscription to the Covenant by penalties. They therefore, "considering the great happiness which may flow from a full and perfect union of this Kirk and kingdom by joining of all in one and the same Covenant with God, with the king's majesty,

¹ Peterkin's Records, 268.

and among ourselves," ordain that "all the masters of universities, colleges, and schools, all scholars at the passing of their degrees, all persons suspect of Papacy or any other error, and, finally, all the members of this Kirk and kingdom, subscribe the same."¹

Nothing now remained to be done for the rebuilding of the fallen Zion except the sanction of the Estates. They had, according to an arrangement with the Government, assembled on the 15th of May. They had been twice adjourned by the Crown without offering resistance; but now, on their reassembling at the end of August, it was deemed prudent to let them proceed to business. The riding of the Parliament, and all the solemnities, especially those due to royalty, were performed with exactness and more than customary splendour. A fact having no political origin of the time gave a casual lustre to that Parliament. Hitherto the Estates had met in the dingy recesses of the Tolbooth. Now for the first time they occupied the great hall, with its fine roof-work of oaken beams, which has ever since been one of the glories of Edinburgh.²

¹ Peterkin's Records, 208.

² That versatile scholar and amusing author, James Howell, was present on the occasion, and mentions it in his celebrated 'Familiar Letters.' He talks of the "fair Parliament House built here lately," and the general regret that its opening was not rendered auspicious by the presence of the king. "This town of Edinburgh," he says, "is one of the fairest streets that ever I saw, excepting that of Palermo, in Sicily. It is about a mile long, coming sloping down from the castle to Holyrood House, now the royal palace; and these two begin and terminate the town. I am come hither on a very convenient time; for here's a national Assembly and a Parliament, my Lord Traquair being his majesty's commissioner. The bishops are all gone to rack, and they have had but a sorry funeral. The very name is grown so contemptible that a black dog, if he hath any white marks about him, is called Bishop. Our Lord of Canterbury is grown here so odious that they call him commonly in the pulpit the priest of Baal and the son of Belial."—P. 276.

This Parliament was short and disputatious. The first contest was about the constitution of the committee called the Lords of the Articles. The commissioner called the Lords aside into a separate apartment. The other Estates sent messengers to know the reason of this act. They were answered, that the first Estate, with the commissioner, were selecting the Lords of the Articles who were to serve for the other two Estates, according to usage. It was denied that this was an old usage—it was an innovation of later times, which behoved to be abated, so that each Estate might choose its own representatives in the Committee of Articles. The members were, however, anxious to enter on business; and knowing that they could bring their majority at any time to mould and control whatever might be done, they yielded the question of the constitution of the committee for this one Parliament, protesting against the arrangement as a precedent.

The next dispute was on an Act of indemnity. The commissioner would have it take the form of a royal pardon graciously extended by his majesty to his erring subjects who had rebelled against him. Naturally the triumphant party repudiated this view; they held that all their acts had been legal, and it was merely to obviate any further cavilling on the point that they desired to have them confirmed by Act of Parliament. A crowd of other disputed projects followed. It had been suspected that the king intended to bring over English favourites and supporters to deal with his troublesome subjects in Scotland. It was proposed to restrict the prerogative right of conferring honours on strangers, and that the castles of Edinburgh, Stirling, and Dumbarton should be intrusted to no

governors but Scotsmen born, appointed by Act of Parliament. It was proposed to settle in the negative a disputed right claimed by the Crown to fix the customs duties payable on foreign merchandise, and to limit the power of pardoning criminals, and protecting debtors from molestation by their creditors, also claimed by the Crown.

The commissioner sent to Court for instructions. The king said he perceived that the cause of their own peculiar religion was no longer the influencing motive of the party in power, and "that nothing would give them content but the alteration of the whole frame of government in that kingdom, and withal the total overthrow of royal authority."¹ The commissioner was therefore instructed to adjourn the Parliament until the 2d of June 1640. The Estates complied with the adjournment, protecting themselves by the old safeguard of a protestation. In this document, and the king's defence uttered in answer to it, the characteristic most remarkable to one accustomed to the documents of that period is the vague and didactic character of the reasoning on both sides, and the absence of the close argument from precedent that is so satisfying a feature in the documents connected with the English Long Parliament.

On the 2d of June 1640 the Estates reassembled accordingly. The king sent from London instructions to adjourn or prorogue the meeting. But the official persons whose signatures and sealings authenticated and recorded such writs either would not or dared not act. The members of Parliament knew, as people know the news of the day, that the king had issued

¹ Gordon's Scots Affairs, iii. 75.

such an instruction; but it was not formally and officially before them, and did not enter on their records. The day fixed for reassembling was on record, not the adjournment or the prohibition to assemble. At almost every step of its proceedings this Parliament takes the opportunity to state that it is "indicted by his majesty," or "convened by his majesty's special authority;" and the restoration of this apologetic assertion gives a touch of the ludicrous to its grave proceedings. There was no commissioner to represent royalty at this assemblage. In the Scots Parliament the commissioner's office was rather that of the Lord Chancellor's in the House of Lords of England, than the Speaker's in the House of Commons. They elected Robert, Lord Burleigh, "to be president of this meeting of Estates in Parliament," and his position partook both of the Chancellor's and the Speaker's in England.

Thus, in the king's name, and, technically speaking, under his authority, the Estates began the Parliamentary war with him. Though small was the respect held by the English Parliamentary formalists for the Scots Estates and their slovenly practice, it could not be but that the Long Parliament, when it found itself in an almost parallel difficulty, should look with interest to the course taken by the Scots. And here, as in several other instances, Scotland kept a step before England in the way towards the great contest.

The king, in his Large Declaration, had announced a practical difficulty that must beset a Parliament without bishops. There were three Estates—the Prelates, the Barons, and the Burgesses. The division into

three was essential to the method of transacting business. It was maintained by some that nothing could be carried in the Scots Parliament unless there were in its favour a majority in each one of the three Estates. It was not doubted that a majority in two of the three was necessary. This made, in passing from the votes of the individual members to the votes of the Estates, a majority of two to one on any question. If there were a majority for the measure among the ecclesiastics and the barons, though the majority were the other way among the burgesses, the collective vote would stand two to one; and so if the barons and the burgesses, or the prelates and the burgesses, had majorities in common. There was a practical utility not to be lightly sacrificed in the three chambers. It was the same utility that taught the Romans to hold that three make a corporation. Where there are three there is a certainty that every vote will be sanctioned by a majority of two to one. Accordingly the Estates immediately rearranged themselves into three chambers. The greater barons, holding seats by tenure, were called the nobility; those who, like the knights of the shire in England, represented the smaller freeholders, were called "the barons." The burgesses were the third Estate. This reorganisation of the supreme Legislature was set forth in terms evidently well weighed and adjusted. They framed "an Act anent the constitution of this Parliament, and all subsequent Parliaments." The Act begins with a characteristic preamble, how "the Estates of Parliament presently convened by his majesty's special authority, considering this present Parliament was indicted by his majesty for ratifying of such Acts

as should be concluded in the late Assembly of the Kirk, for determining all civil matters, and settling all such things as may conduce to the public good and peace of this Kirk and kingdom." The Acts of the General Assembly, for the ratification of which the king had cited this Parliament, had excluded the bishops from the Kirk; and, whether that exclusion was lawful or not until the Estates confirmed it, in point of fact the bishops were not present, and the Estates must transact business without them. Therefore they determine "this present Parliament, holden by the nobility, barons, and burgesses, and their commissioners—the true Estates of the kingdom—to be a complete and perfect Parliament, and to have the same power, authority, and jurisdiction as any Parliament formally hath had within this kingdom in time bygone."¹

There had in former times been meetings of the Estates uncountenanced by royalty. We have seen that the Reformation of 1560 was carried at such a meeting; but we have also seen that when the regency of 1567 was established, it was deemed prudent

¹ It would appear that much of the business to be transacted in this Parliament had been put in shape before it was known that it would not have the royal countenance. To the Record edition of the Act above cited there is this note: "The warrants of this Act, and of many of the subsequent Acts of this Parliament, originally set forth the enacting authority in the usual style, commencing, 'Our Sovereign Lord and Estates of Parliament.' They were altered before the passing of the Acts, to meet the circumstances under which the Parliament was then assembled."—Act. Parl., v. 259. In the superseded Record edition of the Acts this alteration is visible, since the editor of that volume had only the warrants, not the Acts, before him; and he faithfully printed the erasures and interlineations. I am indebted to the courtesy of the Lord Clerk Register for the use of the new edition of the rescinded Acts, not yet completed for publication.

to re-enact the legislation of that year. All questions relating to the participation of royalty in the deliberations of the Estates, and the necessity of the royal assent to their Acts, were surrounded by dubiety. Now, however, for the first time, the Estates defied the Crown. It was natural that, assembled under such conditions, they should record a vindication of their position. They asserted that the Crown had taken the first step against precedent by seeking forcibly to bring the sittings of 1639 to an end, and that the Estates themselves had shown the spirit of peace and conciliation in agreeing to adjourn when they were not bound to do so.¹ They had sent two commissioners, the Lords Dunfermline and Loudon, to Court to explain their position. These messengers were asked if they came with authority from the king's commissioner, Traquair; and when it was explained that they had no authority from him, but represented the Estates of Scotland, they were refused an audience, and sent back. This was deemed an act of contumely such as that great

¹ The words in which they assert their constitutional position are remarkable, and whatever might be said for or against them on precedent in Scotland, are not to be judged of by the English practice of Parliament: "Because, contrary to our expectation, John, Earl of Traquair, his majesty's commissioner, did take upon him, without consent of the Estates, upon a private warrant procured by himself against his majesty's public patent under the great seal, to prorogate the Parliament to this second day of June, our duty both to king and country did constrain us to make a public declaration in face of Parliament, bearing that the prorogation of the Parliament without consent of the Estates was against the laws and liberties of the kingdom, was without precedent, example, and practice in this kingdom, . . . and that whatsoever we might have done by the laudable example of our predecessors in the like exigency and extremity, without any just offence to authority, yet that our proceedings might be far from all appearance of giving his majesty the smallest discontent, we notwithstanding did choose to cease for that time from our public proceedings in Parliament."

assemblage, the Estates of the realm, had never been required to endure at the hands of any monarch. But on the other side it could be pleaded that they were messengers sent not to the king only, and that they would take the opportunity of their presence in London to say a word or two in secret to the party in England who were preparing work for the Long Parliament. It was farther pleaded by the Estates in their justification, that their reassembling on the 2d of June was a virtual bargain between them and the king; and it never yet was known that if one party to a bargain failed to fulfil his part, the other was precluded from carrying out the arrangement if it had the power to do so.¹

It was asserted by the Estates that everything was done on their part that could be done to keep peace, while his majesty's evil advisers were doing their best to foment discord: "Scandalous relations of our Parliamentary proceedings have been made at the council-table of England, and the benefit of hearing before the Council denied to our commissioners. Great violence and outrage done by the Castle of Edinburgh, not only against men and buildings, but women and children. Our ships and goods taken at sea, and the owners stripped naked and barbarously used. A commission given for subduing and destroying of this whole kingdom. All things devised and done that may make a rupture and irreconcilable war betwixt the two kingdoms. Our commissioners hardly used

¹ The Estates in their justification said the commissioner has assured them that the king would keep his "royal promise," and seemed "to be so far from judging it unlawful to us to proceed at the day appointed, in case we should be postponed and frustrated by new prorogations, that he made often and open profession that he would join with us therein."

while they were in England by restraints put upon them, and the Lord Loudon still imprisoned. No answer given unto them or returned unto us touching our just demands, but in place thereof a declaration given out denouncing war, and provoking the other two kingdoms to come against us as traitors and rebels. And when we had patiently endured all these evils in hopes of some better news at this 2d of June, appointed for sitting of the Parliament, hearing nothing from his majesty or his majesty's commissioner, either to settle this kingdom according to the articles of pacification, or to interrupt our proceedings;" therefore, for acquitting themselves of the great trust committed to them, "and for preventing the utter ruin and desolation of this Kirk and kingdom," they are constrained in the great exigency to abide together until the business before them is completed.¹

Before beginning with their legislative business, the Estates indorsed the Assembly's testimony against the Large Declaration, finding it "to be dishonourable to God and His true religion, to this Kirk and kingdom, to the king's majesty and to the Marquis of Hamilton, then his majesty's commissioner, and divers other persons therein, and to be full of lies." And they ordained "the authors and spreaders thereof to be most severely punished, according to the laws of this kingdom against leasing-makers betwixt the king's majesty and his subjects, slanderers of the king and kingdom, and raisers of sedition and discord between them; that all others may be deterred from such dangerous courses, God's honour may be vindicated, the innocency of the Kirk and kingdom, and his majesty's

¹ Act. Parl., Revised Record Edit., v. 256, 257.

justice and goodness may appear not only in censuring such malefactors, but in discouraging all such underminers of his majesty's throne, and abusers of his royal name, by prefixing the same to such scandalous and dishonourable treatises." ¹

The Estates confirmed the proceedings of the Assembly, and adopted the Covenant as an Act, requiring all citizens to subscribe it under civil penalties against defaulters. They began the application of this test with themselves, requiring that each member of the Estates should subscribe it, all who failed to do so being disqualified to sit and vote—a rule to apply to all subsequent meetings of the Estates. They facilitated the importation of arms, and organised a system of taxation in which defaulters were to be treated as "non-Covenanters." They passed an Act establishing triennial Parliaments. Arrangements were made for the distribution of the vacated revenues of the bishops, and the other secular rights affected by the depositions passed by the Assembly. Care was had formally to ratify all things, whether of a civil or a military character, in furtherance of the Covenanting cause, and to denounce as illegal all things done on the other side. A distinct infusion of Puritanical spirit is visible in this Parliament in the matter of legislation for Sabbath observance.

Before separating, they passed what afterwards proved to be among the most important of their Acts. It appointed a permanent "Committee of Estates" to act when Parliament was not sitting. It consisted of so many from each of the three Estates, according to the new division. This powerful body was compact

¹ Act. Parl., Revised Record Edit., v. 264.

and movable, and was to act "in the camp" as well as at the seat of Government. Having sat till the 11th of June, the Estates adjourned till November.

In their vindication allusion was made to the detention in prison of the Earl of Loudon. This arose out of a transaction which calls for notice. The political relations between England and France had become precarious and lowering. The chief interest which affected England abroad at that time concerned not the nation but the royal family—it was the position of the king's sister, the newly-widowed wife of the Elector Palatine, and of her son, the heir to the fortunes and misfortunes of that house. England could not be got to join France and the northern powers against Austria and Spain, and the reason of this was said to be that Charles was persuaded that he had more to hope for the Palatinate from these two powers than from France. Richelieu, indeed, had struck a strong and very offensive blow in seizing the young Prince Palatine as he passed through France in disguise; it was said that he was on his way to the Duke of Weimar, as the bearer of proffers to induce that dealer in mercenary troops to transfer his contingent from the service of France to that of Austria. It was just at this time that, by an intercepted letter, King Charles found that the Scots Covenanters were seeking aid from the King of France. The documents show that those concerned in this negotiation were Montrose, Rothes, Leslie the general, Mar, Montgomery, and Loudon.¹ A certain William Colville was accredited

¹ One of the original papers still exists in the Wodrow collection of the Advocates' Library. The signature of "A. Leslie" has invited curiosity, because it was a Cavalier tradition that he was so illiterate as

to the French Court to negotiate the affair. It has been supposed that it went no farther than the drafting of the proposals, and that they never reached France. But a recent French historian has found documents, on his own country's side of the negotiation, much more full in explanation of it than the few preserved in Britain.¹ These proffers came to no practical result, because the Scots Covenanters found in England better friends than France could by any possibility give them. Had it been that a conquering and oppressing English army was to march over Scotland, the landing of French troops in the country would have been a natural event. The scenes change, however, so rapidly in their display of new political conditions, that while the French ambassador in England is perplexed about the question whether the seizure there of Colville on his way to France should be resented, and about the intercourse to be held with the English malcontents as a means of annoying the Government, he has to turn suddenly to the considera-

to be unable either to write or read. Lord Hailes, who rarely indulges in pleasantries, says: "It is reported that once upon a march, passing by a house, he said, 'There is the house where I was taught to read.' 'How, General!' said one of his attendants; 'I thought that you had never been taught to read.' 'Pardon me,' cried he; 'I got the length of the letter G.'"—*Memorials and Letters, Charles I.*, 61. There are letters from him, in a fair hand of the day, in the Lothian Papers.

¹ *Relations du Cardinal de Richelieu avec les Ecossois Covenantaires et le Parlement d'Angleterre*; Mazure, *Histoire de la Revolution de 1688 en Angleterre*, iii. 402. The author of this book notes with some surprise how little foreknowledge there was in the wise Richelieu of the consequences of helping to make the precedent for subjects resisting their sovereign: "Ces documents suffisent sans doute pour montrer sous quel point de vue le Cardinal de Richelieu considéroit les troubles de l'Angleterre. Il n'y voyoit pas la question de la royauté en peril, mais la question des intérêts de l'Autriche, auxquelles la Reine-mère et la Reine d'Angleterre étoient dévouées."—P. 428.

tion of a new alarm prevailing in the Parliamentary party—the alarm that King Charles is to get assistance from a French army to establish despotic authority over England.

The overture of men standing forth for civil liberty and the Presbyterian Covenant to a despot and a Papist, caused on its discovery much odium, which has accompanied it into later times. But this odium arose on an English view of the affair. It was high treason, as Clarendon said, for subjects to treat with a foreign prince against their sovereign. No doubt it was so in England; but, as we have seen, the Estates in Scotland held tenaciously to foreign diplomacy, with the establishing of peace or war, as a power of their own not deputed to the sovereign; and though the diplomatists in this instance had not an Act of the Estates to justify them, they knew that they were doing what the Estates would confirm. Then, their appeal was to that ancient league with France which had never been solemnly revoked. Look at the issue between England and Scotland as it stood at the moment. No doubt the king had professed to abandon several of the points on which the quarrel had arisen. But every practical political man knew then, and every student of the times knows now, that had King Charles led a victorious English army over Scotland, he would have enforced on the country the Prelacy, the Service-book, the Canons, and the High Commission, and that he would have curtailed the power of the States and raised the royal prerogative above it.

Hence it was the old story of the peril, and the appeal to the friend who had ever been prompt in time of peril. The English Crown having established

tyrannical prerogatives and offensive observances in England, was sending an army into Scotland to subdue the country and break its free inhabitants to the same rule. France could not forget that bloody field in which, when all seemed lost, these sturdy Scots had turned the tide against the same proud enemy. She could not forget how, for this and many another act of heroic kindness, she had reciprocated by effective help at that terrible crisis when the conquest designed by Henry VIII. in his tyrannic fury seemed coming to its completion. Here, again, was a like peril—would their friends of old be still their old friends? In this light the appeal of the Covenanters to the Government of France was not to be counted as if a crew of factious fanatics sought to further their rebellion against their king and master by those who were the enemies of both, but most of all the enemies of themselves. It was the restrengthening of a bond that had been weakened, not broken—a resuscitation of an old loyal friendship which had softened with a touch of chivalry the selfish politics and cruel wars of feudal Europe.

Perhaps they toned their appeal somewhat to suit foreign ears, when they said, as they did, that the Court of High Commission dealt forth tyranny and cruelty unequalled by the Inquisition in Spain. But they repeated only what they never swerved from at home when they asserted their loyalty, saying that “our intentions are no way against monarchical government, but that we are most loyally disposed towards our sacred sovereign, whose personal authority we will maintain with our lives and fortunes; but that all our desires reach no farther than the preservation of our

religion and liberty of Church and kingdom established by the laws and constitution thereof."

It was hardly to be expected that the English of that day could see the matter in this view, yet the Government went so far in the opposite direction as to commit one of the most dangerous pieces of folly committed in that period of blunders. The "Short Parliament" began with a denunciation of the Scots in strong terms as traitors and rebels. The king founded sadly fallacious hopes on the effect of producing in that assembly the letters to France, and, as the chief object of holding a Parliament, demanded a large and immediate subsidy to provide for the war. The Commons, however, voted grievances before supplies, and the great charge of a treasonable correspondence with a foreign enemy passed unnoticed out of sight. But a worse thing was done. We have seen that the Lords Dunfermline and Loudon, when they went to Court after the Parliament of 1639, were sent away without a hearing. They were permitted to return, or, as it was said, ordered up to make explanations; and when they were in attendance, Loudon was seized as one whose name was at the appeal to France, and committed to the Tower. Loudon said he had his pleas, which he was prepared to urge were he brought to trial in Scotland, but he could not be arraigned in England for his conduct as a Scottish subject. No doubt, sending him to Scotland for trial was equivalent to releasing him, but not the less would it be a national outrage to deal with him in England. There were whispers that he was to be put to death without trial, as an enemy found in the position of a spy; and even this, though it might seem the harsher and more

barbarous fate, would scarce have been so deep a national insult as putting a Scots statesman on trial in England for his actions in his own country. "There were," says Burnet, "some ill instruments about the king who advised him to proceed capitally against Loudon, which is believed went very far; but the marquis opposed this vigorously, assuring the king that if that were done Scotland was for ever lost." The end was that Loudon was released untouched. We are not told the reason why the policy on which he was imprisoned was thus dropped; but the affair was one of the many in which the unfortunate monarch secured all that harvest of rancour that follows on a blow without having the satisfaction of dealing it.¹

Though this affair does not hold a large place in the usual histories of the civil war, it was one of the turning-points by which great conclusions were reached. According to Clarendon, it determined the king and his immediate advisers to call a Parliament. To meet the cost of a war both with France and Scotland there was no other possible resource. Then the defence of England from a joint invasion of the French and Scots was a far more hopeful cry than the policy of sending an army to punish the pertinacious Scots.

¹ Clarendon makes one of his picturesque mysteries out of the "stratagem," as he calls the release of Loudon: "This stratagem was never understood, and was then variously spoken of, many believing he had undertaken great matters for the king in Scotland, and to quiet that distemper. . . . They who published their thoughts least made no scruple of saying 'that if the policy were good and necessary of his first commitment, it seemed as just and prudent to have continued him in that restraint.'"—Vol. i. 144. Lord Northumberland, writing to Lord Conway, says: "The enlargement of Lord Loudon causes a belief here in the world that we shall come to terms of accommodation with the Scots, but seriously I do not know that any such thing is intended."—Bruce's Notes, xix.

We are told by Clarendon, that instantly on the discovery of the Scots appeal to France, the king "first advised with that committee of the Council which used to be consulted on secret affairs, what was to be done." The conclave thought a Parliament so urgent a necessity that on the same day the instruction was issued by the king in Council to the Lord-Keeper to issue the writs.¹ These brought together the "Short Parliament" on the 3d of April 1640; but that day's work in Council ended in the assembling of the Long Parliament.

It would be a satisfaction to have a fuller account than the ordinary histories afford of the condition and temper of England during the short interval between the two Parliaments. The latest voice from England on this point says: "What that condition really was, what the state of mind of the English people in 1640 towards the king, the Government, and the Scots, and with reference to the then passing public events, is a question of the deepest historical interest," since "the treaty of Ripon cannot be understood without some knowledge upon this subject far different from that which can be acquired from the ordinary authorities."² I feel, as this author said, in reference to his own province, that the question "requires for its proper answer freer scope and a wider compass" than it can obtain in a history of Scotland. It belongs essentially to

¹ Clarendon, ed. 1705, i. 130, 131; ed. 1843, p. 53. That "committee which used to be consulted on secret affairs" is the germ of the modern "Cabinet."

² Notes of the Treaty carried on at Ripon between King Charles I. and the Covenanters of Scotland, A.D. 1640, taken by Sir John Borough, Garter King-of-Arms. Edited from the original MS. in the possession of Lieutenant-Colonel Carew, by John Bruce, Esq., F.S.A. Camden Society. Preface, p. viii.

the history of England ; and it is there that it should be written, so that the investigator in the peculiar region of Scottish history should be able to refer to it as finally adjusted and accepted by the English historians. As the matter stands, let us note what is to be readily found about the condition and temper of England at that time. It was shown by the Short Parliament itself, and more emphatically afterwards, that it was something very different from that sunny prospect which, according to Clarendon, soothed the king into an endurance of a thing so detested as a Parliament : “This long intermission, and the general composure of men’s minds in a happy peace and universal plenty over the nation—superior, sure, to what any other nation ever enjoyed—made it reasonably be believed, notwithstanding the murmurs of the people against some exorbitancies of the Court, that sober men, and such as loved the peace and plenty they were possessed of, would be made choice of to serve in the House of Commons ; and then the temper of the House of Peers was not to be apprehended.” A farther propitious feature of the times was “the prejudice and general aversion over the whole kingdom to the Scots ; and the indignation they had at their presumption in their thought of invading England, made it believed that a Parliament would express a very sharp sense of their insolence and carriage towards the king, and provide remedies proportionable.”¹

The organisation for collecting ship - money and other feudal dues had been made so complete and commanding as to gather into the Exchequer all the money that could by any available interpretation of

¹ History, i. 130 ; ed. 1843, p. 53.

the law come within those imposts. The revenue from them seemed sufficient to sustain the Court and Government in time of peace, but when war approached more was wanted. This more was to be obtained through a Parliament; but the Parliament was dissolved before it gave anything, and the effect of its discussions and abrupt dismissal appears to have been seriously to weaken the machinery for collecting the feudal dues, and to shake the credit of the Government with the moneyed world.¹ The result is described by one on whom heavy responsibility lay—the Earl of Northumberland, who was to command the army of the north: “Most of the ways that were relied on for supplies of money have hitherto failed us, and for aught I know we are likely to become the most de-

¹ This view, and the others following in the text, are founded on the passages from record authorities furnished by Mr Bruce as examples of the information available to the English historian. For instance, the Sheriff of Hereford explains that, “upon notice of the late Parliament, many of the chief-constables refused to levy the ship-money or come before the examinant” (xii.) The Sheriff of Derby says: “I find such opposition and evil-affectedness in the greatest part of the county, that since the dissolution of the last Parliament they do not forbear to dare me, and bid me distrain at my peril, giving forth threatening words against me” (xiv.) The Sheriff of Cornwall finds that “the constables make a very small return of ship-money; and when they distrain, very few would buy any of the goods, so that for want of pasture they were forced to return the cattle distrained to their owners again.” The Sheriff of Cambridge reports that “in the execution of the ship-money writ at Mel-bourne his bailiffs were assaulted by more than one hundred of the inhabitants, five or six of them grievously beaten, and all of them hardly escaping with their lives. The men dared not again go about that or any other business of his majesty; and such was the opposition in divers other parts of the county, that the sheriff could not go through the service unless course were taken for suppressing such insurrections” (xvii.) The Sheriff of Oxford said that “wherever he came constables could not be found at home; gates were chained, locked, or barricaded; all officers refused to assist him, and the county would not pay but by distress” (xix.)

spised nation of Europe. To the regiments that are now rising, we, for want of money, have been able to advance but fourteen days' pay—the rest must meet them upon their march towards Selby, and for both the horse and foot already in the north we can for the present send them but seven days' pay.”¹ A disinclination to render obedience to the Commission of Array seconded the unwillingness to submit to the feudal exactions. Whether from the sorry prospect of pay, or distaste for the service, those who were considered liable to serve in the army resisted the conscription; and when embodied, they were often so mutinous as to be more dangerous to their officers than they were likely to be to the enemy.²

It is significant of what was passing through the minds of some of these men about events in England, and the reference of these to the service for which

¹ *Ibid.*, xix.

² Northumberland says, with the eloquence of desperation: “The city of London, Kent, Surrey, Essex, Hertfordshire, Buckingham, and Bedfordshire are so damnably restive that I doubt we shall not get near our number of men from these places; the rest of the counties I hope will do reasonable well in raising their men” (xv.) Certain deputy-lieutenants coming to Bugay on press duty, say: “The soldiers fell into a mutiny, threatening our deaths, beset us in our chamber, kept a watch upon our horses, and waylaid us so as we were enforced to keep our chambers” (xv.) It is reported of six hundred conscripts from Dorsetshire, passing through Farringdon, in Berkshire, “they in a barbarous manner murdered Lieutenant Mahon, one of their company, and have threatened the rest of their commanders to put them to the sword, insomuch that they are all fled; and the soldiers being now at liberty, in probability will much endanger the town and the country adjoining.” While Northumberland writes to Conway: “Our troops are upon their march from some of the counties, but I hear that they run so fast away that scarce half the number will appear at the rendezvous in the north” (xvi.) Conway, writing to Secretary Windbank, puts this epigrammatic point to the whole wretched affair: “I fear unpaid soldiers more than I do the Scots and the devil to boot. God keep you from all three!” (xxiv.)

they were raised, that one cause of dangerous humours arising among them seems to have been a suspicion of Popish tendencies in their officers.¹

It appears that among the practices for which these troops were troublesome was the destruction of those ecclesiastical decorations which associated the innovating party in the Church with Popery. They seemed to be influenced by a desire to leave behind them in this shape a protest, that in marching against the Presbyterians in Scotland, they were not to be understood as fighting the battle of Laud and his party.²

¹ At Marlborough it is reported of the company under the command of Captain Drury, that suspecting him of Popery, they suggested that all should take the sacrament—according to the form of the Church of England, it is to be presumed: “The captain showing little inclination to that motion, at least for his own receiving, the soldiers pressed him so much the more to it; and when they perceived he would not, they told him plainly, if so be he will not receive the communion, and pray with them, they will not fight under him; and in this manner they cashiered their captain” (xv.) An officer writing from Cirencester, says: “The Puritan rascals of the country had strongly possessed the soldiers that all the commanders of our regiment were Papists, so that I was forced for two or three days to sing psalms all the day I marched, for all their religion lies in a psalm” (xxii.) Other instances were more tragie, as in the report by the deputy-lieutenants of Devon on the fate of Captain Evers at the hands of his own company: “Forbearing to go to church, they suspected him to be a Papist, whereupon they set upon him and murdered him.” “On endeavouring to arrest four of them, above twenty others came forward declaring that they were all equally guilty, and if they would hang one they should hang all” (xx.)

² Lord Maynard reports to the Council that “the insolences of the soldiers billeted in Essex every day increase. Within these few days they have taken upon them to reform churches, and even in the time of divine service to pull down the rails about the communion-tables.” Lord Warwick reports to Secretary Vane an outrage of this kind attended by peculiar ingratitude: “Dr Barkham, parson of Bocking, having given the soldiers a barrel of beer and fifty shillings, I found them much distempered by drink; and in that distemper they went to his church and pulled up the rails about the communion-table, and brought these before their captain’s lodging and burnt them. The like they did to another town near thereunto” (xxiii.)

The one ray of hope through these difficulties was in itself also of a dismal and desperate character. It was that the Scots might be worse off than themselves, and so be routed and conquered before a close contest should show the weakness of the English army. Northumberland casts aside his difficulties of detail about fortified posts by the general reflection: "But we are going upon a conquest with such a power, that nothing in that kingdom will be able to resist us."¹

A point of extreme interest is naturally sought out through every scrap of internal information about England at that time. To what extent had the Scots, who began the great civil war, an understanding or alliance with the English Parliamentary party at this juncture? As the question might have been otherwise put at the time, how far had the rebels in Scotland made practical arrangements with their accomplices in England? Rumours were accepted here and contradicted there about a bond of co-operation with the Scots, signed by sixty-three men of note in the Parliamentary party. Burnet, in one of his circumstantial stories, tells how, when Dunfermline and Loudon were in London, the Lord Saville dealt with them in the name of the chiefs of the party, and showed a written obligation signed by some of them to co-operate with the Scots, if they would march into England. This was sent to Scotland by a confidential messenger, who concealed it in a hollowed walking-stick, and travelled as a pedlar. It was to be shown only to Argyle, Warriston, and Henderson. The document was spurious, and the signatures to it were all forged by Saville. In completing the story from the authorities

¹ *Ibid.*, viii.

of the period, the exposure of the forgery makes a dramatic scene. At the treaty of Ripon the Scots reproach those who, after having invited them into England, instead of entering on mutual confidences, treated them as strangers. They denied the invitation, and Saville had to act the part of the detected forger. But this will not harmonise with another revelation, which, professing to give the papers that passed between the Scots and the Parliamentary leaders, imports that the Scots distinctly asked for assistance, and that it was as distinctly refused, although the refusal was so toned as to show a sympathy in their cause, and an anticipation that it might become the common cause of both countries.¹

¹ The story is told in Burnet's 'Summary of Affairs before the Restoration.' He gives it a circumstantial air by talking of Warriston, one of the parties to it, as his own uncle. Clarendon mentions it generally as one of the suspicions connected with Saville's evil reputation. The scene at Ripon is given in Nalson's Collection (ii. 427), "out of the Memoirs of the late Earl of Manchester, then Lord Mandeville, an actor in this affair." The opening of the scene is thus: "When the Scotch commissioners had passed the ceremonies and general civilities of the first meeting with the English commissioners, the Lord Londoun and Sir Archibald Johnston applied themselves particularly to the Lord Mandeville, desiring him to give them a private meeting, that they might impart to him something of near concernment to himself and others the lords then present. This was readily granted; and they then went to the Lord Mandeville's lodging, where being set together, the Lord Londoun began with very severe expostulations, charging the Earls of Bedford, Essex, and Warwick, the Lord Viscount Say and Seale, the Lord Brook, Saville, and himself, with the highest breach of their promises and engagements, professing that they had never invaded England but upon confidence of their keeping faith with them, according to those articles which they had signed and sent unto them." Then comes the explosion. The doubts that any such affair ever occurred are strengthened by the absence of any reference to it in Mr Bruce's Ripon Papers. The supposition that there had been a real invitation to the Scots connects itself with another matter. This Lord Mandeville is the same Lord Kinbolton who was impeached along with "the five members;" and one of the articles of impeachment was, "That they have traitorously

That the Scots acted on an invitation from England, whether genuine or spurious, is unnecessary to the conformity of events, and indeed rather tends to disturb than to complete their sequence. The policy of the Scots was, if they were attacked, to retaliate; and the policy of their retaliation was to get possession of the great coal-fields which supplied the fires of London. There were many opportunities for exchanging sympathies and sentiments between statesmen of all classes in the two countries, and it is needless to inquire what they said to each other.

The tendency to seek a solution of the coming events in a specific contract or treaty has grown from an imperfect perception of the natural bond of common interests and dangers. The opponents of the prerogative, both in England and in Scotland, far apart as they afterwards separated, stood at that time on the common ground that each professed to suffer from innovations on the established constitutional practice of their Government. The larger violation of the constitution fell to Scotland, because her institu-

invited and engaged a foreign power to invade his majesty's kingdom of England" (Parl. Hist., ii. 1005). Pym, in his celebrated defence, pointed this charge towards a later turn of events: "If to join with the Parliament of England by free vote to crave brotherly assistance from Scotland—kingdoms both under obedience to one sovereign, both his loyal subjects—to suppress the rebellion in Ireland, which lies gasping every day, in danger to be lost from his majesty's subjection, be to invite and encourage foreign power to invade this kingdom, then am I guilty of high treason."—*Ibid.*, 1014. The place where the correspondence itself is professed to be given for the first time is Oldmixon's *History* (i. 141). Here the Scots specifically ask their friends to help them "by their rising in one or sundry bodies among themselves, or by sending to us near the Borders some present supply of money, or clear evidence where we shall find it near hand." In the document professing to be an answer to this the request is refused, as to grant it might involve a charge of treason.

tions were the more antagonistic to the projects of the innovators. Thus the English constitutionalists had before them an example of what the prerogative was capable of attempting. It was a natural thought to cross their minds—to use the figurative language of Rehoboam—“We have been chastised with whips; let us see how those who have been chastised with scorpions will act.” Those who looked at the innovations in Scotland rather in sorrow than in anger, saw at an early point the English sympathy, and were alarmed by the sight. It had gone on increasing; and it could not be smothered by the old panic-cry about a Scots invasion, even when this was aggravated by an appeal to France for assistance. It was in the north, where the hatred of the Scots used to be the strongest, that the sympathy with them was becoming the greatest. “I am persuaded,” said Osborne, the Vice-President of York, “if Hamibal were at our gates, some had rather open them than keep him out.”¹

It was easy to reassemble the army so recently dispersed in Scotland: Leslie was again the commander, and in the middle of July he mustered at Dunghlas a force of more than twenty thousand foot and two thousand five hundred horse. Again we are fortunate in the circumstantial Baillie having accompanied the host. Hard pressure had to be applied to raise money. The regular taxation took time, and twenty thousand merks were required daily; and “from England there was no expectation of moneys till we went and fetched them.” Money was lent and given by the enthusiastic friends of the cause, and contributions of plate were taken to the mint. As it was desirable that their march through

¹ Notes on Treaty of Ripon, xxvi.

England should be as inoffensive as it could be rendered, a serviceable equipment of tents was required, so that they might neither quarter on the people nor do mischief by gathering materials for hutting. The linen stored up, according to national custom, by the thrifty housewives of Edinburgh, supplied this want. The eloquence of a popular preacher did much to open this resource; for "Rollock had so sweetly spoken to the people's minds on the Sunday, that the women, afternoon and to-morrow, gave freely great store of that stuff—almost sufficient to cover all our army."¹

The army was to abide some time on the Border, and then, if necessary, march into England. On the 20th of August they crossed the Tweed at Coldstream. Lots were drawn as to the order of march through the river, and chance gave the lead to Montrose's contingent. He made himself conspicuous by his zeal and alacrity in leading the way and carrying through his own people—it was in keeping with the ardour of his nature; but some said that on this occasion the exhibition of ardour was but a mask to hide treachery. They passed southward in detachments, all to assemble on Newcastle Moor. When they reached this spot they found that the town of Newcastle was defended, and that a considerable English force, under Conway, was at hand on the south side of the Tyne. It was clear, then, they must fight for the mastery of Newcastle and the district around, otherwise the English, having both sides of the river, would command Northumberland. Leslie determined on the strategy of turning the enemy's flank. The chief fortifications of the town were of course towards the north. Instead,

¹ Baillie's Letters, i. 255.

therefore, of besieging the place from that side—defended, as it would be, by a considerable force—he determined to cross the Tyne, and fight that force in the open field. It was a sound civil policy, if it could be made good as a military project, since it kept clear of the terrible process of forcing the city by storming. The point selected for the crossing was the ford of Newburn, about five miles above Newcastle. Conway, who had with him ten thousand foot and two thousand horse, was enabled to afford a force, estimated variously at from four to six thousand men, to hold the ford. They raised earthworks and mounted several cannon. The bank on their side was a flat haugh. On the Scots side it was steep, so that the English force was overlooked and in some measure commanded by the Scots. On the south side any attempt by the Scots to force a passage promised an affair in which artillery well placed and served would defy the power of numbers, for no artillery was seen in the Scots camp. Here, however, Leslie's German experience enabled him to effect a surprise. Under his direction there had been a manufacture in Edinburgh of temporary cannon. They seem to have been made of tin for the bore, with a coating of leather, all secured by tight cordage. A horse could carry two of them, and it was their merit to stand a few discharges before they came to pieces. Leslie had some of these masked among bushes on the river-bank, others he got up the tower of Newburn church. When the Scots began to cross, and Conway's guns opened on them, to the amazement of the English they were answered by a stronger battery commanding them. The roar of artillery from a force believed to be destitute of that

arm is one of those terrible surprises which tax the nerves of highly-disciplined veterans, and here it befell raw recruits. They were at once broken up into confusion, and the Scots passed over. They found no enemy to resist them except a small body of high-spirited Cavalier gentlemen, finely mounted, and armed with breastplates. These fought hard; but when the whole Scots army came over, the contest was so unequal that they were forcibly taken prisoners. It was not the policy of the Scots to shed much blood, and they made no attempt to meddle with the bulk of the English force in its retreat. The loss on the English side, even, only extended to some forty or fifty—on the Scots to about a tenth of the number. Such was the battle by which the Scots army forced the passage of the Tyne—a trifle in the bloody annals of warfare, yet so momentous that in critical interest it may well rival the famous passage of the Rubicon.

The scenery around the quiet village of Newburn is not naturally remarkable, but it has a signal interest in this, that few other battle-fields present on their surface so distinct an impression of the nature of the contest. The steep bank on the north side of the Tyne is still scrubby as it was when Leslie's light guns were masked by the bushes, and the short thick Norman tower of the village church looks as if it had been made to carry wall-pieces. Standing here, we overlook the flat haugh where the English army was uselessly fortified, as the gallery overlooks the stage of a theatre; and we see at once how fatal was the mistake when the English general supposed that the Scots had no cannon. A general survey of the river from Leslie's position shows, what inquiry will confirm,

that Newburn is the nearest point to Newcastle where the Tyne could be forded by troops. The river has many sweeping loops, and at any one of these, had the water been shallow enough, the Scots could have passed unmolested, through the well-recognised military advantage of having the inside of the curve. At Newburn the water is so shallow that in dry weather a child can take the ford, and we must conclude that it would not have been forced had any other part of the river been available.¹

¹ The only account of the battle, so far as the author is aware, by a military man present in it, is the one given, by way of vindication of himself, by the defeated general. In saying that his soldiers were "unacquainted with the cannon," he must be held to mean that they were not aware of their existence till they opened fire:—

"The Scots having made a battery and drawn down their army, our works were provided with men to defend them, and with others to second them. Six troops of horse were placed to charge the Scots where they came over, and six or seven more were placed to second them. When the Scots forces were in readiness, and their cannon placed, our works were not proof against them; the soldiers were unacquainted with the cannon, and therefore did not endure many shot; those that were to second them followed their example.

"The horse charged the Scots, and drove them back into the river; but the cannon beating through, some of our troops that were sent to second went off when they saw the place forsaken. They should have gone on the left hand, that they might have gone off with the foot; but mistaking their direction, went on the right hand, which carried them up the hill, where they found some troops. Whilst they consulted what was best to be done, the Scots horse came up in two divisions, and with them ten thousand musketeers. The first charge was upon the regiment commanded by Lord Wilnot, who was there taken prisoner, his men forsaking him, and falling foul of some troops of the Lord Conway's regiment, disordered them; the rest being charged, did as they saw others do before them.

"The cause of the loss that day was the disadvantage of the ground, and the slight fortification, which the shortness of the time would not afford to be better. Neither would it admit us to make any works upon the hill where we stood opposite against the Scots. And when we came to sight, the soldiers did not their parts as they ought to have done, being the most of them the meanest sort of men about London, and unacquainted with service, and forgetting to do that which they had oft

The way to Newcastle was now open—a detachment of the army had only to cross the bridge and enter the town.

In the histories inspired by the great struggle of the day, the capture of Newcastle is one of those gentle quiet affairs that call for little further notice than the transference of Edinburgh and Dumbarton into new ruling hands. But to the community of that town it was an astounding and terrible event. If there were those in England who expected to meet the Scots as friends and allies, Newcastle was not the place where these were to be found. In their traditions the Scots were men of blood and rapine. They were denounced in the civic ordinances as a race unfit to mingle with the civilised sons of trade and industry. There were men alive who in their youth could remember the families of Northumbrian farmers fleeing for their lives within the protecting walls of Newcastle, and could recall, when the panic was over, how the citizens in fearful curiosity visited the ruined grange, to see its emptied byres and stables, and the bleeding bodies of its defenders. If in the days of the flat-bottomed boats the corporation had awakened to find themselves in the hands of a French army landed at the mouth of the Tyne, the surprise and consternation could not have been greater than on that summer day, a hundred and sixty years earlier, when the town and its great coal-field were seen in the possession of the Scots invaders.

The colliers outside the town fled from their works.

been commanded and taught.”—The Lord Conway’s Relation concerning the Passages in the late Northern Expedition, 1640 ; Hailes’s Memorials and Letters, Charles I., 102, 103.

The citizens—all but a few who instantly escaped—had to submit to the restraints of a garrison town, and to remain at home, or absent themselves on leave and under precautions against the removal of property. A citizen, recovered from the first panic, and seeing that there is order, at all events, if not safety, gets an opportunity to write to a friend by sea, and says, “I have taken the more freedom to enlarge myself, and acquaint you with the true state of our conditions.” “It is true,” he says, “they have invited, and by all means endeavoured, to draw us back to our dwellings in this town, where we live together quietly enough for appearance, being in this town not troubled with their common soldiers, who are kept in their quarters in the camp. Some commanders and men of greater rank living with us in the town, we enjoy hitherto all our own goods and merchandise which we have in possession, the money excepted, which, while the terror of the armies lay upon us, and their intentions not known, they easily persuaded us to lend upon their own security, which I assure you was the greatest part of the ready money seen in the town, some having so much providence as to transport their estates away before.”¹ Another says: “Many families gone, leaving their goods to the mercy of the Scots, who possessed themselves of such corn, cheese, beer, &c., as they found, giving the owners thereof, or some in their stead, some money in hand, and security in writing for the rest, to be

¹ Letter from an Alderman of Newcastle, 8th September 1640; Reprints of Rare Tracts and Imprints of Ancient Manuscripts, chiefly illustrative of the History of the Northern Counties, and printed at the Press of M. A. Richardson: seven volumes—vol. i.

paid at four or six months in money or corn; and if they refuse, said the Scots, such is the necessity of the army, that they must take it without security rather than starve.”¹

These petty details bear on the great difficulty of the army's position. It was strong enough to help itself, but that was not the policy of its leaders. However willing the Government of Scotland might be to bear a burden in the cause, the support of an army exceeding twenty thousand men on foreign soil was beyond their pecuniary ability. The problem was, how to be good neighbours with the English of the north, and yet be fed by them—in other words, how to buy from them, and pay them out of nothing.

It ended, as on other like occasions, in the levying of contributions to be paid some time or other from some fund. We are told how “the mayor and aldermen of Newcastle pretends inability to pay their two hundred pound a-day. We were forced to put a guard about their town-house till we got new assurances from them. According to our declaration, we took nothing for nought, only we borrowed on good security so much money a-day as was necessary for our being, to be repaid long before our departure.”²

The burden, as we shall afterwards find, was removed from the district and spread over England. Meanwhile the citizens of Newcastle had an opportunity of finding that there was some difference between this well-ordered army and the incursions of the Teviotdale and Eskdale marauders, which brought terror to the hearts of an earlier generation. As it was in the destiny of things that the Scots were soon afterwards

¹ Newcastle Reprints, i. 8.

² Baillie's Letters, i. 262.

to revisit them, the character of their present dealings with the community had doubtless its influence on their subsequent reception. King Charles on his way north had received the loyal applause of the corporation, and they proved their sincerity by the contingent they supplied to his force.¹

Public opinion was at that juncture changing rapidly in England; and many who looked to the Scots in 1640 as invading enemies, afterwards welcomed them at their later visit as friends and allies. The situation is thus described by Baillie:—

“In the king’s magazine were found good store of biscuit and cheese, and five thousand arms, musket, and pikes, and other provision. Messrs Henderson and Cant preached to a great confluence of people on the Sunday. My Lord Lothian, with his regiment, was placed to govern the town—our camp lay without. The report of this in all our pulpits did make our people sound humble and hearty thanks to the name of our God, in the confidence of whose help this work was begun, and on whose strength it does yet rely — not well knowing what to do next; for many a time from the beginning we have been at a nonplus, but God helped us over.”² They seemed to be, indeed, carried forward on the wings of destiny. They took Durham, Tynemouth, and Shields without a struggle. News came to them that Dumbarton Castle had surrendered on the day when their army forced the passage at Newburn; and a few days later came the news that

¹ “The town of Newcastle-upon-Tyne furnished 250 pikemen, 250 musketeers, and 350 dragoons for the king’s service,” a larger force than all the rest of Northumberland supplied. — Letter from a Royalist of Newcastle, introduction; Newcastle Reprints, iv.

² Letters, i. 257.

the garrison of Edinburgh Castle had been turned out in the manner we have seen. Though it was clear to the enthusiasts who gave impulse to the enterprise that God was fighting for them, yet there was practical sense and moderation enough in that host to bid them rejoice with trembling. They immediately took to their old practice of supplicating, and never in their dangers and difficulties did they approach the throne with more submissive and deferential loyalty than in this hour of triumph. "We only implore," they say, "that we may, without farther opposition, come into your majesty's presence, for obtaining from your majesty's justice and goodness satisfaction to our just demands. We, your majesty's most humble and loyal subjects, do still insist in that submissive way of petitioning which we have kept since the beginning, and from which no provocation of your majesty's enemies and ours, no adversity that we have before sustained, nor prosperous success can befall us, shall be able to divert our minds; most humbly entreating that your majesty would, in the depth of your royal wisdom, consider at last our pressing grievances and losses, and with the advice and consent of the Estates of the kingdom of England convened in Parliament, settle a firm and durable peace against all invasions by sea or land."

In this last sentence there was a deep and formidable meaning. It announced, and for the first time, that there was a common cause between the Scots invaders and the English Parliament, and referred to the two as two elements of force that must in the necessity of things coalesce. Without a key in the history of the times to this and other parts of the "supplication,"

the casual reader might take it for a timid appeal by some poor creatures who, on their peaceable and in-offensive passage to the quarter where they were to represent their griefs and sufferings, had been despitefully assailed by their enemies, and had been providentially enabled to get clear of these perils of the way, regretting at the same time that their assailants had brought on themselves some casualties. After all their sufferings, extreme necessity had constrained them, for their relief, to come into England, where they were peaceably passing through the country, harming no one, and paying for what they needed, "till," they say, "we were pressed by strength of arms to put such forces out of the way as did, without our deserving, and—as some of them have at the point of death confessed — against their own consciences, oppose our peaceable passage at Newburn-on-Tyne, and have brought their blood upon their own heads against our purposes and desires."

The king received this document at York. He was already in the midst of a sea of troubles when his defeated troops came scattering in upon him. The victors had let it be known that they were prepared to march on to York; and as surely as they did, so would they again scatter the king's army before them. His answer to the appeal seemed to partake of the trouble and confusion of his spirit; but it sufficed for the time, since its general import was, that before striking he would listen. It was signed by the Earl of Lanark, Hamilton's brother, as Secretary of State for Scotland.¹

The Scots sent in a paper of seven demands, not so

¹ Rushworth, iii. 1255, 1256.

important in their own substance as because they were a basis on which conference might be held. Perhaps the most significant of them was for protecting from the imposition of "new oaths" their compatriots in England and Ireland. The king intimated that the whole state of the case was to be laid before that great council of the peers which, following a practice which had grown obsolete, he had summoned at York. The great council recommended the holding of a treaty, to which the Scots should send representatives. The time fixed for it was the 1st of October, and the place Ripon, in Yorkshire. Eight commissioners represented Scotland: two nobles, Dunfermline and Loudon, already well acquainted with the ground they were to go over; two representatives of the smaller barons; two clergymen, one of them Alexander Henderson, the great preacher. The Covenant was farther represented by the great Church lawyer Warriston, and the town-clerk of Dundee represented the burghal community. These gentlemen showed how suspicious the Scots had become, by requesting a safe-conduct, not only under the sign-manual, but under the signatures of the assembled peers; but this being refused with something like a rebuke, they were content to drop the request.

The commissioners had ample opportunities of diving into the recesses of the quarrel in the mass of disputative documents which had accumulated round it. In addition to those already noticed, a later and fruitful crop had appeared. They are of less moment and interest, however, to the student of the present day, than those which preceded warlike action. In these we see the gradual growth of the conditions which brought

on the quarrel. The later controversy is in general but tiresome comment, in the shape of attack and defence, on the events passing before the world. The most important of these was a continuation of the king's Large Declaration, with the title, "His Majesty's Declaration concerning his Proceedings with his Subjects in Scotland since the Pacification in the Camp near Berwick."¹ It has the same sort of qualified success as the old Declaration. Grant that the king was an absolute monarch, he shows that he yielded with wonderful facility to the desires of his troublesome subjects, abandoning his own better judgment to yield to their unreasonable caprices. The Scots printed and circulated in England a paper called 'The Lawfulness of our Expedition into England manifested.' Whatever interest attached to this document has been recently enhanced by the discovery of a copy of it enriched with Laud's marginal notes. As they are the abrupt comments set down as he read and grew angry in reading, they probably give us his and his master's political creed more broadly and emphatically than we can find them in the deliberative announcements contained in the king's Declarations and other State papers. The spirit of these notes cannot be better told than in the words of him who found and edited them: "Taking the notes in connection with the statements of the Scots, we have at one glance the views of both parties. Those of the archbishop were simple in the extreme. Politically he had but one complaint to make against the Scots. It was their 'duty' to have obeyed the king. They failed in this respect, and that failure brought on all the succeeding trouble.

¹ It will be found in Rushworth, iii. 1018, and in other places.

As applicable to the king's commands, no question of right or wrong, of reason or unreason, of legality or the contrary, seems in the slightest degree to have disturbed the equanimity of the archbishop. In his estimation the whole case turned upon one single consideration. The premises were unquestionable, and the conclusion irresistible. The Scots had not yielded 'the dutiful obedience of subjects;' they could not, therefore, be otherwise than to blame, and not less so in the sight of God than in that of their sovereign and of the archbishop."¹

The commissioners of both kingdoms assembled

¹ Bruce, preface to Notes of the Treaty carried on at Ripon, xl. The following specimens may be selected from the Scots manifesto and Laud's criticisms on it:—

THE MANIFESTO.

"As all men know and confess what is the great force of necessity, and how it doth justify actions otherwise unwarrantable, so can it not be denied that we must either seek our peace in England at this time, or lie under three heavy burthens which we are not able to bear. First, we must maintain armies on the Borders," &c.

"This we say not from fear, but from feeling; for we have already felt, to our unspeakable prejudice, what it is to maintain armies, what to want traffic, what to want administration of justice: and if the beginning of these evils be so heavy, what shall the growth and long continuance of them prove unto us?—so miserable a being all men would judge to be worse than no being."

"If we consider the nature and quality of this expedition, it is defensive, and so the more justifiable. The king's majesty, misled by the craft and cruel faction of our adversaries, began this year's war—not we."

"We have laboured in long-suffering, by supplications, informations, commissions, and all other means possible, to avoid this expedition."

When they talk of "invasions by sea which have spoiled us of our

LAUD'S NOTES.

"None of these necessary, if they would have yielded due obedience to their king."

"No growth necessary when they might have prevented the beginning by doing but their duty."

"If this were true, 'tis not defensive."

"Save yielding the dutiful obedience of subjects."

accordingly at Ripon, on the 1st of October 1640, and began business next day. There were, as there always are in such conferences, minor details of business to be adjusted at the beginning. The king, for instance, desired that some persons in his own interest should attend as "assistants;" for the English commissioners did not properly represent the Crown, but were accredited by the great council of the peers. The Scots seemed not to concern themselves with the English assistants; but they were jealous of the presence of Traquair, Morton, and Lanark in that capacity. They were told that these attended not to vote or take part in the conference, but, as persons versant in the business of Scotland, to explain matters relating to that country which might be unintelligible to Englishmen; and some preliminary diplomacy was necessary to keep these assistants within such limits.

On the general question the Scots felt the ground consolidating, as it were, beneath their feet day by day. In every diplomatic conference there are truths behind any that appear on the smooth and tranquil face of the discussions; and the great truth behind the treaty of Ripon was, that the Scots were absolute masters of the situation. Did they come as enemies? Then they were invaders who had conquered the north of England, and redeemed for their country that ancient district of Northumberland which the voice of tradition assigned as an ancient possession of the Scot-

ships and goods," the commentator says, with angry astonishment, "The king invade his own!"

At one point he gets so angry as to employ a scurvy jest frequently used by the common people of England against the Scots of that day. Where they say that for the provisions of their army they either paid or gave security, he notes, "Not worth three of their lice."

tish Crown ; and in the existing condition of England there was no rational prospect that the conquest would be taken out of their hands. This great calamity had a Government, by its feebleness or its folly, or by something worse than either, brought upon England ; and all who befriended the Government and valued the honour of England must avert such a stigma at any sacrifice.¹ Did the Scots come as friends ? Then to the Government they were friends by mere forced courtesy. Their real friendship was for that great Parliamentary party which was about to rise against the Government. They were conscious of the thorough amity of that party. The great voice of England was calling for a Parliament, and the Scots put in their word too for a Parliament ; in fact, before the commissioners left Ripon the writs had been issued for “the Long Parliament,” and it was the Scots who had procured this for their English friends.

In whatever sense the word was to be taken, they were called and were dealt with as friends. Well, if friends, they were friends who had done eminent service to England at much sacrifice to themselves. It was but fair that their friendship should be requited—that their sacrifices in the cause of their English friends should at all events be refunded. In short, the army had been embodied and marched across the

¹ Among some notes of what was said in the council at York—notes intended apparently to refresh the memory of the notemaker—there are some glimpses of meaning intelligible to others, and among these nearly the most distinct is a passionate burst by Strafford. It will be understood that “this army” means the English, “the other” the Scotch : “If this army dissolve and disband, the other army being, as it is, in such a posture, this country is lost in two days, and the fire will at last go to the farthest house in the street. No history can mention so great an infamy as the deserting this.”—Hardwicke’s State Papers, ii. 211.

Border in the service of England, therefore the expense incurred and yet to be incurred in that service must be paid by England. If not, the Scots could easily help themselves. They hinted that they would be content with the estates of the Papists and of the bishops, who were their natural enemies, and they began by taking possession of the princely domains of the see of Durham. Some abrupt notes of private conferences held among each other by the English lords might be likened to the hurried and nervous estimate of resources for the purchase of life and liberty by captives in the hands of banditti; or perhaps a more appropriate analogy would be the discussions by the authorities of a beleaguered town on the best method of raising ransom-money.¹

¹ For instance, the following, in which it is to be understood that the reporter only sets down one or two leading words by way of memorandum of the purport of what each said:—

“The lords retire.

E. Bristol.—They say if they cannot live in one place they will live in another.

They will come with an army able to obtain their demands.

Not fall into particulars of lessening their army, but, by way of inducement, to offer them £20,000 a-month.

E. Burks [Earl of Berkshire].—To speak with Mr Treasurer, who knows the country, whether they are able.

Mr Treasurer.—Those four counties and Newcastle not able to pay that sum. No trade, but only for a month about £12,000 to be raised.

They propose they will presently have money without victuals, which they cannot do.

They speak of recruiting—to bind them from recruiting, and to have a cessation of arms.

Let nothing be known to them of anything out of the counties.

E. Holland.—He supposes it is a proposition that the counties hereabout will find.

E. Burks.—Whether offer it without consulting with Yorkshire.

E. Holland.—It must be had, and therefore fit to be offered.

Lord Saville.—They will retire, and if they say they cannot accept it, whether they will offer more.

There was much haggling about the actual amount of money to be paid. It is not necessary that we should impute all the discussions to the mere mercenary spirit of parting with and pocketing so much coin. The Scots had further objects than taking a bribe to return home, and the furtherance of these objects was intimately connected not only with the amount to be paid to them, but the form and conditions of its payment. They asked £40,000 a-month, but this was refused. They then reduced their demand to £30,000—finally the allowance was

If you offer it, it must be found, and in conclusion it goes upon all the kingdom.

If they say they cannot accept it, we to propose unto them our reasons—that we are their friends, never did them wrong.

To send to Newcastle to know whether they will receive this with some of the county.

In the mean time to treat of the other heads, and us to treat with the gentlemen of the counties.

Lord Saville.—Not to let the Scots know of our treaty with the counties.

Lord Wharton.—Let it be proposed to be only out of the counties in danger.

E. Holland.—To consider, if they refuse the sum, to think what to do, considering the great danger of the kingdom; but to give them no resolution this morning, but take into resolution to answer in the afternoon.”—Bruce’s Notes of the Treaty of Ripon, 33-35.

Again, on 24th October, as the meetings draw to a close :—

“The lords commissioners retire.

The gentlemen of Cumberland and Westmoreland are already prepared to come into contribution.

A letter written to those counties, and this to be shown unto the Scots commissioners.

They have already called the gentlemen of these shires—Sir Patricius Curwen, Sir George Dawson, and Sir Philip Musgrave—and are now writing a letter which my Lord Wharton read.

E. Bristol.—To add to this, they will procure the strength of the great council of York.

They will engage themselves to endeavour all means at London with the Parliament to see it performed.”—*Ibid.*, 65.

fixed at £850 a-day. It was secured on obligations from corporations and landowners chiefly in the northern counties; but it was the hope of those who became thus liable, that Parliament would relieve them; and the prospect of the whole question coming into the hands of the new Parliament, to which the English nation looked with so much hope, was also a prospect full of stirring hope to the Scots.

Early in the sittings there was a singular incident. On the 8th of October the king desired that the treaty should be transferred to York. The reasons given were merely the "unhealthfulness" of the town of Ripon, and for "expediting" the treaty. The Scots suspected that there were other reasons. The king's army was at York, with Strafford at its head. They said: We cannot "conceive" or foresee "what danger may be apprehended in our going to York, and suffering ourselves and others who may be joined with us into the hands of an army commanded by the Lieutenant of Ireland, against whom, as a chief incendiary, according to our demands, which are the subject of the treaty itself, we intend to insist, as is expressed in our remonstrance and declarator; who hath in the Parliament of Ireland proceeded against us as traitors and rebels—the best titles his lordship in his common talk is pleased to honour us with, whose commission is to subdue and destroy us, and who by all means and at all occasions presseth the breaking up of all treaties of peace, as fearing to be excluded in the end."¹

When the matters of the pay of the army and the pacification were adjusted, another adjournment was proposed: it was to London, whither the English

¹ Bruce's Notes, 26.

lords had to go to attend the new Parliament. No proposal could have been more apt to the views and fortunes of the Scots, and it was gladly accepted.

By this adjournment the destinies of the Scots nation were virtually thrown into the great game which was to be played over the whole empire. For some years, although a few incidents of the contest were peculiar to Scotland, the history of its policy and aims has to be looked on from the centre of a greater area, comprehending the three kingdoms, as they were for some time, and the Commonwealth, as the whole afterwards became. The duties of the historian of Scotland proper are thus in some measure for a time superseded, and fall on those who undertake the history of the great civil war.

CHAPTER LXXIII.

Charles I.

ADJOURNMENT OF THE TREATY TO LONDON—SCOTS COMMISSIONERS THERE—THEIR POPULARITY—THE LONG PARLIAMENT—FALL OF STRAFFORD AND LAUD—CONTESTS IN THE NORTH—MONRO IN ABERDEEN—ARGYLE'S BANDS IN THE WEST—RAVAGE THE NORTHERN LOWLANDS—THE GREAT PARLIAMENT OF 1641—THE KING'S PRESENCE—CONSTITUTIONAL CHANGES—COMMITTEE OF ESTATES—MONTROSE AND ARGYLE—THE INCIDENT AND THE RECRIMINATIONS—MONTROSE'S CHANGE—NEWS OF THE IRISH OUTBREAK—THE SUSPICIONS AGAINST THE KING—THE USE OF THE GREAT SEAL OF SCOTLAND—THE SCOTS ARMY IN IRELAND UNDER LESLIE AND MONRO—THE MASSACRE—THE RUMOURS AND TERRORS IN SCOTLAND—THE SOLEMN LEAGUE AND COVENANT—MONTROSE'S SCHEME—GATHERS A HIGHLAND ARMY—ARGYLE AT INVERLOCHY—BATTLES OF TIBBERMUIR AND KILSYTH—HIS FORCE SCATTERED BY LESLIE AT PHILIPHAUGH.

THE Scots commissioners were one of the chief centres round which gathered the mighty excitement with which London was then seething. When they had severally taken up their abodes, mostly in the neighbourhood of Covent Garden, the city of London desired the honour of receiving them as guests. A house was assigned to them so close to the Church of St Anthony, or St Antholin, as it is popularly termed, that there was a passage communicating between the

church and the house. Henderson, Blair, and Baillie gave their ministrations in that church with zeal and patience, and were repaid by popular admiration, as Clarendon says: "To hear those sermons there was so great a conflux and resort—by the citizens out of humour and faction, by others of all qualities out of curiosity, and by some that they might the better justify the contempt they had of them—that from the first appearance of day in the morning on every Sunday to the shutting in of the light the church was never empty. They, especially the women, who had the happiness to get into the church in the morning (they who could not hang upon or about the windows without to be auditors or spectators) keeping their places till the afternoon's exercise was finished."¹

Coming as the assured allies of the Long Parliament, they were at once to witness the downfall of their greatest enemies. The blow fell first on Strafford. He "came but on Monday to town late; on Tuesday rested; on Wednesday came to Parliament, but ere night he was caged. Intolerable pride and oppression cries to heaven for a vengeance. The Lower House closed their doors; the Speaker kepted the keys till his accusation was completed." The Ayrshire minister, whose fortune it was to see so much of history, tells how Strafford came forth into custody through the crowd "all gazing, no man capping to him, before whom that morning the greatest of England would have stood dis-covered."² The temptation is strong to follow the same pen in picturesque description of the impeachment; but it is a passage that belongs to a wider history, and must be forborne.

¹ History, i. 190; ed. 1843, p. 76.

² Baillie's Letters, i. 272.

Some of the offences charged against Strafford were founded on the relations of England with Scotland; but it would seem that these were inserted rather to interest and propitiate the Scots commissioners than really to give weight to the impeachment. They are slight and rather incoherent, balancing ill with the desperate designs of tyranny and ambition, at the root of the other charges. He had called the Scots "rebels" and "traitors." He said their demands justified war. He was ready to lead an Irish force against them. Then, what seems scarcely in the same tenor, as lieutenant-general in the north, he "did not provide for the defence of the town of Newcastle as he ought to have done, but suffered the same to be lost, that so he might the more incense the English against the Scots;" and then, in another turn of inconsistency, it was said he forced his subordinate Conway to fight the Scots at Newburn with a force insufficient for resistance, "out of a malicious desire to engage the kingdoms of England and Scotland in a national and bloody war." The managers showed their sense of the weakness of the Scots items in the charge by combining them in the prosecution with some of the heavier articles, an arrangement against which the accused protested.¹

It was encouraging and exciting, no doubt, to see one whose spirit was so inimical to theirs, and who would have crushed them if he could, hunted down before their eyes; but Laud was the proper victim to offer up to the Scots commissioners. Baillie speedily found "Episcopacy itself beginning to be cried down and a covenant to be cried up, and the Liturgy to be scorned. The town of London and a

¹ State Trials, iii. 1397-1400, 1440-42.

world of men minds to present a petition, which I have seen, for the abolition of bishops, deans, and all their appurtenances. It is thought good to delay it till the Parliament have pulled down Canterbury and some prime bishops, which they mind to do so soon as the king has a little digested the bitterness of his lieutenant's censure. Huge things are here in working—the mighty hand of God be about this great work! We hope this shall be the joyful harvest of the tears that these many years have been sown in these kingdoms. All here are weary of bishops. This day a committee of ten noblemen and three of the most innocent bishops—Carlisle, Salisbury, Winchester—are appointed to cognosce by what means our pacification was broken, and who advised the king, when he had no money, to enter in war without consent of his State. We hope all shall go well above our hopes. I hope they will not neglect me. Prayer is our best help; for albeit all things goes on here above our expectation, yet how soon, if God would but wink, might the devil and his manifold instruments here watching turn our hopes in fear!"¹

But in the midst of these separate triumphs the commissioners did not neglect their treaty, and the large pecuniary interests depending on it. It was contested on both sides with a harassing obstinacy, which it would be tedious to follow step by step. It came to a conclusion on the 7th of August 1641. The principal provisions of the treaty were, that the king was to admit as Acts of Parliament those of the Estates who sat in 1640 without the sanction of royalty. The "incendiaries," or "those who had been the

¹ Letters, i. 274.

authors and causes of the late and present combustions and troubles," were in each nation to be punished by Parliament—a demand accepted by the king, with the explanation that "his majesty believeth he hath none such about him." All libels against the king's "loyal and dutiful subjects of Scotland" were to be suppressed. When the Scots army came to be disbanded, the fortresses of Berwick and Carlisle were to be reduced to their old condition. Not least important was "the brotherly assistance" to be given by England to the Scots for their sufferings and services; this was fixed at £300,000.¹ The armies were then disbanded; and when this process was completed, the city of London held solemn rejoicings for deliverance from the war that had impended.

There comes now one of those incoherent turns in the tenor of the Court policy which make it so unsatisfactory a task to endeavour to find in it a natural unity of sequence, one political condition preceding another, as external cause precedes external event. The king, when the harassing business of the Long Parliament had thickened round him, was to visit Scotland and hold a Parliament there. He was not to go as the offended monarch, to take stern account of those whom he had been charging as traitorous and disobedient subjects; but in a spirit of geniality and loving-kindness, especially towards those who had most grievously offended him.

Some secondary passages in the struggle had occurred within Scotland, even at the time when its larger results were looked to in the question which the Scots

¹ See Report of the Treaty brought up to the Scots Estates; Act. Parl., v. 337 *et seq.*

were to try in England. The strength of the ruling party was materially reduced by the removal of a large army into England. It was naturally in the north-east that symptoms of restlessness first appeared; and there the Committee of Estates, with prompt energy, determined to use what force they could command, to aid the Earl Marischal, and other supporters of the Covenant, who were by themselves in a minority. In May 1640 a body of about a thousand men marched into Aberdeen under the command of General Monro. He, like Leslie, had been trained in the great European war; but he was a man of inferior grade and nature, and brought with him a touch of the rapacity and cruelty that had grown up in the thirty years' teaching. He weeded the district of able-bodied Malignants by impressing them and sending them to join the army in England. In a similar policy he removed all things that might be turned to warlike purpose—not only arms, but tools adapted to sapping and mining. The garrulous town-clerk renders with deplorable minuteness the various items of exaction to which his unfortunate city was again subjected.¹ Monro left behind him, as a memorial of his visit, one of those “wodeu mares” which had been invented by

¹ The baxters and brewsters to have in readiness “12,000 weight of good bisket-bread, together with 1000 gallons of ale and beer.” The commander desired that the citizens, “in testimony of their *bon accord* with the Soldatista that has come so far a march for their safeties from the invasion of foreign enemies, and the slavery they or their posterity may be brought under, they may be pleased, out of their generosity accustomed, and present thankfulness to the Soldatista for keeping good order and eschewing of plundering, to provide for them 1200 pair of shoes, together with 3000 ells of harden ticking or sail canvas, for making of tents to save the Soldatista from great inundation of rains accustomed to fall out under this northern climate.”—Spalding's Memorials, i. 275.

the ingenuity of the German marauders as an instrument of torture at once simple and effective.

Monro having paid visits of the same character to the country districts afflicted with Malignancy, removed his force. A very small body stationed in permanence, with casual visits from auxiliaries, might now keep the troublesome district of the north-east in due order; but the soldiers themselves were sufferers by the general poverty they had created.¹ If the army sent to England was honourably distinguished for piety and decorum, the Government had now come down to the dregs of their available forces. Of the performances of the Covenanting troops occasionally posted in Aberdeen, we hear from the town-clerk of "daily deboshing" and "drinking," "night-walking, combating, swearing, and bringing sundry honest women-servants to great misery." It was the hard fate of these unfortunates, that after they had become the victims of the profligacy of the Covenanting soldiery, they came under the rigid discipline of the Covenanting clergy for the expiation of their frailties.²

In other parts of the country the Malignants were

¹ So the Lord Sinclair, coming with a party of five hundred, "his allowances was spent, and the soldiers put to their shifts. Aberdeen would grant them no quarters, since the Colonel Master of Forbes's regiment was already quartered there. Wherenpon ilk soldier began to deal and do for himself. Some came over to the old town, where they got nothing but hunger and cauld. Others spread through the country here and there about the town, specially to Papists' lands, plundering their food, both horse-meat and man's meat, where they could get it."—*Ibid.*, p. 352.

² "Sixty-five of this honest sisterhood were delated before the Church courts; twelve of them, after being paraded through the streets by the hangman, were banished from the burgh. Several were imprisoned in a loathsome vault, while others more fortunate found safety in flight."—*Book of Bon Accord*, 68.

chastised by a rod of a different kind. The prospect of an invasion by an army of the wild Irish, sent by Strafford, gave occasion for guarding the west coast. It fell to the two chief potentates of the district, Eglinton and Argyle, to command the troops embodied for that purpose, who were chiefly, if not entirely, their own vassals or followers. Of Eglinton, who kept a force ready in the Ayrshire Lowlands, we hear nothing; but Argyle, having a force so conveniently in hand for which there was no immediate work, took the occasion to harry the territories of his feudal and political enemies.

The warrant on which he acted was that savage writ so aptly named "a commission of fire and sword." It was issued by the Committee of Estates. It set forth how "the Earl of Athole and the Lord Ogilvie, with their accomplices"—the Farquharsons on the Braes of Mar, and the inhabitants of Badenoch, Lochaber, and Rannoch—had "not only proven enemies to religion, but also had proven unnatural to their country." Therefore it was meet that Argyle should "pursue them, and every one of them, in all hostile manner by fire and sword, aye and until he should either bring them to their bounden duty, and give assurance of the same by pledges or otherwise, or else to the utter subduing and rooting them out of the country." To this end he raised four thousand men.¹ He swept the mountain district lying between his own territories and the east coast, and came down upon the half-Highland districts of the Braes of Angus, where he attacked the Ogilvies in their strongholds. It appears to have been in this expedition that the Castle

¹ Act of Ratification and Exoneration in favours of the Earl of Argyle; Act. Parl., v. 398.

of Airlie was burned—an incident giving rise to one of the most stirring of the Scottish ballads of the heroic type. We have little knowledge of the actual events of this raid, except from the two northern annalists, who were no friends of Argyle and his cause.¹

In all such affairs there was limitless plunder, destruction, and bloodshed. The northern authorities, however, are surely to be doubted when they say that subordinates desired to spare, but the leader was obdurate.² Whatever of the destructive might be found in the leaders of such Highland hosts, mercy and moderation were not among the qualities of the followers. However it came, there must have been things done on this expedition for which Argyle did not feel quite at ease, since he sought an indemnity from that Parliament in which his influence was supreme. Had his castigation been limited to the Highlanders, he need have felt no misgiving. “Some Highland limmers—broken out of Lochaber, Clangregor, out of Athole, Brae of Mar, and divers other places”—had

¹ Gordon's Scots Affairs, iii. 165 ; Spalding's Memorials, i. 291.

² The following passage deserves attention, as attesting the bitterness of spirit in the age when one whom many adored as a saint and martyr could be so spoken of. Argyle had sent one of his followers called Sergeant Campbell to attack Craigie, the house of Lord John Ogilvie. The sergeant returned, saying there was a sick woman in the house, and it was not a place of strength, “and therefore he conceived it fell not within his order to cast it down. Argyle fell in some chaffe with the sergeant, telling him that it was his part to have obeyed his orders ; and instantly commanded him back again, and caused him deface and spoil the house. At the sergeant's parting with him, Argyle was remarked by such as were near for to have turned away from Sergeant Campbell with some disdain, repeating the Latin political maxim, *Abscindantur qui nos perturbant*—a maxim which many thought that he practised accurately, which he did upon the account of the proverb consequential thereunto, and which is the reason of the former, which Argyle was remarked to have likewise often in his mouth as a choice aphorism, and well observed by statesmen, *Quod mortui non mordent.*”—Gordon's Scots Affairs, iii. 166.

just been at their old work, reiving the lands of loyal friends of the Covenant; and whoever could extirpate them was welcome to the task, and deserved thanks.¹ But the Lowland Ogilvies were within the pale of the law, such as it was. Some of the Acts, from the consequences of which the indemnity protects him, are broad and strong enough to cover much mischief, thus—for attacking towers, fortalices, and other houses, “or demolishing of the same to the ground, or burning of the same, or putting of fire thereintil, or otherwise sacking and destroying of the same howsoever, or for putting of whatsoever person or persons to torture or question, or putting of any person or persons to death, at any time the said eighteenth day of June and the said second day of August thereafter; and declares these presents to be ane sufficient warrant to all and whatsoever judges, civil or criminal, for exonerating and assoyling the said Earl of Argyle and all and whatsoever his colonels, captains, commanders, and whole body of the army, and to their servants, men, boys, and followers in the said army during the space foresaid.”²

These affairs were over before the king's arrival. He had left behind him gloom, discord, and apprehension. In the vast incongruous city, from the leaders of the Government down to the London 'prentices, every face was hostile. He left there the dead body of that stern, faithful minister of his will, who for that very stern fidelity was put to death. Was he to find a bright contrast to all this in Scotland? On the surface it was so. Thorough tranquillity seemed to

¹ Spalding's Memorials, i. 291.

² Acts of Parl. (revised edition), v. 399. The document is long and elaborately technical.

reign. The chance of war with England had passed—the intestine broils were at an end for the time. In the almost poetic words of the Estates, there was “a quiet, calm, and comfortable peace” over the land.¹

Queen Henrietta told that she had good news from her husband at last. He “writes me word he has been very well received in Scotland; and that both the army and the people have showed a great joy to see the king—and such that they say was never seen before: pray God it may continue.”²

He was to meet the Estates, not in the old sordid building where he had left them nine years ago, but in the great new hall worthy to receive the assembled powers of a great nation. There was to be none of the frowning by the king, and muttered grumbling of the Estates, which had announced the coming storm in that last Parliament. All swept onwards with a current as of unanimity and harmony. But in reality these bright aspects were due to the utter isolation and helplessness of the poor king. The Estates carried all before them with a force so irresistible that, while driven before them, he appeared to lead them. There was throughout all their transactions an exuberant expression of loyalty and worship. Every one of those statutes which he would have resisted had there been any hope in resistance, began with the words “our sovereign lord,” the part performed by the Estates modestly following as subordinate and supplementary. Things done which it must have cost him unutterable bitterness to witness in his helplessness, are what “his majesty was graciously

¹ Acts of Parl., v. 341.

² The queen to Sir Edward Nicholas; Evelyn's Memoirs, v. 4.

pleased" to do upon the "humble remonstrance" or "humble supplication" of the Estates.

The farce of co-operation and harmonious action was played throughout by all the actors with great success. The king, in his speech from the throne, expressed his regret for the unlucky differences, now happily at an end, by which the land had been distracted. "The end," he said, "of my coming is shortly this—to perfect whatsoever I have promised, and withal to quiet those distractions which have and may fall out amongst you: and this I mind not superficially, but fully and cheerfully to do; for I assure you that I can do nothing with more cheerfulness than to give my people content and general satisfaction." Burleigh, the president, in name of the House, "made a pretty speech to his majesty of thanks for all the former demonstrations of his goodness;" and Argyle followed with "a short and pithy harangue, comparing this kingdom to a ship tossed in a tempestuous sea these years bypast; and seeing his majesty had, like a skilful pilot, in the times of most danger, stirred her through so many rocks and shoals to safe anchor, he did humbly entreat his majesty that now he would not leave her—since that for her safety he had given way to cast off some of the naughtiest baggage to lighten her—but be graciously pleased to settle her in her secure station and harbour again."¹

In the British empire of the present day, when there comes a telling majority in the House of Commons against ministers, there is an inversion of the political conditions. There was now a like phenomenon in Scotland, but of a more convulsive character. The

¹ Balfour's Annals, iii. 42.

men who were to come into power had not merely voted against his majesty's advisers, but had been at war with his army. Leslie was created Earl of Leven, and largely endowed. The Earl of Argyle became Marquess. Loudon, recently released from the Tower, was made Chancellor. The Court of Session was recast, to admit friends of the Covenant, with Johnston of Warriston among them; and generally the men intrusted with any fragment of political power were selected from those who were counted safe men by the party which had now been for three years supreme in Scotland.

Bacon, who admired "the excellent brevity" of the old Scots Acts, did not live to see the work of this Parliament. Even the prolific legislation of our present sessions, which cause so much ridicule and grumbling, is not only anticipated but exceeded, if we take the number of Acts passed, and the variety of matters disposed of by them. The session began on the 13th of May and ended on the 7th of November; but even had it lasted a whole year, there might have been a good account for every day, since the last Act is the three hundred and sixty-fifth in number. It must not be supposed that each one of these was a piece of legislation like a modern Act of Parliament. There were among them inquiries into criminal charges or rumours, adjustments of title or precedence, of privileges, of social usages, and the like. It would be difficult, indeed, to name any class of public business not to be found in the records of that Parliament. It seemed, indeed, as if the Estates were jealous or afraid of any institution of the State acting separately and in its own place. The business was done, no doubt,

by the officers of the Crown ; but it had to be done in the presence of the States, and to be completed by their vote.

In England much of this work would be called a direct usurpation of the prerogative of the Crown and the functions of the established courts of justice. In Scotland it could not be so simply and distinctly characterised. The Scots Estates had always claimed the right of supremacy, not only in legislation, but in the judicial and executive departments. When, in a country with a mixed government, the public business enlarges with increased wealth and civilisation, the additions made to such business will fall into the hands of that element in the government which is the strongest. Many of the powers appropriated by this Parliament had been exercised by the Crown at least since the Union of 1603 ; but it is not so clear that they were the exclusive possession of the Crown in earlier days. The Crown, tampering with the selection and powers of committees, had made the Lords of the Articles supreme, and had almost achieved the appointment of them. All the business of the Estates was transacted by them ; and it was coming to the point, that when they were appointed, the Estates at large had nothing further to do but to meet once, and either pass or reject the measures brought to maturity by the Lords of the Articles. The Estates at their previous session took the opportunity of recasting the constitution of this powerful committee. Each Estate was to choose its own representative on the Articles, and the whole body were only to do such work as was assigned to them by the Estates at large.¹ The profuse busi-

¹ Acts of Parl., v. 278.

ness transacted in the Parliament of 1641 seems to have been worked through open committees—that is to say, certain groups of members were named as responsible for bringing the business to maturity; but any other members might attend their meetings, either to keep a watch on what they did or to offer suggestions. There was a committee to “revise all articles” presented during the session, but merely that those chosen from each Estate “may give account thereof to their own body.”¹ An Act of “pacification and oblivion” was passed, declaring, in a style not usual in Acts of Parliament, that “such things as have fallen forth in these tumultuous times, while laws were silent, whether prejudicial to his majesty’s honour and authority, or to the laws and liberties of the Church and kingdom, or the particular interest of the subject, which to examine in a strict court of justice might prove ane hindrance to a perfect peace, might be buried in perpetual oblivion.”² Criminals and “broken men” in the Highlands were, as usual, excepted from the indemnity; and it was provided that its benefit “shall no ways be extended to any of the Scottish prelates, or to John Earl of Traquair, Sir Robert Spottiswood, Sir John Hay, and Master Walter Balcanquall, cited and pursued as incendiaries betwixt the kingdoms and betwixt the king and his people.”³ It may be remembered that Balcanquall’s crime was the literary assistance rendered by him to the king in the composition of his Declaration. These four, along with Maxwell, Bishop of Ross, were then undergoing harassing treatment as “incendiaries.”

One of the points which the Estates had determined

¹ Acts of Parl., v. 333, 334.

² *Ibid.*, 341.

³ *Ibid.*, 342.

to carry was the appointment by themselves of all public officers. The Secret Council and the Court of Session were recast, the appointments being made in two separate Acts.¹ In a general Act applicable to Government offices at large, the king's power of appointment is treated with all reverence; but at the same time it is to be exercised in each instance "with the advice and approbation" of the Estates.² One can see under the decorous surface of the Parliamentary proceedings, especially with the aid of a diary of the sittings kept by the Lord Lyon, that these concessions were extracted from the king by sheer force attended by many a bitter pang. He had struggled for the retention of the Crown patronage when its removal was first suggested at the treaty of Ripon; and the words in which he gave his reasons for acquiescence, when the demand was put for the last time, and was not to be resisted, are a sorry attempt to express contentment and approval: "His majesty's answer was, that since by their answer to his doubts proposed on Monday, they manifestly show to every one—as well believed by him—that to their knowledge they would never derogate to anything from his just power, and that the chief ground of their demand was upon the just sense they had of his necessary absence from this country, which otherwise but for the supplying of that want they would forbear to press,—therefore, not to delay more time, his answer was briefly that he accepted that paper."³

If by these Acts the Estates took more power than they ever had under the separate kings of Scotland, the national jealousy of English influence must be re-

¹ Acts of Parl., v. 388, 389. ² *Ibid.*, 354. ³ Balfour's Annals, iii. 64.

membered. Four years had not elapsed since William Laud, Archbishop of Canterbury, was the ruler of Scotland, in so far as to control those large policies in which the vital interests and aspirations of the people centred. There were, indeed, members of the Estates who at that very time were ransacking the public documents, and discovering evidence of his mischievous tampering with the Scots national affairs—evidence collected for the completion of the charges on which the hapless intermeddler was brought to the block. One sees in the inner life of the history of that period how closely all that was done in Scotland was watched from England; and it is impossible to avoid the conclusion, that these Acts of the Scots Estates were in the minds of the commoners of England when they superseded the regal executive, and ruled through the authority of Parliament.¹

But even the superficial harmony which clothed this Parliament did not abide with it throughout;

¹ The king's faithful servant, Sir Edward Nicholas, writing to him on the influence of these affairs on England, says, on 24th September: "Your majesty may be pleased to procure from the Parliament there some farther reiteration of their declaration, that what your majesty hath consented unto concerning the election of officers there may not be drawn into example to your majesty's prejudice here; for, if I am not misinformed, there will be some attempt to procure the like Act here concerning officers, before the Act of tonnage and poundage will be passed to your majesty for life."—*Evelyn's Correspondence*, v. 35. Again, on 5th October: "It is advertised from Edinburgh that your majesty hath nominated the Lord Lothian [London] to be Chancellor. Whatsoever the news be that is come hither amongst the party of the protesters, they are observed to be here of late very jocund and cheerful; and it is conceived to arise from some advertisements out of Scotland, from whose actions and successes they intend, as I hear, to take a pattern for their proceedings here at their next meeting." On the margin of this the king puts the ominous comment: "I believe, before all be done, that they will not have such great cause of joy."—*Ibid.*, 41.

and when the Estates separated it was in strife, and with forebodings of a stormy future. There had been gathering among the leaders of the Covenanters a suspicion, coloured by a vague fear, that they had enemies within their own camp. These pointed at last with precision to Montrose, the Lord Napier, and Stirling of Keir. All executive steps by that Parliament were taken not only in his majesty's name, but through his majesty's proper officers of State. His Lord Advocate, Sir Thomas Hope, was on the 24th of July directed to take steps against the suspected men, and they were committed to the castle.¹ Besides a certain letter written by Montrose to the king, the offence laid against the three collectively was ostensibly nothing more than the furtherance of a document called 'The Cumberland Band.' This is a short document of general words and protestations; and these are all in support of the Covenant, "which we have so solemnly sworn and already signed." But this supplemental covenant referred, as the cause of its existence, to "the particular and direct practising of a few" as thwarting the cause of the original Covenant. Something was meant here; for practical men like the adherents to the Cumberland Band do not sign and then carefully keep out of sight empty declarations of sentiment intending to bear no fruit; and the Estates applied to the occasion

¹ Of necessity a prosecution by the king's advocate against persons charged with conniving treason along with his majesty, was something so novel that it demanded novelty in the formalities. The Estates embodied their instruction in an "Act and warrant" addressed to the Lord Advocate, Sir Thomas Nicolson, and the "procurators," or solicitors chosen for the occasion, "to draw up the said summons, and to insist in consulting and pleading in the said process and hail proceedings thereof to the final end of the same."—Acts of Parl. (rescinded), v. 316.

the rule adopted by the Tables, that none of the adherents of the Covenant should make separate combinations with each other. Baillie saw so much perilous matter in the affair that he was constrained to call it "the damnable band." At the time there was no getting beyond mere suspicion, but we now know that Montrose had gone over to the king's party. It was said that he had gone to the king at that time when the king desired a personal meeting with fourteen Scots leaders, and that his Covenanting virtue had yielded to the royal smile. It has been proved that in the autumn or winter of 1639 he was in correspondence with the king.¹ What we have of it does not contain any offer by Montrose to betray the cause for which he professed a high enthusiasm, but at the same time it does not tell or hint that the writer is incorruptible. And a correspondence between the head of one party in a war and the leader in the opposite camp is a phenomenon that does not exist without an object. Burnet, in one of his morsels of picturesque gossip, tells us, that before the treaty of Ripon, when the Scots had despatches to send to the king's Court at York—and such things were always vigilantly examined before they were sent away—Sir Richard Graham opening one of these packets, a letter fell from it. Sir James Mercer, at whose feet the letter fell, in politeness picked it up, and by the glance he got while restoring it, observed that it was addressed to the king in the handwriting of Montrose.² Montrose was arraigned on a charge of corresponding with the enemy, but extricated himself cleverly by demanding

¹ Napier's *Memoirs of the Marquis of Montrose* (1856), i. 227, 228.

² *Memoirs of Duke of Hamilton*, 179.

if his accusers were prepared, contrary to all their announcements of loyalty, to count the king their enemy.

There is scarcely anything to be gained by attempting to trace too closely the motives on which a man has changed sides. He would often find it hard to discover them himself. There were things in his career that may have soured his spirit towards his coadjutors. James Graham, Earl of Montrose, was twenty-five years old when he let loose his vehement zeal for the Covenant in 1637. He led with success the parties sent by the Covenanters to intimidate the north. His rank, and probably his military capacity, were sufficient to get him these small commands; and he had the sagacious Leslie to help him with military experience. In so serious an affair, however, as the invasion of England, the Tables wisely decided against all patrician claims, and would trust their fine army to no one but a trained and successful soldier. A young man, ardent and inexperienced, was not the one to be intrusted with such a command. He saw his subordinate set over him, and he was not one of the temper to take any slight with dutiful humility. Then he was in bad blood with Argyle, and there were counter-charges between them. Montrose or his friends charged on Argyle how he had uttered words importing that kings were of no use, and King Charles might be deposed—the inference being, that he himself would in some way virtually fill the empty throne. No doubt Argyle was an ambitious man, and inscrutable in his projects and policy. It would be hard to say what visions would in a time of contest and confusion dawn on him who commanded the largest

following in Scotland. His territory was almost identically the same with that of the race whose rule had afterwards spread all over the country. But Scotland was not then, or ever during the civil wars, in a humour to depose the king. In the words of one who gave well-penned counsel to the king at the time—believed by some to have been Montrose himself: “They have no other end but to preserve their religion in purity and their liberties entire. That they intend the overthrow of monarchical government is a calumny. They are capable of no other, for many and great reasons; and ere they will admit another than your majesty, and after you your son and nearest of posterity, to sit on that throne, many thousands of them will spend their dearest blood. You are not like a tree lately planted which oweth the fall to the first wind. Your ancestors have governed there, without interruption of race, two thousand years or thereabout, and taken such deep root as it can never be plucked up by any but yourselves.”¹

Driving King Charles from the throne of Scotland was a plot for which there were no materials, whether it were devised by Argyle or any other person. The talk about it seems to have come from Argyle’s maintaining, as others did, that the Acts of the Estates in their session of 1640 were valid law, without the royal assent, either by the presence of a commissioner or the king’s acknowledgment of the Acts. There was enough of reality in the charges and counter-charges to bring one poor man to his death. A certain Captain James Stewart bore witness to the uttering of the treasonable words by Argyle, and afterwards re-

¹ Napier’s Memorials of Montrose and his Time, i. 268.

tracted his testimony. On the fact that he had made the false charge, he was brought to trial for "leasing-making," convicted, and executed. The law for this cruel sentence was the same that had been stretched for the conviction of Lord Balmerinoch, one of the first aggressions of the prerogative by the ministers of King Charles. Its character was now subject to a cross-testing, since the powers of the king's prerogative had fallen into the hands of those who were the king's opponents. The leasing-making of the old Acts was in spreading rumours that might cause discord between the king and his subjects; and it might either be in circulating false charges against the king, or in bringing to him false charges against any of his subjects;—this was the shape in which the charge visited Stewart.

The execution of Stewart would have passed as the necessary sacrifice of an insignificant person who had brought on his fate by excess of zeal, and probably the excitement about the counter-accusation would soon have worn itself out, but for an auxiliary incident. This came when, one day in October, all Edinburgh was awakened to lively excitement by the rumour that there was a plot for either kidnapping or murdering Hamilton, Argyle, and Hamilton's brother the Lord Lanark; and that they had all fled for personal safety. There was a Parliamentary investigation into the matter, but all that it has left for inquirers in the present day is chaotic contradiction and confusion. It is one of the investigations which, for some reason or other, was either wrecked or so steered as to reach no conclusion. The fragmentary notices of the debates on this affair, which received both in Parliament and

history the name of "the Incident" are incoherent, and at the same time temptingly suggestive.

Taking up the matter in meeting after meeting of the whole House, the Estates seem to have lost all hold on order and the forms of business—a fate likely to befall a representative assembly which had just recast itself, and adopted new powers and methods of transacting business. The king seems to have been carried off in the torrent of debate; and we find him in strange attitudes—at one time demanding things which appear not to be conceded to him; at another pleading his innocence, as if he were arraigned on suspicion before some popular tribunal. On one point there is a clear debate between two opposites; but though clear, it is in so shallow a part of the whole affair as to afford no valuable revelation. This is on the question whether the investigation that must be made should be undertaken by the whole House, or referred to a committee sitting with closed doors. The king at once emphatically spoke for open inquiry by the whole House.² As the discussion went on he continued passionately to demand an inquiry by the

¹ See Balfour's Annals, iii. 94 *et seq.* "A Relation of the Incident," Hardwicke's State Papers, ii. 299. Napier Memorials, i. 245 *et seq.*

² The discussion brought out this curious dialogue:—

"Sir Thomas Hope said: 'In such a business the most secret way was the best way; and yet both ways were legal, and the Parliament had it in their power which of the two ways, either public or private, to do it—but for secret and exact trial the private way was undoubtedly the best way.'

"His majesty answered: 'If men were so charitable as not to believe false rumours, Sir Thomas, I would be of your mind; but however the matter go, I must see myself get fair play.' He added that he protested that if it came to a committee, that neither his honour nor these interested could have right, *Nam aliquid semper adherebit.*"—Balfour's Annals, iii. 107.

whole House ; he said “ he behoved still to urge that which he would not delay to any of his subjects, which was a public, exact, and speedy trial.”¹ The expression was an apt one, for it is visible through all the confused debate that the king felt himself to be virtually on his trial. The Chancellor had visited the fugitives. He said “ he had humbly on his knees begged his majesty’s leave to go to them. He said that he had been with them, and they humbly besought each member of the House to rest assured that they would sacrifice their lives and fortunes for his majesty’s honour and the peace of the country.

“ His majesty said, By God ! the Parliament and they too behoved to clear his honour.”²

Then, in another irritable outburst, “ his majesty said that if it had not been published at first, but they had come and demanded justice, then he should have accorded to a private way. But, as my lord duke had said, rather or it be not tried, he should wish—if there were a private way of hell, he said—with reverence he spoke it—let it be used. But if they would show him that the private way was freer of scandal than the public, he would then be of their mind.”³

On another point there was a difference of opinion. It was moved that the fugitives should be requested to return to their places in Parliament, “ since the House had seen that they had very good reason to absent themselves for a time for avoiding of tumult.”

“ His majesty answered that he wished they were here, and he hoped they would return ; but he would never assent that the House should make any such

¹ Balfour’s Annals, iii. 108.

² *Ibid.*, 112.

³ *Ibid.*, 115.

order, and that for divers reasons best known to himself, which he should be loath to express in public." On both points the king was overruled.

Hence the resolution carried was that the inquiry be made by a committee.

From the brief abrupt notes that have come down to us, one cannot decide whether the Estates had good reason against an open inquiry at the beginning, nor can we see exactly to what point the evidence taken by their committee tended.¹

We trace the committee's inquiries, however, to one distinct point, where they stopped and put a powerful pressure on the king. Through all-becoming terms of reverence and loyalty for his majesty, in which the Covenanting politicians might have become perfect by practice, what they virtually say is—You must show us that last letter you had from Montrose, or abide the consequences of refusal. The letter was produced. There was a passage in this letter to the effect "that he would particularly acquaint his majesty with a business which not only did concern his honour in a high degree, but the standing and falling of his crown likewise."² The committee required that Montrose himself should explain these words. He referred to some previous explanation which has not been seen, and he "further declared that thereby he neither did intend, neither could or would he wrong any particular

¹ See notes of the "Depositions;" Balfour, ii. 121 *et seq.* They are mere memoranda. Baillie gives an account of the examination still more indistinct, as he could only give it from rumour. He begins by saying: "At once there broke out ane noise of one of the most wicked plots that has been heard of, that put us all for some days in a mighty fear."—Letters, i. 391.

² Balfour's Annals, iii. 132.

person quhatsoever.” “This being read,” as the Lord Lyon informs us, “under Montrose’s hand to the House, it did not give them satisfaction.” Nor, indeed, did anything else in this inquiry; for when they had got distinct testimony “anent the apprehending the Marquis and Argyle, and sending them to the king’s ship or else stabbing them,” yet all becomes clouded with doubts and contradictions, and it is too late now to attempt to clear up what was uncertain to the committee.¹ If we could content ourselves with Clarendon’s account, it would enlighten us with a startling and terrible clearness: “From the time that Argyle declared himself against the king, which was immediately after the first pacification, Montrose appeared with less vigour for the Covenant; and had, by underhand and secret insinuations, made proffer of his services to the king. But now, after his majesty’s arrival in Scotland, by the introduction of Mr William Murray of the bedchamber, he came privately to the king, and informed him of many particulars from the beginning of the rebellion, and that the Marquis of Hamilton was no less faulty and false towards his majesty than Argyle; and offered to make proof of all in the Parliament, but rather desired to kill them both, which he frankly undertook to do. But the king, abhorring that expedient, though for his own security, advised that the proofs might be prepared for the Parliament.”²

It has been sought to discredit this statement of

¹ Balfour’s Annals, iii. 130 *et seq.*

² Edition 1826, ii. 17. Ed. 1843, 119. Clarendon himself wrote some things which the politic decorum of the Clarendon Press would not permit it to print. The words “to kill them both” are among the suppressed passages restored in the edition of 1826. The words superseding these in the old edition were, “to have them both made away.”

Clarendon's by a plea of *alibi*, since Montrose was under restraint during the king's visit to Scotland; but when great people are involved in deep plots, such and much greater obstacles have to be overcome. That Clarendon did not tell the story casually or negligently is clear from the context, which shows that it was a pretext for a measure of precaution in England. There was a committee from the English Houses in attendance on the king in Scotland, who sent "a dark and perplexed account" of the Incident to their friends in England. Next morning, "Mr Hyde"—that is, the historian himself—"walking in Westminster Hall with the Earl of Holland and the Earl of Essex, both the earls seemed wonderfully concerned at it, and to believe that other men were in danger of the like assaults." Hyde made light of the matter, so far as they in England were concerned; but on the letter from the commissioners being read to the Commons, they passed a resolution to apply to Lord Essex, as commander of the forces south of the Trent, for a guard to protect the members of both Houses.¹ One more item of intelligence, before passing from this mystery, is the statement of Lanark, one of the three fugitives. Colonel Hume came to him, and said "he was informed there was a plot that same night to cut the throats both of Argyle, my brother, and myself. The manner of the doing of it was discovered to him by one Captain Stewart, who should have been an actor in it, and should have been done in the king's withdrawing-chamber, where we three should have been called in, as to speak with his majesty about some Parliament business; and that immediately two lords

¹ Clarendon, edition 1826, ii. 17.

should have entered at a door which answers from the garden with some two hundred or three hundred men, where they should either have killed us or carried us aboard a ship of his majesty's which then lay in the road."¹ With these imperfect lights resting on it, the Incident must be left behind. It might not have demanded the interest it has obtained but for its unfortunate resemblance to other events peculiar as features in British history to that reign—such as the call for the attendance of the fourteen Scottish statesmen which they were afraid to obey, the attempt on Hull, the panic of the city of London from the army plot, and the attempt to seize the five members.² In all of these the perplexity of the historian who meddles with their perilous confusions is a faint reflection of that gloom and mystery, attended by solid terror, falling on those who stood near to the influence of such events. For whatever may have been the amount of the real danger, it is certain that a heavy cloud of terror, fed by many rumours, hung over Edinburgh while the Estates were dealing with the Incident. The Parliament was to be invaded—the castle to be regarrisoned—obnoxious members of the Parliament and the Assemblies tried by military tribunals—Borderers and Highlanders were to be brought into the city, and at any hour it might be at the mercy of the ten thousand Irish placed under Tyrone.

But the concluding scenes of the inquiry into the

¹ Hardwicke's State Papers, ii. 301.

² Perhaps by united industry and genius a "monogram" on the Incident might be written, like Mr Forster's book on the five members. It gives two volumes octavo to two days' work; but the track of inquiry is followed with so much skill and picturesque minuteness as to create a wonderful interest.

Incident were overshadowed by another and far more awful mystery. Scotland was that division of the empire which it least concerned; yet it comes up at this point, because the king, whose name was compromised in it, heard of it while sojourning in Scotland, and addressed the Scots Estates about it before he met the Parliament of England. His words were thus noted down:—

“His majesty said that he was to begin at this time with a business of great importance, and whether it was of more or less importance as yet he could not tell,—only, two or three good and faithful subjects had written to him. Only amongst others he took out a letter from Lord Chichester, which he commanded the clerk to read to the House, showing the Irish had leaped out in Ireland in open rebellion, and that many of the Papists there had joined to them, taken some forts, as that of Dungannon, seized one magazine of his, and taken the Lord Sheffield prisoner. He admitted that he thought good to advertise the House of this, that if it proved but a small revolt, then he hoped there was little need of any supply from this; but if it proved a great one, he did put no question but they that were his own would have an especial care he were not wronged—for it was best *principiis obstare*.” At his desire the Estates selected a committee of nine—three from each—“to advise the best course for the present to be taken in this business.”¹

Such were the first words in which the king publicly dealt with that terrible event, the outbreak and massacre in Ireland. In the matter of mere bloodshed, this tragedy has left a broader stain on history than the

¹ Balfour's Annals, iii. 120.

Sicilian Vespers or even the night of St Bartholomew. It had more likeness to what we hear of the destroying march of Attila the Hun, than to anything in modern European history. Though the king was by some believed to be guilty in the matter, it was not for the actual outbreak and the murders, but for separate acts which gave opportunity for them. Indeed, the very horrors of the scene, and the utter disbelief that the king could have authorised them, has disturbed and perplexed the secondary inquiry, how far he was guilty of acts which gave occasion to the outbreak.

To understand the gravity of any such imputation, we must look at an unpleasant peculiarity in the social condition of the times. The European system of diplomacy, and the law of nations, including the courtesies of peace and war, are a relic of the Roman empire which it has ever been difficult to carry beyond the bounds of civilised Europe. It was a rule by which men abstained from striking when they could strike, seeing there was no superior power to control them ; and Oriental communities could not understand how this could be. In this part of Europe the Celt was excluded from these privileges of the law of peace and war. Like the Roman slave, justice and mercy might in some measure be claimed for him by some other person who had an interest in him, but he could claim nothing for himself. The regular clans, whose chiefs gave substantial security for the good behaviour of their followers, became thus entitled, while that good behaviour lasted, to some consideration. But the "broken Hielandmen " might be hunted and extirpated like wolves. The Irish Celtic population was too large to be so systematically dealt with by such vicarious

responsibility; but, on the other hand, the Saxon population was so small that it was generally glad to protect itself within the Pale. It was not so much that the native races were denounced by law, as that there was no law for them. We learn their treatment in that statute which warns Englishmen to shave the upper lip, otherwise they run the risk of being treated like the Irish.

If any vindication of such a policy were worth tendering, it was that the Irish themselves were cruel and treacherous, and neither severity nor kindness would bring them to respect the courtesies of nations. Whether it were the converse of this, and that the treatment of the Irish by their invaders made them what they were, or that both depravities aggravated each other by action and counter-action, are questions which it is fortunately unnecessary here to solve. It is, however, a scandal to civilisation, that the treacheries and cruelties caused by such conditions have in various parts of the world been more numerous and more conspicuously committed by the civilised man than by the savage. There is a simple reason for this—the savage is not trusted by his neighbours of any kind. The civilised man keeps faith with his fellow, and becomes trusted. Hence character gives him opportunities which the other has not. A higher civilisation has now been reached—that which keeps faith even with the treacherous. We had not learned this in the days of Clive, and it has taken all the powerful schooling of our acquisition and retention of our great Indian empire to teach it to our statesmen. Sir James Turner, a soldier of fortune, well seasoned to hardness and ferocity in the Thirty Years' War, yet

carried away from that ordeal enough of human feeling to shudder at the work in which he was expected to bear a hand in Ireland. "The wild Irish," he says, "did not only massacre all whom they could overmaster, but burnt towns, villages, castles, churches, and all habitable houses, endeavouring to reduce, as far as their power could reach, all to a confused chaos." His first experience on the other side was in a skirmish with some rebels in the "woods of Kilwarning," "who, after a short dispute, fled; those who were taken got but bad quarter, being all shot dead." The next feat was the siege of Newry, rendered "with a very ill-made accord, or a very ill-kept one; for the next day most of them, with many merchants and tradesmen of the town who had not been in the castle, were carried to the bridge and butchered to death—some by shooting, some by hanging, and some by drowning—without any legal process." And on such scenes the Ritter of the Thirty Years' War soliloquises: "This was too much used by both English and Scots all along in that war—a thing inhuman and disavowable, for the cruelty of one enemy cannot excuse the inhumanity of another. And herein also their revenge overmastered their discretion, which should have taught them to save the lives of those they took, that the rebels might do the like to their prisoners."¹ Taking the simple fact, that the Celts, both of Scotland and England, were excluded from the courtesies of civilised warfare, and that as they did not receive, so they did not grant quarter, their occasional appearances in the contests of the time were attended by sinister suspicions.

¹ Sir James Turner's Memoirs, 20.

Employing the Celtic races in civilised warfare was employing a force not expected to concede the courtesies of war to the enemy against whom they were let loose. Their hostility was not that of pugnacious enemies met in battle—it was the hatred of one race to another; and the object was not victory but extirpation. To them the infant and the aged mother were objects of hate and hostility as much as the armed soldier. Hence it was a reproach to any civilised ruler to have used such a force—a reproach like that of employing Indians in the American war, the object of one of Chatham's famous philippics. In the present struggle both sides came under this reproach. We have seen that the Highlanders taken by Argyle to Dunse Law were an object of much uneasiness; but they were only twelve hundred or so in an army exceeding twenty thousand, and hence might be kept in order. Many indignant reproaches were heaped on him when he swept the country with his army of four thousand; but it was a palliation of the act, that only to a small extent did his devastations touch the Lowland districts.

On the other hand, King Charles had assembled an army of nine thousand of the wild Irish for the invasion of Scotland. They were odious, of course, as Papists; but they were dreaded for reasons which could not have extended to German or French troops of the same religion. When there was no longer an excuse for its retention, the king had shown great reluctance to disband this army. There were projects for giving the use of it to the King of Spain, and these were treated as mere devices for keeping an armed force of Irish Papists in existence for use when

desired;—why otherwise should the King of Britain, to help the power of Spain, persist in an act that must be offensive to his own people? At the time of the Incident this force was no doubt disbanded; but their arms were all stored ready for use in Dublin Castle, and it was believed in Scotland that they might be made available on the shortest notice.

It were well if this were all, but it brings us to the entrance of a darker mystery. On the 4th of November 1641, Sir Phelim O'Neil, the leader of the rebellion, issued a proclamation, announcing: "To all Catholics of the Roman party, both English and Irish, within the kingdom of Ireland, we wish all happiness, freedom of conscience, and victory over the English heretics, that have so long time tyrannised over our bodies, and usurped by extortion our estates." In this proclamation he said he acted under a commission and instructions from the king, referring to "divers great and heinous affronts that the English Protestants, especially the Parliament there, have published against his royal person and prerogative, and also against our Catholic friends within the kingdom of England."

What professes to be the commission has been preserved. It begins: "Charles," &c., "to all Catholic subjects within our kingdom of Ireland, greeting. Know ye that we, for the safeguard and preservation of our person, have been forced to make our abode and residence in our kingdom of Scotland for a long season." Then referring to the outrages by the English Parliament, it gives authority "to use all politic ways and means possibly to possess yourselves, for our use and safety, of all forts, castles, and places

of strength and defence within the said kingdom, except the places, persons, and estates of our loyal and loving subjects the Scots; and also to arrest and seize the goods, estates, and persons of all the English Protestants within the said kingdom to our use.”¹

By some writers this commission has been cast aside as a forgery so obviously inconsistent with the surrounding conditions that its rejection requires no support from criticism. But this is a matter open to difference of opinion; and any one conversant with the documents of the time could point to papers of undoubted authenticity, issued by the king, of a nature more inconsistent and surprising than this commission.² Clarendon and others say that the great seal of England, taken from another writ, was appended to this.³

¹ Rushworth, iv. 401.

² “The commission itself, for the grounds and language of it, is very suitable to other despatches and writings under his majesty’s name, expressing much bitterness against the Parliament, and jealousy of the diminution of his prerogative, which was always his great fear.”—Mystery of Iniquity, 38.

³ Clarendon says: “They not only declared, and with great skill and industry published throughout the kingdom, that they took arms for the king and the defence of his royal prerogative against the Puritanical Parliament of England, which they said invaded it in many parts, and that what they did was by his majesty’s approbation and authority. And to gain credit to that fiction they produced and showed a commission to which they had fastened an impression of the great seal, which they had taken off some grant or patent which had regularly and legally passed the seal; and so it was not difficult to persuade weak and inexperienced persons to believe that it was a true seal and real commission from the king.”—Rushworth, iv. 403. The author of the History of the Irish Rebellion (1680) says: “One Plunket having taken an old broad seal from an obsolete patent of Farnham Abbey, and fixed it to a forged commission, it served to seduce the vulgar into an opinion of their loyalty.”—P. 29, 30. When it reached Hume’s day the shape of the story was: “Sir Phelim O’Neil having found a royal patent in Lord Canfield’s house, whom he had murdered, tore off the seal, and affixed it to a commission which he had forged for himself.”—Chap. iv. This is founded on an account of what Ker, Dean of Ardlagh, professed in the year 1681, to

But O'Neil's proclamation calls it a "commission under the great seal of Scotland." The passage already cited from it refers to the king as abiding in Scotland when it was issued; and the concluding words of the commission are,—“Witness ourself at Edinburgh, the first of October, in the seventeenth year of our reign.” It has been said of the copy of the document as given by Rushworth, that in describing the assumption of power by the English Parliament, it anticipates political conditions which did not exist until after its date; but in the king's way of stating the affronts put on him, he, on other occasions as on this, exaggerated what had been done, so as to give the picture a greater likeness of what was to be done.¹

When we find the document thus treated as an evident fabrication, there arises an obvious question—If there was a forgery for the purpose of creating a temporary delusion, why was it not in the name of the English Government, and under the great seal of England? As a warrant of sovereignty, the great seal of Scotland was nothing in Ireland. If it was

give of the trial of O'Neil: “The said Sir Phelim confessed that when he surprised the Castle of Charlemont and the Lord Caulfield, that he ordered the said Mr Harrison and another gentleman, whose name I do not now remember, to cut off the king's broad seal from a patent of the said Lords they then found in Charlemont, and to affix it to a commission, which he, the said Sir Phelim, had ordered to be drawn up.”—Nelson, ii. 529. The said Sir Phelim was fortunate in getting his order executed by one intimately acquainted with the condition of official business at that time both in England and in Scotland. Isaac d'Israeli contents himself with saying in a note: “Sir Phelim O'Neale, the head of these insurgents, it was afterwards discovered, had torn off the great seal, and affixed it to a pretended commission.”—Commentaries, iv. 396.

¹ See this articulately shown in Brodie's *British Empire*, ii. 380, edit. 1866.

that only an impression of the great seal of Scotland was available, and that was considered better than no seal, the accident, when connected with what has yet to be told, is one of the strangest that ever happened. The author of a pamphlet which was published two years later, and obtained great notoriety, gave currency to the following rumour:—

“It is said that this commission was signed with the broad seal of that kingdom, being not then settled in the hands of any officer who could be answerable for the use of it, but during the vacancy of the Chancellor’s place intrusted with the Marquess Hamilton, and by him with one Mr John Hamilton, the scribe of the cross-petitioners in Scotland, and some time under the care of Master Endymion Porter, a very fit opportunity for such a clandestine transaction.”¹

By a coincidence which, if there was no foul play, must be called unfortunate, it is known that on the 1st of October, which is the date on the commission, the great seal of Scotland happened to be in a state of transition. It was doubtful who was responsible on that day for its custody and its use—it might be said to be amissing. Archbishop Spottiswood continued to be nominally Chancellor—at least no one had been appointed to succeed him, although he was excommunicated and a fugitive. The great seal had been committed to the charge of Hamilton. On the 30th day of September Loudon was made Chancellor by a joint Act of the king and the Estates under the new arrangement. Though thus appointed to his office on

¹ The Mystery of Iniquity yet working in the Kingdoms of England, Scotland, and Ireland, for the Destruction of Religion truly Protestant, discovered, 1643—attributed to Edward Bowles—p. 37, 38.

the 30th of September, the great seal was not put into his custody until the 2d of October. On that day, under an order from the Estates, he, "for obedience of the said command, produced the said great seal in presence of the king and Parliament." The order of the Estates shows at the same time that the author of the 'Mystery of Iniquity' was acquainted with the minor arrangements about the custody of the seal. He mentions "one Mr John Hamilton;" and the Act for the production of the seal sets forth that it had been used by the Marquess of Hamilton, "and his underkeeper, Mr John Hamilton, advocate."¹

The two questions—first, whether the rebels had a commission under the great seal of Scotland; and next, if they had, whether the king sent it to them—might perhaps reward the labours of one of these archæologists whose taste and qualifications turn in the direction of close minute inquiry. The questions, after all,

¹ Act. Parl., v. 366, 367. When the author of the 'Mystery of Iniquity' spoke of Endymion Porter as a man likely to play tricks with a great seal, his suspicions have something of a prophetic character, unless he happened to be acquainted with a secret transaction of the same year as the publication of his pamphlet (1643), which was not revealed until the Restoration. By that transaction there was to be a full toleration of the Roman Catholics, a measure that in later times, and freely granted, would have been entitled to all applause. The price, however, was to be—assistance against the Parliament from an Irish army of twenty thousand men. The negotiator was the Lord Glamorgan. When applying through Clarendon for Court favour at the Restoration, he gave this account of his warrant for the transaction:—

"My instructions for this purpose, and my power to treat and conclude thereupon, were signed by the king under his pocket-signet, with blanks for me to put in the name of Pope or prince, to the end the king might have a starting-hole to deny the having given me such commissions, if excepted against by his own subjects; leaving me, as it were, at stake, who for his majesty's sake was willing to undergo it, trusting to his word alone.

"In like manner did I not stick upon having this commission enrolled

are not of wide importance. The king is not charged with the carnage that followed; and if it be that he secretly asked the Irish Papists to assist him against his Puritan and Presbyterian assailants, the imputation would make no serious addition to the weight of perverseness that depresses his political reputation. The elements of some horrible crisis were all prepared in Ireland—the political work of centuries had accumulated them, and an accident would give them life. But to have been the author of that accident—to have been even accused of it, if he were innocent—must have been a calamity sufficient to add many drops of bitterness to the heart of the most unfortunate of men. He was not a man of blood. His conscience was quick and active—too active, indeed, in its own peculiar direction, for the peace either of himself or others. Domestic affection was strong in him. Even that form of it which created so much wrath against or assented to by his Council, nor indeed the seal to be put unto it in an ordinary manner, but as Mr Endymion Porter and I could perform it, with rollers and no screw-press.”—Letter from Glamorgan, after he had become Marquess of Worcester, to Clarendon, June 11, 1660; Clarendon's State Papers, ii. 201-203.

The object of the letter is to acquaint Clarendon “with one chief key wherewith to open the secret passages” between the late king and the marquess. It will be observed that he, a performer in the curious mechanical feat described by him, was the author of that ‘Century of Inventions’ who has often been credited with the invention of the steam-engine. If it is a fair conclusion that such a commission under the great seal of Scotland was sent to Ireland, it is easy to find who carried it over. The author of the ‘Mystery of Iniquity’ says the Lord Dillon of Costelough went to Scotland with the queen's letters to the king. In the month of October he “went out of Scotland from his majesty into Ireland, bringing his majesty's letters, which he obtained by mediation of the queen, to be presently sworn a Privy Councillor of Ireland” (Rushworth, v. 349). He lay under heavy suspicion of connivance in the rebellion; and venturing into England, he was imprisoned by the Parliament on the charge, which, however, was never proved, that he had been sent as an agent “by the rebels of Ireland to the king” (Clarendon, 353).

him—his devotion and entire loyalty towards his unpopular wife—told of a nature to which acts of cruelty and carnage must have been repugnant.

If there was some sunshine when the Scots Parliament opened in May, there was gloom enough in November when it closed. The business at the end was hurried over to let the king return to his English Parliament, with the new and terrible business that had fallen on the hands of both. Before he left Scotland he conferred the distinctions already referred to. The Estates had determined to assemble once at least in every period of three years, and never to dissolve without fixing the period for reassembling. At their last meeting, on the 7th of November, "because this present Parliament is this day, by the assistance of God Almighty and his majesty's great wisdom, to be brought to ane happy conclusion," the next was appointed to meet on the first Tuesday of the month of June, in the year 1644.

The Scots Estates made an offer about Ireland, which in words was prompt and vigorous. They would immediately send, out of the materials of the fine army which had just been disbanded, a force of ten thousand men, with three thousand stand of arms. In the view of many of the English statesmen of the day the offer was far too good. Scotland was, in the division of parties elsewhere, so influential and powerful, that nothing seemed too great to be achieved by her; and with ten thousand well-trained men in Ireland, Scotland would have more command there than England ever had—it would be a direct transference of the great Dependency. The project was not abandoned for these considerations. It was but

languidly supported, however, from England, and only in part fulfilled. Leslie, with Monro as his lieutenant, landed in all about four thousand men at Carrickfergus. Again the antithesis of the two countries is repeated—Ireland in greater chaos than ever, though with an unusual unanimity in cruelty and destructiveness; the Scots force moving in the centre of all in its own separate distinctness, an army still more orderly and exact in drill than the Highlanders of fifty years earlier. One serious doubt disturbed them,—for whom were they fighting? Was it to king or Parliament that they were to look for their pay? They sought a solution of the difficulty in reliance on their own compact action, and so held the towns and fortified places taken by them as provisionally their own. One of their body describes them as taking example from their own Covenant: “The officers of this our Scots army in Ireland, finding themselves ill paid, and, which was worse, not knowing in the time of the civil war who should be their paymasters, and reflecting on the successful issue of the National Covenant of Scotland, bethought themselves of making one also. But they were wise enough to give it another name, and therefore christened it a ‘Mutual Assurance’; whereby upon the matter they made themselves independent of any, except those who would be their actual and real paymasters, with whom, for anything I know, they met not the whole time of the war.”¹ They would take no general orders but from home; and so when Ormond, according to the same participator in their lot, “signified by a trumpet to us the cessation he had, by his majesty’s appointment,

¹ Turner’s Memoirs, 24.

concluded with the Irish for a year, and required Monro in the king's name to observe it," "he refused to accept it, because he had no order for it from his masters of Scotland."¹ Leslie, the commander, found, as we shall see, other work to do, and he left his charge in the hands of General Monro. To him fell the chief command of the English as well as the Scotch troops in Ireland, and in 1643 he was in command of an army ten thousand strong.²

The two divisions of Britain were too much occupied—each about itself, and both about each other—to think much of unhappy Ireland. A committee from the English Parliament had accompanied the king to Scotland, for the avowed object of assisting him as a council, but the real object of transacting their own business with their friends in Scotland. Certain Scots commissioners at the same time attended the English Parliament, so that there was an official apparatus for close intercommunication. A General Assembly continued to meet annually in Scotland as a matter of routine. Its business now had little interest except to those immediately concerned. The Assembly of 1640 took up its testimony against private associations of Christians for religious or ecclesiastical purposes, a practice out of the prevalence of which the Assemblies seemed to fear the growth of the Independent or Congregational system. They saw the growth of this system in England with much alarm, and lost no opportunity of denouncing it. The Presbyterian

¹ Turner's *Memoirs*, 29.

² For an account of particulars of the services of Monro's army in Ireland, and its progress as far southward "as Killarney woods," see a paper in the '*Ulster Journal of Archaeology*' on the "Proceedings of the Scotch and English Force in the North of Ireland in 1642," viii. 77.

party in England gave them a good occasion for speaking to this point, when in the General Assembly of 1641 "a letter from some ministers in England" was presented. These ministers were groaning under the yoke of Episcopacy, which they now had hope that God of His infinite goodness would remove from them. But this hope was somewhat shaded by the growth of sectaries, who maintained that each congregation was its own church government, with right of excommunication and all other powers of the keys. They modestly requested the judgment of the Scots Assembly on this difficulty, saying: "We do earnestly entreat the same at your hands, and that so much the rather because we sometimes hear from those of the aforesaid judgment, that some famous and eminent brethren even among yourselves do sometimes incline unto an approbation of that way of government." The answer of the Assembly was of course an exhortation to stand fast by the divine right of Presbyterian government. In acknowledgment of this, the Scots clergy received at their next Assembly, from their brethren of England, the comforting assurance: "Our prayers and endeavours, according to our measure, have been and shall be for the supplanting and rooting up whatsoever we find so prejudicial to the establishment of the kingdom of Christ and the peace of our sovereign. And that this declaration of ourselves may not leave you unsatisfied, we think it necessary farther to express that the desire of the most godly and considerable part amongst us is, that the Presbyterian government, which hath just and evident foundation both in the Word of God and religious reason, may be established amongst us; and that, according to

your intimation, we may agree to one confession of faith, one directory of public worship, one public catechism and form of government—which things, if they were accomplished, we should much rejoice in our happy subjection to Christ our Head, and our desired association with you, our beloved brethren.”¹

That Assembly meeting of 1642 was honoured by a message from the Parliament of England calling attention to their declaration of their case in the quarrel with the king.

This had gone rapidly onward since his return from Scotland. The grand remonstrance, the attempt to seize the five members, the impeachment of the bishops, the dispute about the militia, had followed on each other; and at length, on the 28th of August 1642, the king’s standard was raised at Nottingham. Both parties looked with eager longing at the materials of the fine army lately disbanded in Scotland. Much as the governing men in Scotland had lately been pleased with the docility of their king, they were sagacious enough to estimate it at its true value. They knew that his heart was at war with every Act to which he had put his hand, and that all would be reversed when the opportunity came. Indeed he was known to have said as much to those in his confidence, by whom the secret was not always completely kept.

There came appalling rumours from Ireland. People had supped full of horrors in the carnage of the rebellion; and the tale was so horrible that some have thought in later times that it was a great popular delusion, and that no more blood was shed by the Irish rebels than the necessities of war and the mis-

¹ Peterkin’s Records, 294-96, 329.

management of undrilled combatants may reasonably account for. However this may be, the Irish massacre, as it stands in the ordinary histories, was then believed in Scotland, and believed with some exaggeration. Before this awful evidence of their bloody spirit had become known, there was a rumour that nine thousand of the wild Irish were coming to sweep Scotland. After the terrible example had been shown, there was again a rumour of an invasion from Ireland, and it was to be on a larger scale. Glamorgan had made peace between the King of England and the Church of Rome. The Papists were to be encouraged by the Court, where they had a good friend in the queen. In return for the grace extended to them, they were to send over to Scotland an army of the men who had done the bloody work of the Irish massacre. Farther, the Scots were informed by their good friends of the Parliament of England, that the Lord Antrim, one of the leaders in the rebellion, had a negotiation in hand for gaining Monro and his army of ten thousand—Scotch and English—for the suppression of the Parliamentary party in England.

While the king's party was playing a game of this kind, the English Parliament was day by day approaching the perfection that ruled in Scotland, and reaping golden opinions from the Scots. On the 10th of August 1643, the commission of the Parliament of England in complimentary fashion addressed the General Assembly of the Church, claiming credit for following the footsteps of Scotland which had gone before: "To give them an account of their earnest desire to see the same work promoted and perfected among ourselves, which, though it hath been opposed

and retarded by the industrious malice of the Popish, Prelatical, and Malignant party, yet through God's goodness it hath so far prevailed as to produce the removal of the High Commission, the making void the coercive powers of the prelates and their courts, the ejection of bishops from the House of Peers, the turning out of many scandalous ministers; besides that they have passed and presented to his majesty divers bills—viz., for the suppression of innovations; for the more strict observation of the Lord's Day; against pluralities and non-residence; for the punishment of the scandalous clergy; for the abolition of Episcopacy, and the calling an Assembly.”¹

At this period the Parliamentary party were in a critical position. They were steadily losing ground in the war, and defeat and death on the scaffold looked the leaders in the face. It was the question of life or death to them to have a good army, and Scotland was the place where that commodity was to be found. Scotland was therefore earnestly and sedulously cultivated. Some thirty years before, the Scots were a people somewhat indifferent about religious matters, but late events had thrown them into the cause of the Covenant with all the ardour and steady endurance of their nature. The progress made by England towards their own position was the best mode of propitiating them; and this policy was completed by a bold and brilliant stroke, when England, after the preliminaries to be told in dealing with the Assembly of Divines, adopted the Solemn League and Covenant, and suggested it as a bond of brotherhood for all the three kingdoms. A more august national compliment

¹ Peterkin's Records, 347.

could not have been paid: it was the two great nations humbly and dutifully following the small community of chosen people in the path of righteousness. The Solemn League and Covenant took the essence, both of its purport and of the terms in which this was expressed, from the National Covenant of Scotland.

There were many references in the Scottish document to Acts of the Estates and the Assembly, which were of course omitted. But under that omission, necessary as it was, there lurked a great policy. It was these references that specially linked the Scottish Covenant to the Presbyterian form of Church government. Otherwise, it was a mere protest against Popery, and an obligation to support the Reformed faith. The Solemn League and Covenant had nothing as a substitute for these references to bind its adherents to the Presbyterian polity. The only clause approaching such an obligation was for "the preservation of the Reformed religion of the Church of Scotland, in doctrine, worship, discipline, and government, against our common enemies." The promise as to the rest was, "The reformation of religion in the kingdoms of England and Ireland in doctrine, worship, discipline, and government, according to the Word of God, and the example of the best Reformed Churches."¹ The Scots seemed to have no doubt that this meant their own example. The homage to the superior sense and sanctity of Scotland was intoxicating, and both in Parliament and the Assembly the Solemn League and Covenant were received with rapture. Statutes were passed for enforcing subscription throughout all the three kingdoms to this new testimony.

¹ Peterkin's Records, 362.

On some minor points the English Parliament continued to gratify the Scots with judicious alacrity. They were zealous against the religious observance of what they called "Youle," or the ancient heathen festival of Yoll, preserved in England under the guise of Christmas. Would the Parliament gratify the commissioners by sitting and working on that day? "We prevailed," says Baillie, "with our friends of the Lower House, to carry it so in Parliament that both Houses did profane that holy day by sitting on it to our joy and some of the Assembly's shame."¹ But though ready to gratify them with any amount of words, or some small deeds such as this, the Parliament kept behind all a resolute determination never to subject themselves to Presbyterian discipline.

The king told them at the time, what was true, that the Parliamentary party, "what pretence soever they make of the care of the true Reformed Protestant religion, are in truth Brownists and Anabaptists, and other independent sectaries; and though they seem to desire an uniformity of Church government with our kingdom of Scotland, do no more intend, and are as far from allowing the Church government established there, or indeed any Church government whatsoever, as they are from consenting to the Episcopal."²

¹ Baillie's Letters, ii. 121.

² The King's Majestie's Declaration to all his loving Subjects of his Kingdom of Scotland, Edinburgh, 1643. There is somewhat of a pathetic eloquence in the following passage in this paper: "We do conjure all the good subjects of that our native kingdom, by the long, happy, and uninterrupted government of us and our royal progenitors over them—by the memory of those many large and public blessings they enjoyed under our dear father—by those ample favours and benefits they have received from us—by their own solemn National Covenant, and their obligation of friendship and brotherhood with the kingdom of England, not to

The Estates of Scotland assembled on the 22d of June 1643, to deal with the momentous question now demanding a decision. It was a meeting by convention—that is to say, without the warrant or concurrence of the king, and indeed in this instance against his counter-order. But this was no longer a critical step to be deeply pondered—it was a matter almost of indifference, and was treated as the restoration of an old constitutional privilege which in the recent servile times had been almost forgotten. The Committee of Estates was reappointed, and the local war committees resumed their work in the counties. The leading men and the nation at large had become accustomed to sudden calls to arms, as soldiers are when they have been in long practice; and we hear nothing, as in the previous marches, of the rumours and preparations.

When fully determined on, the affair was pursued with thorough earnestness. To meet the threatening exigencies of their allies, an army of twenty-one thousand men began its march southward in the depth of winter, with deep snow on the ground. It was natural that the force should be again commanded by the old Earl of Leven; but it has to be noted, because it was material to the result, that he was accompanied by his nephew, David Leslie, a greater soldier than himself, who assisted him as major-general.

The capture of Newcastle by the Scots in 1641 had made both parties see how important was the

suffer themselves to be misled and corrupted in their affection and duty to us by the cunning, malice, and industry of these seditious persons and their adherents, but to look on them as persons who would involve them in their guilt, and sacrifice the honour, fidelity, and allegiance of that our native kingdom to their private end and ambition.”—P. 8.

port on which London and many other towns in southern England depended for fuel. The place was strongly fortified and garrisoned. It was the point to which the queen was to bring the aid she might obtain from abroad in money and troops. The news went about that at one disembarkation there were landed there from the Hague, at the queen's direction, a thousand stand of arms, twenty pieces of ordnance, and two thousand pounds in money, accompanied by eighty experienced officers, "with many horse for service, waggons, &c."¹

The Parliament issued an ordinance, finding "that since the beginning of the present troubles, that town of Newcastle, being possessed by forces raised against the king and Parliament, hath become and is the principal inlet of foreign aid, forces, and ammunition." As vessels entering the harbour on the profession, real or pretended, of exporting coal, helped the garrison by importing provisions and munitions of war, the exportation of coal from Newcastle was prohibited.² The Parliament took strong measures artificially to supply London with coal from other places and with firewood; but while the town remained in the hands of the Royalists the prohibition was a source of extreme misery—it hence became all the more momentous that Newcastle should be taken. A special fund was raised in the city of London for this service, and with some ingenuity it was aided by a heavy licence duty on the privilege of bringing coals from Newcastle in exemption from the prohibition. But the fighting-work was to be done by the Scots army.

¹ "A great Discovery;" Newcastle Reprints, 11.

² Ordinance; Newcastle Reprints.

On the 19th of January 1644 Leslie again crossed the Tweed with an army rather more than twenty thousand strong. We are told that the river was so strongly frozen as to permit a passage on the ice even for the heavy baggage. When they reached Newburn, where they had crossed before, they found the passage too strongly fortified to be attempted. They had to march farther up, and on the 28th crossed at three fords—Ovinghame, Bydwell, and Altringhame. It was deep wading, and one of the army says: “The Lord’s providence was observable in that nick of time we passed the river, which for eight days after would have been impossible for us to have done, in respect of the swelling of the river by the melting of the snow.”¹

Resting on Sunday, they entered Sunderland on Monday the 4th. Appearances threatened a battle there. Sir Charles Lucas, with a force estimated at fourteen thousand, and strong in horse, formed on a height close by in battle order, and the Scots prepared to close. The armies faced each other for a whole day. It was not the policy of the Scots to weaken themselves before besieging Newcastle; and Lucas, as it seems, thinking it unsafe to attack them, moved southwards. The retreat tempted the Scots to harass his rear; but a snowstorm, through which they could not see their enemy, baffled the attempt, and the English, after material losses from cold and storm, sought rest in Durham. The weather gave material advantage to the Scots, with their hard northern training. We find them taking a march of “eighteen Scottish miles when it was a knee-deep

¹ Proceedings of the Scottish Army; Newcastle Reprints, 11.

snow, and blowing and snowing so vehemently that the guides could with great difficulty know the way, and it was enough for the followers to discern the leaders ; notwithstanding whereof they were very cheerful all the way ; and after they had been a little refreshed at night, professed they were willing to march as far to-morrow.”¹

Some small outforts — one of them at Coquet Island, another at South Shields—were easily taken. Without a Royalist army to support them they could not stand in the face of the large force brought from Scotland. The siege of Newcastle, however, was to be a great trial of strength. The Royalists of the north took their families and movable valuables into that town, as the best hope for safety in the confusion of the war, and there a critical contest in the great civil war was to be decided.²

It was an affair of time. The Scots force had been hastened to the spot rather to blockade the town in the mean time than to attempt its capture ; for a large portion of the siege-train had yet to be brought up, and, in the language coming into use as to operations

¹ The Scots Army advanced into England, &c. ; Newcastle Reprints, 12.

² An observer on the spot says : “The Scots lie quartered about Morpeth, Seaton, Hephham, Ogle Castle, Prude, and those parts about Newcastle ; and have laid a strong siege about Newcastle also, and lie close under the very walls. The Malignants are for the most part all gone into Newcastle when they first heard of the Scots.” “They do carry themselves so civilly and orderly that the country do even admire them, taking not the worth of a penny from any man but what they pay fully for ; and they are not come unprovided, for every soldier hath two or three pieces in his pocket ; and there hath thousands come into them and taken the Covenant, and their army doth exceedingly increase.” These are the notes of a Parliamentary man and a partisan—a certain Colonel Curfet—arriving at the spot on the 4th of February. He seems to have taken service with Leslie. “A true Relation of the Scots taking Coquet Island ;” Newcastle Reprints.

on fortified places, the besieging general had to "sit down" before Newcastle. Desirous to avoid a storming, they offered what they considered good terms, and complained that the enemy trifled with them.¹ The Royalist garrison was indeed under strong temptation to hold out, as a slight turn in the fortunes of war might bring a relieving force to the gate. There were, as we shall see, great things done elsewhere in the mean time; but October came, and still the situation at Newcastle was the same. On the 19th the critical moment had come: "We had been so long expecting that these men within the town should have pitied themselves; all our batteries were ready; so many of our mines as they had not found out and drowned were in danger of their hourly finding out; the winter was drawing on, and our soldiers were earnest to have some end of the business, which made the general, after so many slightings, to begin this morning to make breaches, whereof we had three, and four mines.

¹ "1. That all officers and soldiers who are desirous to go out of town, should have liberty to go, with arms, bag, and baggage, to any garrison not beleaguered, within sixty miles; and should have a convoy, waggons, and meat on the way.

"2. That all strangers, sojourners, or inhabitants, who desired to go with the soldiers, should have the like liberty and accommodation.

"3. The town shall enjoy their privileges and jurisdiction conform to their ancient charters.

"4. The persons, houses, family, and goods of the citizens and inhabitants should be free and protected from violence.

"5. They should have their free-trade and commerce, as other towns reduced to the obedience of the king and Parliament.

"6. That any of them who desired to go into the country, and live in their country houses, should have safeguard for their persons, families, goods, and houses.

"7. That no free billeting should be imposed on them without their own consent.

"8. The army should not enter the town, but only a competent garrison."—Newcastle Reprints.

The breaches were made reasonably low before three of the clock at night. All our mines played very well. They within the town continued still obstinate. My Lord Chancellor's regiment and Buccleugh's entered at a breach at Close Gate. The general of the artillery, his regiment, and that of Edinburgh, entered at a mine at the White Tower." In all, eight storming-parties attacked through mines or breaches, and carried them.¹

The fate of the town and its fortifications was thus decided. The castle held out, and capitulated on the 27th. The decision of the great coal question, just as winter was beginning to announce his approach, made the event auspicious to the middle classes and the poor of England in the south. A Cavalier historian tells us that "the surrendry proved of great importance to the city of London, where the poorer sort of people for the two last years had been almost starved for want of fuel, coals having risen to the price of four pounds a chaldron, a price never known before that time."²

While the siege-works or "approaches" moved on, work had been found elsewhere for the general and the greater portion of the army. They marched to Tadcaster in March, and there met the Parliamentary army under Manchester, Fairfax, and Cromwell. A Royalist force under the Marquess of Newcastle held York, and the united armies determined to drive them out. The commander sent a flag to Leven, asking what his intentions were in having "beleaguered this

¹ "A Letter from Newcastle, &c., containing a Relation of the taking of Newcastle by storm, dated the 19th of October 1644;" Newcastle Reprints. The places entered by the storming-parties are here enumerated, and explanations are afforded by the editor for their identification at the present day.

² Echard, iii. 482.

city on all sides, made batteries against it, and so near approached it." The old soldier's answer might have been taken as a jest if the game had been less serious—he had brought his forces before the city "with intention to reduce it to the obedience of king and Parliament."¹ The investment here was not so complete, however, as to prevent passage and the strengthening of the garrison. It was said that Rupert should have been contented with this; but it is questionable whether the augmented garrison could have stood against the augmented army before it. However it was, he gave battle at Long Marston Moor, about five miles westward of York. On this renowned field there are none of the marked features which sometimes help so materially to clear the scope and tenor of a pitched battle from the confused details of those who have described it. The necessity of circumstances, not a choice on either side, forced the armies to fight it out where they were. To prevent the allies from reaching York, Rupert had to keep sufficiently near to wheel and meet his enemy at any point. Within that limit the allies had their choice of ground, and had any point offered advantage, they might have secured it; but the whole was a flat plain, on which they descended from a low ridge of hills to the west. There were thus neither helps nor impediments, except of the smaller kind, in which one who was present mentions "furze and ditches." The only difference between the two positions was, that Prince Rupert's army was on the open moor, and the other in cultivated fields. The numbers seem to have been well balanced—about twenty-three thousand on each side.

¹ Rushworth, v. 624, 625.

Prince Rupert headed one of those impetuous attacks for which he was renowned, and scattered before him the right of the allied army under Fairfax and Leven. It was one of those great blows that may confuse a whole army; but the other half was in very competent hands—those of Cromwell and David Leslie. They beat back their opponents, not by a rush, but a hard steady fight, and were on the enemy's ground when Rupert returned from a pursuit which he had carried too far. He found that while he had been away pursuing the defeated enemy, events behind him had arranged matters for a second battle, in which each occupied the ground that earlier in the day had belonged to the other side. The end was an entire victory both over those who had been driven back and those who had pursued as victors. There was much debate on the question whether it was to Cromwell or to David Leslie that the merit of the victory was due; and it came to be said that the English claimed it for Cromwell and the Independents—the Scots for David Leslie and the Presbyterians. The fact material to the position of Scotland at this point of time is, that certainly the victory would not have been gained but for the Scots army, and that the position taken by Scotland at this critical juncture gave a tone and influence to the whole of the struggle.¹

¹ There is more than the usual difficulty in unravelling the details of this battle, as on the side of the allies there were three commanders—Leven, Fairfax, and Manchester—and yet the victory is not accredited to any one of them. As if this did not furnish sufficient element of confusion, we have to look to two committees—one from the English and another from the Scots Parliament—who were joint commanders-in-chief. In the official despatches Leven's signature takes precedence, followed by Fairfax's and Manchester's. In the despatch after the battle, David Leslie's name came in as a joint leader. He seems to have been the

It is now time to turn to a scene of strife nearer home. It was less momentous than the war in England; it left the political conditions, indeed, just as it found them, and made no other mark on the country but the miseries attending a rapid succession of small battles. But these had picturesque peculiarities which have found for them an interest. It seems to have first occurred to the queen that the ardour and military genius of Montrose might be turned to use. To him it had occurred that a large amount of fighting material lay waste in the British dominions. He had himself seen the Celt at war in Scotland both as an ally and an enemy. The Irish rebellion had shown all too well that the race could be effective in one of the chief ends of warfare—the destructive. To the formal commander in legitimate warfare, the Celts, as seen chiefly in the Highlanders, had many and fatal defects. They had a system of discipline of their

hero of the day, though Cromwell's presence, interpreted through his subsequent career, has brought him to the front in history. Cromwell had only the command of three hundred horse (Rushworth, v. 634), and though he no doubt handled them effectively, the force was scarcely large enough to give the ruling influence to such a victory. There is so little said of him in contemporary documents, that his conduct in the battle has been bandied between contradictory mysteries. By one account he had to be removed to get a wound dressed, and it was owing to this temporary absence of the ruling spirit that Rupert gained his advantage (A short critical View of the Political Life of Oliver Cromwell, by a Gentleman of the Middle Temple, p. 24). In the Memorial of Denzil Hollis it is maintained that Cromwell left the field in a fright—an addition to the many instances in which, through the spirit of paradox, cowardice is attributed to those who by their general conduct have shown it to be nearly impossible that they could be liable to this frailty. It is said that in this battle four thousand were killed on the field, but, as usually befalls the returns of killed in battle, on imperfect information—merely that “the countrymen who were commanded to bury the corpses gave out that they interred four thousand one hundred and fifty bodies.” (Rushworth, v. 635).

own, very lax and precarious, and they would work in no other. They would follow no leaders and obey no commanders but those whom the accident of birth had set over them, and the highest military skill was lost in any attempt to control them. They were inveterate plunderers; and instead of contenting themselves with articles small and valuable which they could carry with them on the march, or with the price of what they could sell, they would seize anything—furniture or clothing—and scamper home with it. After a battle they all dispersed to their own glens,—loaded with plunder if they were successful—dejected and dispirited if they were not. They were unsteady in face of a fusilade, and the roar of the cannon scattered them like a flight of pigeons. Finally, if they were unsuccessful in their first dash at the enemy, they gave up the contest and dispersed. On the other hand, they were all ready for the field, and trained to fight after their manner. Their rush on the enemy was terrible. If the method of conducting a war were to their taste, their patience and endurance were inexhaustible. They were fit for the field after starvations that would ruin ordinary troops. They required no commissariat or baggage-train, and could cross wild ranges of country, and pounce on any destined spot like their own eagles.

Since the time of Harlaw there had never been so many of them in the field as to be properly a Highland army. When the old claims of the Lords of the Isles to something like royalty died, the chiefs of clans would not serve under each other. Hence no Highland army was ever led by a Highlander. It was to be seen whether such a feat could be accomplished by a Lowlander. The experiment succeeded. If the

clansman had his own immediate chief to give the word of command, the question, who gave authority to that chief, was beyond the scope of his philosophy. With such their defects and their qualifications, there was a prejudice against the employment of such hands in warfare — a certain discredit rested on the act, indeed, for reasons already referred to.¹ The vindication for their employment on this occasion would of course be, that the cause of the Crown being in a desperate condition, demanded and justified a desperate remedy.

Montrose's scheme was not so wild as at a first glance it might appear. He did not propose to reconquer Scotland to the royal cause with his Highlanders, even though aided by unlimited drafts on Ireland. His project was to get Leven's army, of more than twenty thousand trained and hardy soldiers, out of England, where they decidedly turned the balance of war against the king. He was to make them find the necessity of returning home for the defence of Scotland. When he first suggested the plan, it was by Hamilton's advice rejected; and some authors on the Cavalier side regretfully say that it was adopted just when it had become too late.

His commission gave him plenary sovereign powers, through an ingenious arrangement for avoiding offence to those of rank above his own whom he was set over. A patent was issued to Prince Rupert of a novel character, making him Viceroy of Scotland. Montrose was his lieutenant, who was to do the viceroy's work. His intention was to march from England with a force sufficiently strong to make its way through Scotland, until it was joined by the High-

¹ See above, p. 154.

landers and the Irish promised by Antrim. In this view he desired a detachment from Newcastle's army in the north to be put at his command. Coming, as he did, with high authority and designs which must weaken an army already all too feeble for its own work, he was not a welcome counsellor to the harassed commander of the royal army. He got but a small force—some eight hundred footmen, as it is said, and three troops of horse. With these he was able to do no more than harass the south-west of Scotland, and drive the Covenanters out of the town of Dumfries. He thought by personal application to Prince Rupert, his superior in command, to accomplish his object. But he joined Rupert on the day after Marston Moor, not a time propitious to parting with a portion of his army.¹ It became clear that Montrose would not obtain a force sufficient to carry him to the spot where he was to find his Irish and Highland army. This was no doubt irritating and mortifying; but in the end it was the foundation of his fame, since it gave him the opportunity for playing the hero in one of the most brilliant passages of the romance of war. He resolved to find his way in disguise to the place where he would discover his army. He executed this design very skilfully. As Lieutenant-General of Scotland he was ostensibly on his way to the king at Oxford in all suitable pomp. The carriage and the train kept moving slowly onwards, while he who should have been the centre of all the pomp was on his way through Scotland, dressed as a groom, and, to appearance, in attendance upon two gentlemen, Sir William Rollo and Colonel Sibbald, who virtually were in

¹ Rushworth, v. 482.

attendance on him. He thus arrived in safety at Tullibeltane, in the Highlands of Perthshire, where he found his kinsman, Graham of Inchbrachie. The adventure appeared for some time to be a dead failure. The Estates and their committee had organised so strong a government that neither those Lowlanders who belonged to the Cavalier party, nor the Highlanders who were delighted to rise against any government that was strong and orderly, durst move. He heard at last that Antrim's Irish troops had arrived,—a percentage only of the promised number—some twelve hundred instead of ten thousand. They were in imminent danger of extermination by Argyle, when they received an order from Montrose, as the king's lieutenant, to march to Blair Atholl. Here he raised the standard. The "fiery cross" went through the glens, and with the marvellous celerity peculiar to Highland gatherings, he was speedily at the head of some three thousand men. Accident favoured him; for his standard was joined by Lord Kilpont, with a body of men who had been assembled for the avowed purpose of opposing the Irish aggressors. It was resolved to march on Perth, Montrose walking at the head of his force in a Highland dress.¹

When rumours of this formidable movement reached the citizens of the town and the neighbouring Lowlanders, they gathered in a tumultuous body, placing Lord Elcho at their head. They marched, if marching it could be called, to a barren plain called Tippermuir, some four miles west of Perth. It is said

¹ His costume is called "coat and trows," or trousers, a costume not now associated with the Highlands. In one place, however, Spalding says "the lieutenant was clad in coat and trows, as the Irishes was clad," meaning by "Irishes" Highlanders (p. 409).

that they were more than double the number of their enemies ; but, a mere mob as they were, their numbers only increased their incapacity to meet an enemy. On Montrose's side we have the first instance of that simple tactic by which many Highland victories were afterwards gained. Those who had pieces discharged them and threw them down ; then all swept forward in the great rush that must be destructive either to their enemies or themselves. In this instance the rush was successful—the confused mass of people at once broke and scattered. They were pursued and slain by their nimble enemies. It is only in the amount of the slaughter—estimated at two thousand—that this affair deserves the dignified title of a battle ; it occurred on Sunday the 1st of September.¹ At a distance, however, it sounded emphatically in giving Montrose possession of Perth. This city was at that time second only to Edinburgh as a military position ; it was the capital of a large district, and in the centre of Scotland. A battle followed by such an acquisition seemed almost to balance Marston Moor and the possession of York.

To Montrose, however, the acquisition was only of importance in the plunder it afforded. He re-

¹ Such, when stripped of attempts at military pedantry, appears to be the purport of the account of "the battle of Tippermoor" given by Montrose's eulogistic biographer Wishart. It is useless to compare it with the other accounts, as they are all derived from it. The ground where the affair occurred is a low upland now covered with a dark fir plantation. It rises up westward from a farm called Cultmalindy, and its local name is Lamerkin Muir, Tippermuir being the name of the parish and a neighbouring small village. Except that it has a full view of the Grampians, it is an uninteresting battle-field, since it was not selected according to a tactic on either side, but was the mere spot where the two bodies of men, going in opposite directions, met each other. For the local account of this affair see *Memorabilia of Perth*, 107.

mained but three days in Perth. He had to evade Argyle, who was approaching with a large force; and his Highlanders, as usual, were scattering homewards with their plunder. From some mysterious quarrel, Kilpont was murdered in the camp, and his contingent went off in a body. Montrose had few beyond the worthless Irish, who could not leave him. He found compensation for his losses, however, in recruits from the Ogilvies and other Cavaliers on the Braes of Angus. With an army fifteen hundred strong he resolved to attack Aberdeen. By repeated onslaughts and continual harassment that ill-fated town had been subdued to the cause of the Covenant, those citizens whose stubborn spirits would not conform finding a home elsewhere. It was sometimes, as a place of questionable fidelity, garrisoned by large bodies of the Covenanting forces. At this juncture it was but slightly protected. The cause, however, mustered nearly three thousand men, a great portion of them from the south of Scotland.

Montrose avoided the difficulty of the Bridge of Dee by crossing the river ten miles higher up. He met the Covenanting army to the westward of the city, between "the Craibstane and the Justice Mills." They fought for two hours, and then the Covenanting army fled. "There was little slaughter," says an eyewitness, "in the fight; but horrible was the slaughter in the flight—fleeing back to the town, which was our townsmen's destruction. Whereas if they had fled and not come near the town, they might have been in better security." "The lieutenant follows the chase to Aberdeen, his men hewing and cutting down all manner of men they could overtake within the

town, upon the streets, or in their houses, and round about the town, as our men was fleeing—but mercy or remeid. These cruel Irishes, seeing a man well clad, would first tyr [strip] him and save the clothes unspoiled, then kill the man.”¹

Of the scenes occurring when towns are at the mercy of lawless captors, history sometimes affords accounts too grandiloquent for distinctness; and one may have a better notion of the reality from the impression made on the town-clerk in his walks abroad: “The men that they killed they would not suffer to be buried, but tirmed them of their clothes, syne left their naked bodies lying upon the ground. The wife durst not cry nor weep at her husband’s slaughter before her eyes, nor the mother for the son, nor daughter for the father—which if they were heard, then they were presently slain also.” The town was taken on Friday the 13th of September, and next day Montrose marched westward with his force, “except such Irishes as were plundering the town and killing our men which went not with them.”² This was an instance of the spirit which made it a scandal in that age to employ such instruments in warfare. This was the third visit paid by Montrose to Aberdeen. In the two former he had chastised the community until he brought them into conformity with the Covenant, and now he made compensation by chastising them for having yielded to his inflictions.

He wandered through the Gordon country only to experience a mortifying illustration of the character of Highland politics. All his efforts to communicate with the head of the house were baffled. Whether it

¹ Spalding’s Memorials, ii. 407.

² *Ibid.*, 407, 408.

was that Huntly would not co-operate with the man who had betrayed him, or that, as some said, he had hidden himself from his enemies so effectively that even his friends could not find him, Montrose never got the use of his name for raising his people, and therefore appealed to their sense of loyalty in vain. So nimbly, indeed, did they evade the messengers sent among them, that the country appeared empty of men.

The point of wonder in Montrose's operations henceforth is the apt use he made of the peculiar qualities of his force in rapid movements from place to place. For some time in the north he and Argyle were close to each other, and their contest was like that of the hawk and the heron—Montrose never permitted the two to come so close together as to touch each other unless when he was prepared to wound. In winter Argyle retired to his own castle at Inverary. It was a current belief that the passes into the Argyle country, difficult in summer, were utterly impracticable in winter. They were therefore carelessly protected, and the lord of the domain was abiding in indolent security in his castle. Montrose's stanch follower, Macdonald of Kolkitto, had been absent raising men in the far north-west, and had returned with a large reinforcement. Thus strengthened, Montrose resolved to try the metal of his Highlanders by a winter raid in the territories of the dreaded MacCallum Mohr. He was so expeditious and silent that he all but caught his great enemy in his lair. Argyle escaped by sea. From December 1644 to February 1645 the poor people of his country were scourged and harassed by relentless marauders.

Then these returned again home with their booty, and Montrose's policy became that of the fugitive.

Argyle was gathering forces at Inverlochy, under the shadow of Ben Nevis, in the north-west corner of his territory. From another side the Lord Seaforth threatened Montrose with a large body of the Covenanters of the far north. The exigency was one to try the resources of a military genius, and it was duly met. He carried his small army, winter as it was, over those terrible mountains, where travellers sometimes die of cold in summer, and pounced on Argyle, abiding in security on the level banks of Loch Linnhe. The surprise was complete; and Argyle's people, after an ineffective resistance, fled to the hills. Argyle himself has been bitterly reproached for betaking himself to his galley instead of remaining at the head of his people. The act was stigmatised as cowardice. In truth, however, a man in Argyle's position had heavy difficulties to contend with. He had great ability, and much of this ability was shown in controlling men; but it was in civil policy, not in war. He was not naturally a soldier; yet in that day there was no transferring the military command of a clan—nature had pointed out the leader, and no other could supply his place. His political conduct was not that of a coward, and his death was heroic.¹

After having kept his small army alive and out of sight in the northern Highlands for some weeks, we

¹ Baillie, when telling how he threw his lot in with the Covenant party at the Assembly of 1638, when the step was dangerous, says: "It has been the equity of our cause which has been the only motive to make that man, in that necessar time, to the extreme hazard of his head and all he possesses, to encourage us openly by his assistance."—*Letters*, i. 146.

find Montrose, in the beginning of April, pouncing suddenly on the town of Dundee. The outline of the doings of his little savage army there makes it not uncharitable to suspect, that had a minute chronicler like Spalding been present, he might have given even a drearier picture of pillage and cruelty than the sack of Aberdeen. The stay, however, here was brief. The Committee of Estates had thought it necessary to bring over General William Baillie to oppose Montrose's career. It will be observed that as yet he had not been face to face with any commander who was a trained soldier. A small detachment of rank and file seems to have been at the same time sent from the army in England, for we have frequent reference to a thousand trained soldiers belonging to the army of the Covenant. By the presence of these and of Baillie, and another old soldier, John Hurry or Urry, Montrose's nimble motions were guided. They were at the same time influenced by the fluctuations in his own army. When he had three thousand men in hand, he could haunt the Covenanting forces in the low country; but when he had only a third of that number, he had to keep the mountains, where he was inaccessible. He was at one time joined by a body of the Gordons; but they disappeared suddenly one day, and neither the commander nor any other person could discover why they deserted. In May he found himself in Morayland with three thousand men, in face of Urry, who had with him the best troops of the Covenanting army. Montrose's policy was the defensive; and he made a small fortified camp of the village of Auldearn, in the county of Nairn. Here on the 9th of May he was vigorously attacked by Urry, who threatened to

force his left, where Kolkitto commanded. Some mistake made by a subordinate commander on Urry's side tempted Montrose to try the aggressive. He ordered his whole force to throw themselves on the enemy, and again the Highland rush was effective in scattering them.¹ Urry carried his broken forces to join Baillie, and both ascended the valley of the Don in Aberdeenshire, where Montrose appeared to be retreating before them. He ascertained, however, that though the two experienced generals were in the army, the thousand trained troops were elsewhere, under the command of the Lord Lindsay. He took up a strong position near the village of Alford. It was a low hill westward of the village, forming a ridge running east and west, and rising towards the west, where it has a full view of the surrounding country. The ground whence it rises is now well cultivated, but it was then a marsh or bog. The Covenanter generals believed that he was avoiding battle, and had the temerity to cross the river to attack him. The two armies were about equal in foot, neither having more than two thousand; but the Covenanters had a considerable superiority in horse. The fight was an obstinate one, but in the end the Covenanters were again beaten. Montrose's

¹ Spalding says: "This overthrow was attribute to ane Crowner or Major Drmmmond, who wheeled about unskilfully through his own foot, and brake their ranks, whereby they were all slain by the enemy; and for the whilk, by conncil of war holden thereafter at Inverness, he was shot, standing on his feet, but not at ane post. There was reckoned to be slain here at this bloody battle above two thousand men to Hurry, and some twenty-four gentlemen hurt to Montrose, and some few Irish killed—which is miraculous, and only foughten with God's own finger, as would appear,—so many to be murdered and cut down upon the ane side, and so few on the other."—Memorials, ii. 474.

name was now to the Covenanters an object of terror and exasperation. There was a general feeling that the faithful must rise throughout the land and suppress him. In Fifeshire—an early stronghold of the Covenanters—the old spirit was rekindled, and burned vehemently. One army was fast gathering there, and another among the western Whigs, where the Covenanting spirit was of more recent planting, but had been of rapid and powerful growth. It was now the policy of Montrose to strike a decided blow at the existing army before it was enlarged by the new-comers. He was in a fitter condition for such a feat than he ever had been before, since the fame of his two victories in the northern Lowlands had penetrated far through the mountains, and brought him reinforcements from the distant clans of the west of Inverness-shire and Ross-shire.

The movements of the two forces had now shifted the theatre of war to the south side of the Forth, nearly two hundred miles from the scenes of the late battles. Montrose kept within the range of the Campsie Hills, where he could at any time secure himself. Baillie, his antagonist, had the larger force—six thousand in all, including the valued thousand who had been thoroughly trained to arms. Whether it was owing to Baillie's own imprudence, or to the conceited obstinacy of the Committee of Estates, who controlled him, the mistake was again made of supposing that Montrose shunned a battle. For the purpose of finishing the war before the enemy was reinforced, he courted a meeting, provided it were at his own time and place. The valley behind the small town of Kilsyth, where he waited for his enemy, is

now a small lake or reservoir for supplying water to works close by. But enough of it is visible to show that it was excellent ground for Highland warfare. The battle began with some legitimate fighting, in which the Ogilvies and other Lowland Cavaliers took part. But the Highland onset was again tried at the right time. The human torrent rushed down the brae with a wild roar or yell, and carried all before it. As at Tippermuir, there was a long and bloody pursuit. The slaughter was far beyond any usual proportion to the number engaged. It was a boast, indeed, of the Cavaliers, that not one unmounted Covenanter escaped alive. The defeated general maintained that he was not responsible for the calamity, that the Committee of Estates had interfered so with his functions as a military commander, that he resolved to let them command in reality, abiding in his place only that he might do his best under them to save the army from destruction at a juncture when "the loss of the day would be the loss of the kingdom."¹

It now appeared as if Scotland were regained for King Charles. The prisons were emptied of the Cavaliers confined in them, and everywhere the Royalists ruled the day. Montrose and his assistants have

¹ Baillie's Letters, ii. 421. Argyle, a bad soldier, appears to have dictated in name of the committee: "My lord marquis asked me what was next to be done. I answered the direction should come from his lordship and those of the committee. My lord demanded what reason was for that. I answered I found myself so slighted in everything belonging to ane commander-in-chief, that for the short time I was to stay with them I should absolutely submit to their direction and follow it." So far as the loss of the battle was caused by mismanagement, he attributed it to "our removing from that ground whereon we stood first embattled, being so near an enemy who had sundry advantages of us."—*Ibid.*, 420-23.

been praised for their moderation in not exhausting the proper harvest of victory and subjugation. But they were on a perilous elevation. All the strong places were still in the hands of their enemies. The Covenanters had lent to England, and might recall, an army worth six times as much as any one which Montrose had defeated. He had only shown, what might have been presumed, that Highlanders trained to fighting, though in a bad school, made better fighters than Lowlanders not trained to war at all. He had the merit certainly of bringing into effect this peculiar force, hidden until his day; but he had not yet measured swords with a professional soldier at the head of effective troops.

To give full effect to Montrose's military strength, he received that title of Viceroy which had been given to Prince Rupert, and stood nominally in the position of absolute ruler of Scotland. The danger that all might be overturned lay in the south, and unconsciously he went to meet it. He was very desirous to recruit his army from the Borders, and to obtain from that country some serviceable horses. To this end, and that he might be near the friends of the cause in England, whom he was to aid when Scotland was all settled, he moved southwards. This was not acceptable to the Highlanders, who had ever a reluctance to trust themselves far from the protection of their own mountains. It was natural to them to return with their booty after a victory, especially if there was no immediate prospect of more fighting. They therefore went off in considerable bands.

The Scots army was before Hereford when a pressing demand for their assistance at home reached them

from the Committee of Estates. The detachment sent was entirely cavalry, for the sake of expedition. They were commanded by David Leslie. They entered Scotland at Berwick, where the Committee of Estates and other eminent political persons were living as refugees from Edinburgh, where the plague then was rife. Thus Leslie got the best information as to the condition of the country and the steps he was expected to take. He moved northward until he reached Gladsmuir, near Prestonpans. He expected here to find and fight his enemy; and this is not the only occasion in history in which we may find a battle expected as likely to occur on a spot where a battle does occur in a later chapter of history. There seem to be certain physical conditions which practical men recognise as the spots where opposing armies are likely by the force of events to meet in battle. Here he learned that Montrose was still on the Border, and he resolved to wheel round and fall on him by surprise.

On the night of the 12th of September 1645, Montrose set his headquarters in the town of Selkirk, while his attenuated army was encamped on Philiphaugh, about two miles to the westward. As the name haugh imports, the spot was a diluvial flat plain on the side of a river; the river was the Ettrick, and the place a little above its junction with the Tweed. There was a wood close by called the Harwood, which was said to protect the army from any surprise from the west. But in truth no precautions were taken against a surprise. That was a contingency deemed beyond the range of possibilities, otherwise Montrose could never have placed Highland troops on a flat plain, knowing, as he must have known, how eminently

their method of fighting demands the command of the ground. There was abundant mountain ground hard by, and the selection must have been made for ease and convenience, not for defence.¹ So imperfect was Montrose's organisation of scouts, or so perfect Leslie's organisation for intercepting them, that he was that night posted within six miles of the doomed army. Montrose was writing despatches to the king through the night and into the morning, when he heard firing. He galloped to his army in time to order a despairing resistance. Mist favoured the assailants; and while a large body of horse charged from the Selkirk side, another band wound round by the spurs of the hills to attack the enemy from the west. All that Montrose's generalship could achieve was to retreat with a small portion of his force. It has been indignantly charged against the victors, that they put all their prisoners to death. The charge is likely to be true; for they were either Highland or Irish, and it was the custom so to treat the descendants of the old Scottish race, on whichever side of the Channel they resided.

Montrose made arduous efforts to reconstruct his army, but in vain. It had consisted of a class who eminently require success to keep them in a fitting state of ardour for the field. He had to abandon all his efforts and leave the country, when the king put himself into the hands of the Covenanters. Such was the career of Montrose, covering a year and twelve days. Of him it cannot be said that he suffered from oblivion, like the heroes before Agamemnon. Per-

¹ A small obelisk marks the centre of the field. It contains the following inscription, curious as a piece of peculiar literature: "To the memory of the Covenanters who fought and fell on the field of Philiphaugh, and won the battle there, A.D. September 13, 1645."

haps no military career has ever had a literary commemoration so disproportioned to its length and fruitfulness. The successive tributes to his memory were begun by his chaplain Wishart, who told his career in Latin for the benefit of the learned world, while it was translated into the vernacular for home use. It was his fortune or his fate that his memory, as a chivalrous hero, was the object of devotion to a party; and the commander, who was defeated on the only occasion when he met face to face with another commander of repute, had to be maintained as high up in the temple of fame as the greatest warriors in the world's history. For the literature devoted to such causes there are many allowances to be made; and the spirit that pervades it will meet a kindly appreciation by all who peruse the latest tributes heaped on the memory of Montrose by one allied to him in blood, and himself a chivalrous member of a chivalrous house. The secret of the interest we all take in such literature, whether it is on our own side or not, is something akin to that which we take in the warm unselfish attachments where, right or wrong, the man stands by his friend.

CHAPTER LXXIV.

Charles I.

WESTMINSTER ASSEMBLY OF DIVINES—CONSTITUTION—RESPONSIBILITY TO PARLIAMENT—ELEMENTS OF OPPOSITION AND DISPUTE—POLICY OF INSTITUTING THE ASSEMBLY—OCCUPATION FOR THE CLERGY—BAILLIE'S PICTURE OF THE OPENING—FUNCTION OF THE SCOTS COMMISSIONERS—THEIR INFLUENCE—THE PASSING OF THE COVENANT—THE BROWNISTS AND INDEPENDENTS—PARLIAMENT AND THE DIVINE RIGHT OF PRESBYTERY—RIGHT OF DISCIPLINE—THE DIRECTORY OF WORSHIP—THE VERSION OF THE PSALMS—ADOPTION IN SCOTLAND—THE CONFESSION OF FAITH—THE CATECHISMS—CONTEMPORARY AFFAIRS IN SCOTLAND—EXECUTION OF HADDO AND SPOTTISWOOD—THE SCOTS ARMY IN ENGLAND—THE KING JOINS IT—CONTROVERSY WITH HENDERSON—THE KING GIVEN UP TO THE PARLIAMENTARY PARTY—THE TREATY OF NEWPORT—THE ENGAGEMENT—HAMILTON'S MARCH TO PRESTON—HIS DEFEAT—THE MAUCHLINE TESTIMONY—THE WHIGAMORES—CROMWELL'S ARRANGEMENT WITH ARGYLE AND THE ESTATES—THE ACT OF CLASSES—EXECUTION OF THE KING, AND PROCLAMATION OF CHARLES II.

CONTEMPORANEOUSLY with these stirring events, much interest was felt in Scotland in the deliberations of a community of grave and reverend persons assembled in England. The sayings and doings of the Assembly of Divines at Westminster deserve a fuller and closer history than they have yet obtained. There is no intention of supplying the deficiency here, since that

institution belongs to the whole empire, or if it is to be told in connection with a part of it, it belongs to England.¹ Some reference to its influence, however, belongs to Scotland; for this influence existed long after its laws and institutions had ceased to be an element in the constitution of Church and State in England. Indeed, what the Westminster Assembly enjoined is still matter of living practice and discussion through all but a small portion of ecclesiastical Scotland.

The Assembly was constituted by an ordinance of the Lords and Commons of England on the 12th of June 1643. Finding the existing Church government by bishops and other grades to be pernicious, it is resolved "that the same shall be taken away, and that

¹ We have two books, each containing, at considerable length, a narrative of some of the debates and transactions of the Assembly during a portion of their long session. The one is, 'Notes of the Debates and Proceedings of the Assembly of Divines and other Commissioners at Westminster,' by George Gillespie, a celebrated minister, often referred to in our narrative. To those not practically engaged in polemics or Biblical criticism, this is the driest of all reading. It condenses, and with considerable skill, the purport of long wordy debates, giving their very essence in hard criticism on the Scriptures in the original Greek and Hebrew, as lending support to either side in the controversies about articles of belief and of Church government. The whole is here and there illuminated by a meteoric contribution from the brilliant scholarship of Selden. It was printed from the original manuscript in 1846, as part of a collection called 'The Presbyterian's Armoury.'

The other book is the 'Journal of the Assembly of Divines,' by Dr John Lightfoot. It makes the thirteenth and last volume of the edition of his works printed in 1822-25. This affords us a closer view of the incidents of the debate and the individuality of the speakers than the other. Thus:—

"Then fell we upon another point or clause—viz., 'It belongeth to the pastor's office to pray with and for his people.'

"Here Mr Herrick urged that it should be expressed, 'That it is the pastor's office also to curse upon occasion;' but this was waived for the present."—P. 45.

such a government shall be settled in the Church as may be most agreeable to God's holy Word, and most apt to procure and preserve the peace of the Church at home, and nearer agreement with the Church of Scotland, and other Reformed Churches abroad. And for the better effecting hereof, and for the vindicating and clearing of the doctrine of the Church of England from all false calumnies and aspersions, it is thought fit and necessary to call an Assembly of learned, godly, and judicious divines, to consult and advise of such matters and things touching the premises as shall be proposed to them by both or either of the Houses of Parliament, and to give their advice and counsel therein to both or either of the said Houses, when and as often as they shall be thereunto required."

The members of this Assembly were not left to se-

So when Selden, as was his wont, would upset a whole fabric of debate by showing that it proceeded on some ignorance of law or of Hebrew:—

"Mr Selden.—'By the laws of England none can ordain but only a bishop with some presbyters'" (then a citation of authorities).

"And whereas our Covenant swears out the *regimen ecclesie*, this that we have in hand is not *regimen ecclesie*; and we have sworn to preserve the laws of the kingdom, of which this is one."

"This speech cost a great deal of debate, and had many answers given it; and, among other things, Mr Henderson, and the Lord Mackland [Maitland] after him, took it to heart, and expressed their resentment of it, that there had been too much boldness with the Covenant."—P. 121.

On the question of the presence of the people at excommunication, "Sir Archibald Johnston gave this example, that a murderer in Scotland is by law to be executed between sun and sun in an open market-place, *coram populo*. Yet this tieth not the people to any interest in his execution, nor tieth *him* so to be present—and so is it with this case."—P. 139.

On 29th January 1644 we have a debate, "with great heat," about the power of the civil magistrate in matters ecclesiastic, Gillespie fighting with Nye, when the Lord Maitland stood up and "related the news of the Scots now being in the kingdom; that they marched in on that day that the public thanksgiving was at Christ's Church, and that on Wednesday last they were within seven miles of Alnwick."—P. 130.

lection through any ecclesiastical organisation. They were named by Parliament. They consisted of ten Peers and twenty members of the Commons as lay assessors, and a hundred and twenty-one clergymen. The constitution of the body was shifted from time to time, according to the rate of attendance and other incidents; but Parliament never quitted a firm hold on its constitution and power. The Prolocutor or president, Dr Twiss, was named by Parliament; and when difficulties and disputes arose, they were to be referred to Parliament. By the same authority, certain commissioners for Scotland were invited to attend the discussions. There were from the clergy, Baillie, Henderson, Rutherford, and Gillespie—all men with gifts that might make them remarkable in any intellectual arena. Robert Douglas, the reputed grandson of Queen Mary, was named as a fifth, but he never attended. For the lay elders there was the redoubted Johnston of Warriston, the most able and zealous of a group of lay statesmen—they were not in all, perhaps, above three or four—who were as thorough warriors in the ecclesiastical department of the great struggle as the clergy themselves. Along with him were Lord Cassilis and Lord Maitland, in later times more renowned than illustrious as Duke of Lauderdale. There were afterwards added Argyle, Balmerinoch, and Loudon, with Robert Meldrum and George Winram. These, with all others there present, were under the control of the Parliament. In Baillie's slightly indignant words, "Here no mortal man may enter to see or hear without ane order in wryte from both Houses of Parliament;"¹ and in acknowledging a comforting

¹ Letters, ii. 107.

assurance from ecclesiastical sympathisers in Holland, he says : " As for returning an answer, they have no power to write one line to any soul but as the Parliament directs, neither may they importune the Parliament for warrants to keep foreign correspondence." ¹ There can be no doubt that the organising of this Assembly was a wise act. It may be questioned if ever a large deliberative body acted with the sagacity that predominated on this and other occasions in the Long Parliament. The country was all on fire with religious fervour. The Parliament had grave and momentous work before it, and it was well, if possible, that this work should be done without risk of intrusion by the elements of religious contention. It would be wise to have all this perilous matter cleared away and removed into a safe place. The invitation to the various zealots virtually was : You will be free to open up all the outlets of talk and discussion ; nay, you shall exercise your powers in all honourable distinction, and with every facility and appliance for exciting and protracting discussion, provided you take it all to a place apart, and leave us unmolested to discuss our civil business.

The arrangement was accomplished with a dexterous subordination of the ecclesiastical to the civil authority. The hand of the State was laid on it all with such firm precision, that no movement for the establishment of a separate spiritual power was practicable ; and this was done in a shape admitting no ground for complaint. No power of any existing institution was usurped. It was a voluntary assembling. None were bound to attend whose conscience revolted at the authority assumed by the Parliament — these might

¹ Letters, ii. 186.

remain at home for conscience' sake, and some did so. Still it was safe to calculate on Churchmen being influenced by the seductive charms of debate. The attraction would strengthen day by day as the wordy war went on, and small scruples would be forgotten. So it was ; although a few were able to abstain, the centre of debate aggregated to it enough of the inflammable material to leave the Parliament in safety. The members of the Assembly, indeed, held meeting after meeting with a growing enthusiasm, the reflection of which may be found in the picturesque opening scene from the pen of our old friend Baillie. It will be seen from this description how completely the order of business in the Assembly was modelled on the forms of the English House of Commons—a system marvellously beautiful and complete, and for compelling a numerous assembly to act with freedom and order, beyond all comparison the finest organisation that human genius has accomplished. The description is the more clear, that it was made by one who had been trained in another school, and especially noticed the matters in which the two differed from each other. He could not but see and acknowledge the merits of the English system ; yet we find him longing somewhat for the impetuous action of his own people, when he says: “They follow the way of their Parliament. Much of their way is good, and worthy of our imitation, only their long-someness is woeful at this time, when their Church and kingdom lies under a most lamentable anarchy and confusion.”

“The like of this Assembly I did never see, and, as we hear say, the like was never in England, nor

anywhere is shortly like to be. They did sit in Henry the VII.'s Chapel, in the place of the convocation ; but since the weather grew cold, they did go to Jerusalem Chamber, a fair room in the Abbey of Westminster, about the bounds of the college forehall, but wider. At the ane end nearest the door, and both sides, are stages of seats as in the new Assembly House at Edinburgh ; but not so high, for there will be room but for five or six score. At the upmost end there is a chair set on a frame, a foot from the earth, for the Mr Proloqutor, Dr Twisse. Before it on the ground stands two chairs for the two Mr Assessors, Dr Burgess and Mr Whyte. Before these two chairs, through the length of the room, stands a table, at which sits the two scribes, Mr Byfield and Mr Roborough. The house is all well hung, and has a good fire, which is some dainties at London. Foranent the table, upon the proloqutor's right hand, there are three or four ranks of forms. On the lowest we five do sit. Upon the other, at our backs, the members of Parliament deputed to the Assembly. On the forms foranent us, on the proloqutor's left hand, going from the upper end of the house to the chimney, and at the other end of the house, and backside of the table, till it come about to our seats, are four or five stages of forms, whereupon their divines sit as they please, albeit commonly they keep the same place. From the chimney to the door there is no seats, but a void for passage. The Lords of Parliament used to sit on chairs, in that void, about the fire. We meet every day of the week but Saturday. We sit commonly from nine to one or two afternoon. The proloqutor at the beginning and end

has a short prayer. The man, as the world knows, is very learned in the questions he has studied, and very good, beloved of all, and highly esteemed ; but merely bookish, and not much, as it seems, acquaint with conceived prayer, and among the unfittest of all the company for any action ; so after the prayer he sits mute. It was the canny convoyance of these who guides most matters for their own interest to plant such a man of purpose in the chair. The one assessor, our good friend Mr Whyte, has kept in of the gout since our coming ; the other, Dr Burgess, a very active and sharp man, supplies, so far as is decent, the proloquator's place. Ordinarily there will be present above threescore of their divines. These are divided in three committees, in ane whereof every man is a member. No man is excluded who pleases to come to any of the three. Every committee, as the Parliament gives order in write to take any purpose to consideration, takes a portion, and in their afternoon meeting prepares matters for the Assembly, sets down their mind in distinct propositions, backs their propositions with texts of Scripture. After the prayer, Mr Byfield the scribe reads the proposition and Scriptures, whereupon the Assembly debates in a most grave and orderly way. No man is called up to speak ; but who stands up of his own accord, he speaks so long as he will without interruption. If two or three stand up at once, then the divines confusedly call on his name whom they desire to hear first : on whom the loudest and most voices call, he speaks. No man speaks to any but to the proloquator. They harangue long and very learnedly. They study the questions well beforehand, and prepare their speeches ; but withal the men

are exceeding prompt, and well spoken. I do marvel at the very accurate and extemporal replies that many of them usually do make. When upon every proposition by itself, and on every text of Scripture that is brought to confirm it, every man who will has said his whole mind, and the replies and duplies and triplies are heard, then the most part calls, 'To the question.' Byfield the scribe rises from the table and comes to the proloquator's chair, who from the scribe's book reads the proposition, and says, 'As many as are in opinion that the question is well stated in the proposition, let them say I.' When 'I' is heard, he says, 'As many as think otherwise, say No.' If the difference of I's and No's be clear, as usually it is, then the question is ordered by the scribes, and they go on to debate the first Scripture alleged for proof of the proposition. If the sound of 'I' and 'No' be near equal, then says the proloquator, 'As many as say I, stand up.' While they stand, the scribe and others number them in their mind; when they sit down, the No's are bidden, and they likewise are numbered. This way is clear enough, and saves a great deal of time, which we spend in reading our catalogue. When a question is once ordered, there is no more debate of that matter; but if a man will vaige, he is quickly taken up by Mr Assessor, or many others, confusedly crying, 'Speak to order, to order.' No man contradicts another expressly by name, but most discreetly speaks to the proloquator, and at most holds on the general—the reverend brother, who lately or last spoke, on this hand, on that side, above, or below.”¹

With the Scots the most interesting business of this

¹ Letters, &c., ii. 107-109.

Assembly was the Covenant, and it was among the first to claim attention. We have this account of the sitting on the 8th of August 1643 :—

“The Parliament recommended the Covenant to the Assembly to take into consideration the lawfulness of it. The first article of it held us all the day, for we sat till within night. This clause bred all the doubting, ‘I will endeavour the preservation of the true Reformed Protestant religion in the Church of Scotland, in doctrine, discipline, worship, and government, according to the Word of God.’ It was scrupled whether the last words, ‘according to the Word of God,’ were set for limitation—viz., to preserve it as far as it was according to the Word,—or for approbation—viz., as concluding that the Scotch discipline was undoubtedly according to the Word. Therefore, after a day’s debate almost, it was resolved that this explanation should be annexed to it, ‘As far as in my conscience I shall conceive it to be according to the Word of God.’ This was concluded about five o’clock afternoon.

“Then fell we upon the second article of it, ‘That without respect of persons, I will endeavour, according to my calling, to extirpate Popery, prelacy, heresy, schism,’ &c. ; when Dr Burgess, who had been exceptious of all others all the day against the first article, began again to cavil about this clause, ‘Without respect of persons to extirpate Popery’—it being a very nice business to know what Popery is, and what is meant by extirpation, and I know not what—which gave occasion to others to take the same exceptions, and so hold long debates ; and it was very clear that we had parted and gone home unresolved of the matter,

but at last we brought it to the vote that the words were fit to stand as they were.

“Tuesday, August 29, we fell upon these words, ‘prelacy, superstition, heresy, schism,’ &c.; and Dr Burgess began again to except every one of the words as doubtful—especially the word ‘prelacy’ was thought by others to be too doubtful, therefore the explanation of it was concluded on, ‘the government by archbishops, bishops,’ &c.; and about noon, with much ado and great retarding, we had finished the second article, and the Assembly adjourned till afternoon.

“In the afternoon the rest of the Covenant was despatched with much ado; for Dr Burgess continued in his captiousness, and retarded as much as possibly he could. In fine, it was concluded upon and ordered that the Assembly should on Thursday morning, by their prolocutor, they attending him to the House of Commons, humbly present their advice to the Parliament, that in point of conscience the Covenant may lawfully be taken with those explanations which are forementioned.”¹

To the Scottish Covenanters the calling of this Assembly, and the adoption of the Solemn League and Covenant as revised by it, were rapidly bringing on the consummation of that great scheme of Divine Providence destined to establish the Presbyterian polity over all mankind. The government of the Church by a General Assembly, Synods, Presbyteries, and Kirk-sessions, was the divine form of Church government, and all others must dissolve before it. Here had been completed a great step—England and Ireland had been cleansed of the Popish and prelatie rubbish

¹ Journal of the Assembly of Divines; Lightfoot's Works, xiii. 11.

left at the Reformation, and were immediately to be united to Scotland in one Presbyterian community. The English Presbyterians—a large body with many learned ministers among them—indulged themselves in the same conclusion.

The Parliament, however, had other views, and skilfully prepared for the consummation. There lurked at that time, in the class of men who made the Parliament and the influential circles, a disinclination to reconstruct any strong priesthood. Some were influenced by religious motives, others by political; but their general temper was, that as the keys of St Peter had been thrown down in the late scuffle, they were not to be picked up again by the nearest hand. Accordingly the personal structure of the Assembly placed within it elements of opposition which had an appearance of impartiality, but were of course infinitely provoking to those who demanded supremacy.

The Brownists, Independents, or Congregationalists, were a large body in England, and had been growing, even in Scotland, too rapidly for the peace of the Covenanting party. Their principle was, that there should be no combined system of Church government, whether prelatie or Presbyterian, but that each Christian congregation should be a Church in itself. It was a system that seemed to embody the very abstract spirit of toleration, by bringing the power of ecclesiastical tyranny down to absolute zero. So it seemed in Britain, where the Independents were driven to the policy of self-defence; but they became very sufficient ecclesiastical tyrants on their own ground in New England, where they dutifully hanged every man who wore a broad-brimmed hat, or used

the personal pronoun in an antiquated fashion.¹ These men were not powerful in organisation for constructive purposes, for that was not their mission, or the tenor of the polity sought by them; but they were very useful for the purpose for which they had been placed in the Assembly—the interruption of the constructive work of others.

The Independents were but a small party in the Assembly—it might have given alarm to have increased their number. They were there, indeed, just as Episcopalians and some representatives of peculiar sects were there—that they might be heard for their respective causes. They were to be tolerated in debate, as it is said the present House of Commons will tolerate any speaker who, however offensive his opinions may be to the House, represents any considerable body of British subjects, or any important national interest. Among the Independents, however, were men whose genius and zeal made them powerful in debate and troublesome in expedients. Five of the most eminent of these—Nye, Bridge, Boroughs,

¹ Baillie, mentioning an instance where some preachers of false doctrine in New England narrowly escaped death and were sentenced to slavery, puts the difference aptly enough: “The Independents here, finding they have not the magistrate so obsequious as in New England, turns their pens, as you will see, &c., to take from the magistrate all power of taking any coercive order with the vilest heretics.”—Letters, ii. 184. The case of New England, however, was very peculiar. The colonists had not only gone there for freedom of conscience, but had sought the wilderness to be free from the contaminating presence of the unholy. When, therefore, they were intruded on there, and especially by those who did so systematically and to give offence, this was akin to persecution. The Quakers, by sedulous cultivation, had reached a marvellous advancement in the art of provocation; and when they heard of a place where the heterodox were hotly persecuted, they concluded that such was the spot whither they were constrained to go and lift up their testimony.

Goodwin, and Sympson—were ever spoken of as “the five dissenting brethren,” when the Presbyterians bewailed the troubles they had to endure in the Westminster Assembly.

Another element of interruption was carefully planted in this Assembly in the body called in Presbyterian language “Erastians.” They belonged to a wide range of opinions, the term being applied to all those who, whether they desired to support a Christian Church or not, would not admit that in its outward form and government it was a divine institution endowed with powers independent of the State. They consisted in great measure of what Baillie calls “worldly profane men, who were extremely affrighted to come under the yoke of ecclesiastical discipline.” The working majority of the English Parliament was Erastian. Hence it supported the Independent party, as less mischievous than the Presbyterian. At the same time it sent into the Assembly a portion of itself—a small body, but infinitely powerful in intellect. It contained Whitelocke and Sir Harry Vane, but greatest of all, Selden. He knew more of the history, practice, and law of the Christian Church in all parts of the world, than all the rest of the Assembly. He had the power which such knowledge confers; and when precedent was appealed to, as it could not but be, and that frequently and vehemently, he was absolute lord of the debate.

In the midst of these opposing forces the Scots commissioners did their part with great address. The Assembly having been constructed entirely by the English Parliament, had no authority in Scotland. The Scots were invited to sit as members with

votes; but this honour they very wisely declined—in any vote taken they would be only as one to fifteen. They took the position of representatives of the Church of Scotland, and in attendance in London was a considerable committee from their own Estates at home to instruct and support them. Thus they held the position of ambassadors from one supreme power to another. They might, as representing Scotland, give up any point to the Assembly; but their country could not be compromised by the resolutions of that body. There was great ability in the small group of Scots commissioners. Warriston could not cope with Selden in knowledge about the practice of the Jews or the early Christian Church; but he had gone through great practice as an ecclesiastical lawyer; and as the custodier of the records of the Kirk, he knew things that no general scholar had the means of knowing. Henderson and Gillespie were men of genius and great eloquence, who obtained a high celebrity not only at home but in England as popular preachers. Baillie was not only a great scholar, but endowed with a potent genius for diplomacy. We have seen that he was a thorough Presbyterian enthusiast; but though he saw that God was working for the establishment of the Presbyterian organisation all over the world, he felt that the policy and ability of man was one of the instruments by which it was foreordained that this consummation was to be carried.

The Independents and many of the “Sectaries” were with them in points of pure doctrine, and there was a prospect that in the matter of forms of worship there might be a reasonable compromise. The great point of difference was Church government, and this

it was the great object of the Scots commissioners to defer until the hand of Providence should improve their position for enforcing that Presbyterian organisation which was of divine right. On the question of lay eldership we find Baillie saying: "This is a point of high consequence, and upon no other we expect so great difficulty, except alone on Independency; wherewith we purpose not to meddle in haste till it please God to advance our army, which we expect will much assist our arguments." And again: "The Independents, being most able men and of great credit, fearing no less than banishment from their native country if presbyteries were erected, are watchful that no conclusion be taken for their prejudice. It was my advice—which Mr Henderson presently applauded and gave me thanks for it—to eschew a public rupture with the Independents till we were more able for them. As yet a presbytery to these people is conceived to be a strange monster. It was our good, therefore, to go on hand in hand so far as we did agree against the common enemy, hoping that in our differences, when we behoved to come to them, God would give us light. In the mean time we would essay to agree upon the Directory of Worship, wherein we expected no small help from these men to abolish the great idol of England—the Service-book—and to erect in all the parts of worship a full conformity to Scotland in all things worthy to be spoken of."¹

In any difference with the English Presbyterians the Scots commissioners were strong, and they knew how to use their strength. If it was the Presbyterian order of Church government that these English desired

¹ Letters, ii. 111, 117.

really to have, then in Scotland they would find it in all its fair proportions. There it had long been elaborated and worked out—all objections sifted, all defects removed. It was not as if they came forward with general principles to be resolved into practical detail by debate. No morsel of the system could now be counted an open question. To differ from any part of it was to censure and attack their brethren of the Church of Scotland. Although the English Presbyterians felt and admitted the strength of this position, it was nought to the Independents. These, though few in number, were watchful, and provokingly untiring in debate. The majority were ever caught up by them in such manner as the following: “We were next settling on the manner of the prayer—if it were good to have two prayers before sermon, as we use, or but one, as they use; if in that first prayer it were mete to take in the king, Church, and sick, as they do, or leave those to the last prayer, as we. While we were sweetly debating on these things in came Mr Goodwin, who incontinent essayed to turn all upside down, to reason against all directories, and our very first grounds; also, that all prefacing was unlawful.”¹ And in the midst of such minute separate provocations the much-enduring chronicler bursts occasionally into a loud general wail, such as this: “In this long anarchy the sectaries and heretics increase marvellously. Yet we are hopeful, if God might help us, to have our presbyteries erected as we expect shortly to have them, and get the chief of the Independents to join with us in our practical conclusions, as we are much labouring for it, and are not yet out

¹ Baillie's Letters, ii. 123.

of hope—we trust to win about all the rest of this wild and enormous people. However, for the time, the confusions about religion are very great and remediless.”¹

The Presbyterians were desirous to have the Independents with them, but in the end were strong enough in the Assembly far to outvote them. “Truly,” says the same chronicler, “if the cause were good, the men have plenty of learning, wit, eloquence, and, above all, boldness and stiffness, to make it out; but when they had wearied themselves and overwearied us all, we found the most they had to say against the presbytery was but curious idle niceties; yea, that all they could bring was no ways concluding. Every one of their arguments, when it had been pressed to the full in one whole session, and sometimes in two or three, was voyced, and found to be light unanimately by all but themselves.”²

No other conclusion could have been anticipated, and it is creditable to Baillie’s taste that it is so courteously expressed. Perhaps, too, it may be counted creditable to the overwhelming majority that they heard the minority so patiently. The victory, however, was of little avail; for adverse influences were waxing strong in the power that would control the Assembly. When the first propositions went up from the Assembly to Parliament, the Independents published a renowned appeal, called the “Apologetical Narration,” which helped mightily to increase the growing disinclination towards the re-establishment of any organised Church. Parliament had much to do, and kept the Assembly hanging on in expectation

¹ Baillie’s Letters, ii. 172.

² Ibid., 145.

of a concurrence in its proceedings. On the matter of a Directory of Worship the Houses did not trouble themselves. A formula of ordination was altered by them; but on the indignant remonstrance of the Assembly the alterations were withdrawn. Parliament would not quarrel with the clergy on a matter which almost entirely concerned themselves. But when an organisation was sent up for carrying into effect, by discipline over the laity and otherwise, the divine right of Presbyterian Church government, it encountered a quiet but very obdurate resistance. The Parliament did not so much object to the organisation itself, as to the source from which its power was to come, as shortly defined to them in the proposition that "the Lord Jesus, as King and Head of His Church, hath therein appointed a government in the hand of Church officers distinct from the civil magistrate." The Parliament were ready to concede the greater part of the organisation proposed, provided the two Houses took the place of "King and Head of the Church," so as to be able to alter the organisation from time to time if it did not work to their satisfaction. After much cavilling the two Houses uttered their celebrated "ordinance for settling of Church government" of 14th March 1646. It began with pious invocations and devout thanks for assistance from above, with a sanctimonious prolixity rarely exceeded in the utterances of professional divines. Coming to the practical part, it began with much promise: "By the merciful assistance of God, having removed the Book of Common Prayer, with all its unnecessary and burdensome ceremonies, and established the Directory in the room thereof; and

having abolished the prelatical hierarchy of archbishops, bishops, and their dependants, and instead thereof laid the foundation of a presbyterial government in every congregation, with subordination to classical, provincial, and national assemblies." So far well; but the few words in which the clause came to an end told the Covenanters that the power so temptingly described was not for them. The words following on the subordination to three grades of assemblies were simply, "And of them all to the Parliament." This ordinance, containing twenty-three articles or sections, completed a previous ordinance for the establishment of discipline, and especially for excluding persons convicted of scandalous crimes from ecclesiastical privileges. It carried its offence on its forehead by declaring its object to be "the avoiding, as far as possibly may be, all arbitrary power; and that all such cases wherein persons should be suspended from the sacrament of the Lord's Supper should be brought to the cognisance and pass the judgment of the Parliament." It was felt desirable to arrange, "without having recourse to the Parliament itself from all parts of the kingdom, upon every such emergent case, which might prove troublesome and tedious." Elderships, therefore, were to be elected by congregations, under the supervision of the Parliamentary "Tryers of Election of Elders." The scandalous offences on which these elders should in the first instance judge were closely defined by Parliament; and it was provided that "in every province persons shall be chosen by the Houses of Parliament that shall be commissioners to judge of scandalous offences not enumerated in any ordinance of Parliament." Over all these was an

ultimate recourse to Parliament, should there be insufficiency or tyranny in this organisation.¹ When that mighty tribunal thus undertook to manage the parochial affairs of every parish, and to superintend its kirk-session work, the Presbyterian party must have seen, if they did not sooner discover, that the predominant party in the two Houses were treating them with solemn mockery.

When they broke forth into vehement remonstrances the Houses treated them with decorum, and were to hear them at full length. After a Parliamentary fashion, with something of a sarcastic formality, certain queries were put to them touching the nature of the Headship and the evidence or title-deeds of its existence. They were such queries as the Houses might put, in an inquiry into the origin of a franchise, or the charter and constitution of a corporation. There were nine of these queries; but perhaps the three first in order may suffice to show their character:—

“1. Whether the parochial and congregational or presbyterial elderships are *jure divino*, and by the will and appointment of Jesus Christ; and whether any particular Church government be *jure divino*, and what that government is?

“2. Whether all the members of the said elderships, as members thereof, or which of them, are *jure divino*, and by the will and appointment of Jesus Christ?

“3. Whether the superior assemblies or elderships—viz., the classical, provincial, and national—whether all or any of them, and which of them, are *jure divino*, and by the will and appointment of Jesus Christ?”

¹ Parl. Hist., iii. 443-49.

That there might be no opportunity for sweeping these questions and their particularities away in vague declamation, the Houses, besides requiring that to each answer the Scriptural evidence should be set forth, ordered that "every minister present at the debate of any of these questions do, upon every resolution that shall be presented to the House concerning the same, subscribe his name, either with the affirmative or negative, as he gives his vote; and that those who dissent from the major part shall set down their positive opinion, with the express texts of Scripture on which they are grounded."¹

If the Houses expected a literal compliance with these instructions, they were certainly rearing up a portentous report for their own perusal and consideration. But the order had naturally the effect rather of extinguishing than promoting the organising labours of the Assembly. It was with heavy hearts that those commissioners from the Scots Covenanters, who had seen so brilliant a dawn rise on the Westminster Assembly, beheld and felt these things. With all their determined fatalism, it must ere this time have been growing clear to them that they were not destined to establish a Presbyterian rule over the British dominions. In three years there had come a change. When all England was a great camp, and all its men becoming soldiers, the Scots army, much diminished, was no longer of vital moment in the struggle. The Long Parliament had the divines of the Independent party to conciliate, and, what was more serious, their soldiers, and Cromwell, their favourite general. An ephemeral presbytery existed in London, and there

¹ Parl. Hist., iii. 463, 464.

were some others; but when the Assembly died in 1648, its mighty projects of Church government died with it.

In other things, however, it left behind some fruits of its labours which have become both familiar and dear to the majority of the Scottish people. The Directory of Worship was carried through with much harmony before the vital quarrels began. We have seen that the old Prayer-book of Scotland and Geneva—the Book of Common Order—became popular among the early dissenters from the Church of England. After the lapse of seventy years, however, it seems to have been long forgotten. The feeling of the Puritans and the Independents was running strong against all set forms of prayer. It was now six years since the Service-book had been sent to Scotland to supersede the Book of Common Order. The latest known edition of this book bears date in 1643, and it seems likely that the old affection for it had died off in the hot contest against Laud's Service-book, and the growing sympathy with the English Puritans. There seems to have been no attempt in the Assembly of Divines to keep it in existence; but it was not expressly condemned, and its use might have easily been accommodated to the injunctions of the Directory.¹

¹ In the British Museum there is a small ritual with the title, 'The New Booke of Common Prayer, according to the Forme of the Kirke of Scotland, our Brethren in Faith and Covenant. Printed by John Joness, 1644.' It contains the greater part of the ordinary daily service in the Book of Common Order, and we may conjecture that it was offered to the Assembly as a compromise between the Scots Presbyterian Prayer-book and none. Whether it is to be found elsewhere or not, the following passage from this little book contains a subtle, but distinct, exposition of the spirit in which translations of the Scriptures were accepted among many of the various religious communities who renounced Episcopacy and the Church of England: "The highest degree and most an-

Though the Book of Common Order got strong support when the question lay between it and Laud's Service-book, it lost rather than gained friends after that contest passed over. The Assembly of Divines offered a strong bribe to the Scots clergy to abandon it, since the English Book of Common Prayer—offensive as the foundation of the Service-book—was to go with it. The enforcement of the Directory of Public Worship in England and Ireland was more than compensation for the loss, if it was a loss, of the Scots Book of Common Order. But to the Scots divines the mortifying result of all was that they lost this compensation. Brownism or Independency, with its toleration, swept all away; and the Directory was no more the absolute rule throughout the three kingdoms than the Book of Common Prayer was in England and the Book of Common Order in Scotland.¹

nexed to the ministry and government of the Church is the exposition of God's word contained in the Old and New Testament. But because men cannot so well profit in that knowledge except they be first instructed in the tongues and human sciences (for now worketh God not commonly by miracles), it is necessary that seed be sowed for the time to come, to the intent that the Church be not left barren and waste to our posterity; and that schools also be erected and colleges maintained with just and sufficient stipends, wherein youth may be trained in the knowledge and fear of God, that in their ripe age they may prove worthy members of our Lord Jesus Christ, whether it be to rule in civil policy or to serve in the spiritual ministry, or else to live in godly reverence and subjection." On occasion when "the minister prayeth to God for the removing of some present trouble or otherwise, as the present occasion doth require. This done, the people sing a psalm altogether in a tune which all may understand, as it hath used to be done both in England and Scotland before sermon; and whilst the said psalm is singing, the minister goeth up into the pulpit, as God shall move his heart, first begging assistance of God's Holy Spirit, and so proceedeth to the sermon."

¹ Samuel Rutherford, in his 'Free Disputation against pretended Liberty of Conscience,' p. 268, says: "It rejoiced the hearts of the godly in the three kingdoms, when the Houses passed an ordinance for the Directory of Public Worship to be used in all the three kingdoms, and

The Directory sets forth the order of worship and administration of Church ordinances. It gives the tenor of the prayers and other administrations spoken by the ministers; but it differs from a ritual in so far as it gives the tenor only, not the words to be used. It appears to have been adjusted chiefly by Henderson and his brethren in Scotland, since both in arrangement and phraseology it has a decidedly close resemblance to a pamphlet for the purpose of spreading through England information regarding the method of worship in the Church of Scotland.¹

Among the rarities of collectors one may yet see a thin quarto called 'A Directory for the Public Worship of God throughout the three Kingdoms of England, Scotland, and Ireland.' But the practical end fell far short of this comprehensive promise. In the troubles of England the Directory was lost, and the Restoration brought back the old Prayer-book. It was not one of the works of the Assembly destined even to

laid aside the Book of Common Prayers and burdensome ceremonies upon a resolution professed to the world, according to the Covenant, to reform religion according to the Word of God and the example of the best Reformed Churches, which was accordingly approved and ratified in the Parliament of Scotland. If we then turn back again from that uniformity, what do we also but pull down and destroy what we have builded? Especially since uniformity, which we swear to endeavour in our Covenant, is cried down by Familists and Antinomians, and all external worship and profession of Christ before men as indifferent, and all religion intrinched into only things of the mind and heart, upon a dream that the written Word of God is not our rule obliging us, but an inward law in the mind, beyond all ordinances, must regulate us now under the Gospel." These, as the reader will easily see, are not the words of an ignorant man indulging hot fanaticism. Rutherford was a learned divine; and this short passage—one of course selected from many—may be taken as a good test of how the learned among the Scots Covenanters took the new rule that was to prevail in England.

¹ This pamphlet has been already referred to. It is called 'The Government and Order of the Church of Scotland.' Edinburgh, 1641.

have much influence in Scotland, where it has been and is nominally a rule. The tendency ever since Laud's Liturgy has been towards freedom from all directorial control. So slightly has the Directory been of late either obeyed or known, that when, on a recent occasion, a distinguished clergyman of the Church of Scotland was threatened with ecclesiastical punishment for indulging in certain innovations, it was discovered that the departures from the common practice which incurred this condemnation were restorations of the practice enjoined by the Directory.

Scotland owes to the Assembly of Divines the psalmody which was sanctioned by the Established Church, and generally adopted by the other Presbyterian communities. The Psalter in the Book of Common Order seems to have consisted of such translation of each psalm as the publisher chose. Always the greater part, and sometimes the whole, were taken from the version of Sternhold and Hopkins. We have seen that the revision of the Psalm-book had occasionally come up in the General Assembly of Scotland. In the Westminster Assembly it arose in the form of finding a version of the Psalms which might be certified for use by the Churches of England, Scotland, and Ireland. The version of Sternhold and Hopkins was to be superseded; it was perhaps a latent objection that it occupied a place in the Book of Common Prayer. The version attached to Laud's Scottish Service-book would have been drawn from a still more polluted fountain.¹

¹ This Psalter is called on the title-page 'The Psalms of King David translated by King James.' They were in reality translated by the poet, Sir William Alexander, Earl of Stirling.

Two other Scottish versions claimed notice. One was by Sir William Muir of Rowallan.¹ The other was by the notorious Zachary Boyd. Zachary's writings have often been cited as utterances of powerful buffoonery made when the unconscious author dreamed that he was solemn and impressive. It was common to that age, especially among the clergy, to become familiar and jocular with solemn things. Zachary went a step beyond his brethren in this propensity. Hence all the good things of the kind have been attributed to him, and have sometimes been exaggerated to make them fit on to his reputation. His psalter was passed by, somewhat to his mortification.²

The Assembly selected, as a fundamental draft of a psalter, a translation recently made by Francis Rous, a distinguished member of the Long Parliament, and a lay member of the Assembly. After discussion and criticism at much length, the divines passed the Psalter as amended by them, and sent it up for the approval of Parliament. There was a rival version by William Barton, befriended by some members of the House; and the Assembly received an alarming demand, "to certify to this House why these psalms may not be sung in church as well as other transla-

¹ Sir William Muir's version does not appear to have ever been printed. Baillie, writing from the Assembly, says: "I wish I had Rowallan's Psalter here; for I like it much better than any yet I have seen."—*Letters*, ii. 121. A specimen of this version will be found in 'The Historic and Descent of the House of Rowallan, by Sir William Muir,' note †, p. 133.

² "Our good friend Mr Zachary Boyd has put himself to a great deal of pains and charges to make a psalter; but I ever warned him his hopes were groundless to get it received in our churches; yet the flatteries of his unadvised neighbours makes him insist in his fruitless design."—Baillie's *Letters*, iii. 3.

tions by such as are willing to use them." The divines in solemn conclave apprehended "that if liberty should be given to people to sing in churches every one that translation which they desire, by that means several translations might come to be used—yea, in one and the same congregation at the same time, which would be a great distraction and hindrance to edification." But Parliament finally ordered "that the Book of Psalms set forward by Mr Rous, and perused by the Assembly of Divines, be sung in all churches and chapels in the kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed."¹

This Psalter was authorised for Scotland by the General Assembly and the Commission of Estates in the beginning of the year 1650.² Every one acquainted with Scotland knows how fervently the genius of the people, musical and religious, centred in this book of vocal praise. The work of Rous was familiar and beloved in every Presbyterian church and home; but among names of any celebrity it would be difficult to find one less known among the people of Scotland than Francis Rous.³

¹ Baillie's Letters, iii. 539.

² A very instructive account of the literature of Scottish psalmody will be found in "Notices regarding the Metrical Versions of the Psalms received by the Church of Scotland," in the appendix to Laing's edition of Baillie's Letters and Journals, iii. 525.

³ There seem to have been contemporary reasons for keeping his name out of sight among the Scots Presbyterians. We find, before the complete adoption of this Psalter, Baillie, in some perplexity, saying: "I have furthered that work ever with my best wishes; but the scruple now arises of it in my mind—the first author of the translation, Mr Rous, my good friend, has complied with the Sectaries, and is a member of the Republic. How a psalter of his framing, albeit with much variation, shall be received by our Church, I do not well know; yet it is needful we should have one, and a better in haste we cannot have."—Letters, &c., iii. 97.

More eminently than either in the Directory or the Psalm-book, have the achievements of the Westminster Assembly been renowned in connection with religious life in Scotland. The fruit of a long process of intellectual toil and eager debate was their announcement of the Presbyterian faith of the British Islands in three forms. These were—1. “The Confession of Faith;” 2. “The Larger Catechism;” 3. “The Shorter Catechism.” These may be received as the final settlement and adjustment of those religious contests about the objects of which the reader has perhaps found more than enough in these pages. They are like the treaty of peace at the end of a war, going over with dry formality events which have had their day of exciting interest—a sort of document notably uninteresting to all but close investigators. The three form a code of doctrine, as to which it is held, by something akin to what the English sages call “a fiction of law,” that every Scots Presbyterian believes all its positions—by a bolder fiction he is held to understand them all. As to his means for legitimately accomplishing both ends, he knows, or has known, the Shorter Catechism, because he has had to commit it to memory at school. But a Scottish layman well grounded in the Confession and the Larger Catechism is a rare being; and it has been sometimes suspected that there are points in both of which some even of the clergy have not a familiar knowledge. It may be noticed that the Confession of Faith was the first announcement from authority of the books which were in Scotland to be counted the canonical Bible. Like England in the Thirty-nine Articles, Scotland adopted the old accepted canon, without of course

referring to such a coincidence as an authority or a precedent. The Confession declares that the Scripture should be translated into the vulgar tongue, "that the Word of God dwelling plentifully in all, they may worship Him in an acceptable manner, and through patience and comfort of the Scripture may have hope." No one version, however, is held as authorised. On the other hand, it is declared that the Old Testament in Hebrew, and the New Testament in Greek, "being immediately inspired by God, and by His care and providence kept pure in all ages, are therefore authentic, so as in all controversies of religion the Church is finally to appeal unto them."

It must always be remembered that these Acts and standards were not sent into Scotland for observance there by the authority of the Assembly of Divines. This institution was purely English. So far as Scotland was concerned, they acted merely as draftsmen and councillors. The title prefixed to the Confession of Faith, and followed in the other documents, announces the method of their transference to Scotland: "The Confession of Faith agreed upon by the Assembly of Divines at Westminster, examined and approved anno 1647 by the Church of Scotland, and ratified by Act of Parliament 1649."

While these deliberations, from which Scotland was to inherit the chief permanent result, drew out their tedious length in the Jerusalem Chamber of St Stephen's, the great events of the civil war were rapidly following each other. The separate events in which Scotland was concerned were few, and not pleasant to remember. As we have already seen, the Scots commissioners added considerable weight to the charges

which brought Laud to the block. Other men conspicuous in enmity to the course taken by the Scots Estates were marked out for vengeance. The first of these was Sir John Gordon of Haddo, the house which afterwards became the earldom of Aberdeen. He was one of the leaders of the Gordons in the north; and granting that hostility to the Estates was a crime—and they, having the supreme power for the time, had declared it so to be—it was easy to prove that he had done enough to justify any amount of punishment.¹ He was tried by the Estates, and sentenced to death. On the 19th of July 1644 his head was struck off by “the Maiden” or guillotine.

He was followed by Sir Robert Spottiswood, Ogilvie of Inverquhar, who had been an active leader in the contest with Argyle, and five others of smaller note. The case of Sir Robert Spottiswood was peculiar. He had not taken arms, and was to be dealt with as a treasonable statesman. He was charged with several acts hostile to the Estates; and among these, as Secretary of State he had sealed and signed the commission “to James Graham, sometime Earl of Montrose, a declared and forfeited traitor and an excommunicated person,” appointing him, as lieutenant of the kingdom, to raise forces “against the king’s majesty’s good subjects, and against the forces raised and levied in arms by authority of the Estates of Parliament of this kingdom.”² It was believed that his fate was somewhat in retaliation for his exertions in the condemnation of Balmerinoch in 1633. He was beheaded on the 16th of January 1646.

¹ See his indictment, Acts of Parl., vi. 21.

² State Trials, iv. 769.

The Scots army in England could only be called an auxiliary force subject to the tactic of the great army at the nominal disposal of the English Parliament. Still the Scots kept apart under their own officers, carefully avoiding any surrender of their separate nationality. They were posted before Newark, when, on the morning of the 5th of May 1645, the king appeared within their lines. The great battle of Naseby had been fought. Many other calamities had crowded round his cause—he was besieged in Oxford, and when the place was taken he was at the mercy of his enemies. He would have gone to London, but a safe-conduct was refused to him—an assurance that the war was a war of life or death to each side. The king travelled in humble disguise with two attendants. It is said that when he came to Harrow-on-the-Hill he was yet uncertain where he should seek refuge, and “much perplexed what course to resolve upon—London or northward.”¹ His dreary journey from Oxford to Newark, in Nottinghamshire, was eight days long. On his arrival he found Leven in command, and was received by the old man with as much ceremonial and dutiful submission as the condition of a camp enabled him to display. It was remarked that in these courtesies the general gave up his sword, and that the king did not give it back, as Leven expected. To prevent the king from personally interfering with the discipline of his army, he found it expedient to give a strong hint that he was virtually commander there, though in humble duty to his majesty.

There was a statement, for which there seems to be

¹ Clarendon, 633.

no foundation, that the king went to the Scots camp in terms of a treaty or arrangement. It seems, in fact, to have been, like many other acts of his, the result of a sudden idea, in the pursuit of which he deceived himself with the notion that he was pursuing a profound, or, as others held it to be, a perfidious policy.

The Parliament required the Scots, whom they counted as a mercenary army in their service, to surrender the king and the two men who had assisted him. The Scots declined to obey the requisition. They gave their august visitor a guard of honour, whose duty it was to protect his person and prevent him from escaping from the Scots camp as he had from Oxford. They moved northwards to Newcastle, which was virtually their own, in order that they might more effectually protect the king from his enemies and keep him to themselves. Perhaps no army ever held a deposit under the like conditions, and casuistry might have been let loose to defend or attack whatever course the Scots selected for his disposal.

During his abode with the Scots army in Newcastle he chose to devote his otherwise unoccupied time to a piece of work which seemed as capricious as his visit—a dispute with one of the Scots divines on the fundamental principles of Church government. He selected as his opponent Alexander Henderson. The controversy was unproductive, unless we are to believe, with a class of writers now nearly extinct, that it brought the divine to a premature end. Henderson no doubt died soon afterwards—on the 19th of August 1646. His death was attributed to remorse, whether at having ventured to contradict the Lord's anointed, or from his conscience telling him that the

king spoke, like his father at the Hampton Court controversy, through special inspiration, and therefore that his own long-cherished Presbyterian opinions were false and perilous. It might be supposed that if contradicting and thwarting the poor king were among the natural causes of death, it must have caused extensive mortality in that age. Yet in this instance the assertion took so much hold that Henderson's partisans and the General Assembly itself were much troubled in refuting it.

Renowned as this controversy is in history, it may be doubted if there are many people now alive who have read it through. It has little to excite attention or interest. It belongs to that driest, most interminable, and least effective or conclusive of all theological contests—the dispute about the question whether the order of the primitive Church was Prelatic or Presbyterian. A small contribution to that dreary ocean of debate, it is unendowed with the virulence that confers a strong life on its surface here and there. It is not an earnest dispute. The king merely sought by an act of condescension to convert or disarm a powerful opponent. There is little in what he says to excite any feeling save a shade of compassion in seeing a haughty reserved spirit submitting to so humiliating a task. He professes to desire the counsel and information of learned men for his guidance, and he singles out Henderson as a learned man. There is a foregone conclusion, however, that it is for himself to decide. He is like the judge who sits to hear counsel learned in the law, yet reserves complete command over the final issue.

Had his opponent been either Knox or Andrew

Melville, the contest would have had a different aspect. Challenged by a king to a formal dialectic tournament, either of them would have rushed to the battle with

“The stern joy which warriors feel
In foemen worthy of their steel.”

But Henderson was of another kind. If it is true that he was, as some assert, though others deny, a worldly man at heart, he saw that royalty and prelacy were not to be the steps towards promotion. He is true throughout to his cause, and true without violence or arrogance. To his royal opponent he is respectful, but not servile. He uses moderately the opportunity of inflicting tediousness, which is so often the privilege of his class; and his contribution to the controversy is hardly twice the length of the king's. On the whole, he acquitted himself with moderation and good taste. The chief point between them is, that on the king asking what can be said against the Church of England as the interpreter of the forms of the primitive hierarchy, he is met by the denial that there ever was a primitive hierarchy to be interpreted; and this position is defended by the usual references to fathers of the Church and the like. The divine right of kings having no place in Henderson's argument, he excites something approaching to a haughty rebuke by his method of referring to them as men fallible and responsible. Referring to King James's acknowledgments of the discipline of the Church of Scotland, he is told: “Concerning the king my father, of happy and famous memory both for his piety and learning, I must tell you that I had the happiness to know him much better than you; wherefore I desire

you not to be too confident in the knowledge of his opinions, for I daresay, should his ghost now speak, he would tell you that a bloody reformation was never lawful, as not warranted by God's Word, and that *præces et lachrymæ sunt arma ecclesiæ.*" And then coming closer to that claim of absolute power which it was the misfortune of his life to pursue: "For your defensive war,—as I do acknowledge it as a great sin for a king to oppress the Church, so I hold it absolutely unlawful for subjects, upon any pretence whatever, to make war, though defensive, against their lawful sovereign; against which no less proofs will make me yield than God's Word. And let me tell you that upon such points as these, instances as well as comparisons are odious."¹

The king remained with the Scots upwards of eight months. In writings contemporary and of later date there is a world of conjecture as to his designs or secret thoughts, with no distinct or satisfactory solution. One subtle suggestion, for instance, would afford a substantial reason for the Henderson controversy—was it that he might have an opportunity, at any time before its conclusion, to say that he was convinced, and to throw himself heartily into the cause of the Scots and their Presbyterian brethren in England? We know that this course was pressed on him, and that he did not take it. Among other distinct facts is, that his cause in England was gone, and acknowledged even by himself to be so. He went so far with the Scots as to abandon his ostensible quarrel with them, by the withdrawal of Montrose's commission as lieu-

¹ The Papers which passed at Newcastle betwixt his Sacred Majesty and Mr Alexander Henderson, 163, 180.

tenant-general. Montrose had to leave Scotland ; but it was maintained that this was only keeping the word of promise in the lip, since there was still an armed Cavalier force in the north. The king, it was said, could have disbanded it, but it remained active and mischievous until David Leslie went with a superior force for its chastisement.¹ Another fact seems certain, that if the Scots took the king absolutely under their protection, and removed him to Scotland, they must expect a serious war with the predominant party in England. Their commissioners in London were told this. From the earnestness of their endeavours to gain over the king to their own Presbyterian cause, it is clear that had he fairly accepted that alternative, they would have been prepared for this formidable war.

There was another difficulty. As we have seen, their importance as a power in the English contest had gradually decreased. Now that the war had virtually come to an end, their presence in England as an armed force was an offensive intrusion. On the other hand, heavy arrears were due to them, and they would abide until these were paid. They were like a creditor in possession, and if their debt were not legitimately settled, they would continue to help themselves by forced contributions for their support. No doubt they also felt that in the possession of the king they held in pawn a pledge that might be made available for enforcing their claim. To any other effect he must have been a troublesome and unwelcome guest, since he exposed the Scots to the enmity of the English army, yet did not reward them by compliance with their demands.

¹ Thurloe's State Papers, i. 89.

After much haggling there was a satisfactory settlement of the arrears. When this had been adjusted, the Scots delivered the king into the hands of commissioners from the English Parliament. This was done on the 8th of January 1647, and then the Scots army with all due expedition returned home. Another way of telling the story would be, that the Scots, having adjusted the pecuniary business which detained them in England, returned home, leaving the king behind them.

The world is familiar with the transaction as put in another shape different from either of these—the Scots sold their sovereign to his enemies for a sum of money, and gave it the name of arrears of pay. Had they invited the king to trust himself in their hands, they might have been chargeable with treachery; but there is no good evidence that anything was done to induce him to rely on them. On the face of the transaction there is no connection between the payment and the surrender; but the surrender was refused before the payment was made, and it is very unlikely that the Scots could have received their money if they had not surrendered the king. All this is pretty obvious and consistent with the conclusion already referred to, that they held the king in pawn for their claim. Then, apart from any question about trust, had the king really fled from enemies to find refuge with friends? The Scots army were older and steadier enemies than the English. It was in the future, no doubt, that in England he was to be put to death; but the Scots had no more reason to expect this of the English than to be themselves suspected of such a design; and it was not by the party to whom

he was intrusted or "sold" by the Scots that he was put to death, but by the enemies of that party. The Scots had made up their mind to return home when their arrears were paid. They could not keep the king except by taking him with them into Scotland, and such an act would have implied at once suspicion and hostility towards those who had been so long their allies. The Scots showed in what they afterwards attempted for him and for his son, that had he agreed to their terms, and consented to be a Presbyterian king over a Presbyterian people, they would have fought for him instead of "selling" him. But even this has been used to complete the picture of meanness and treachery. It was Judas over again—they sold their master, and then, overtaken by remorse, committed suicide at Preston and Worcester—as if the passions which drive the individual man to crime, followed by penitence, had any analogy with the multiplied motives which influence communities in their political action. This transaction has been overladen by a heap of controversy. This is unsupported by the apology that there are mysteries to be solved, as in the dispute about the guilt of Queen Mary and other like discussions. The facts are few and simple, but they are of the kind to stir political sympathies and antipathies, and so to be dealt with as these may dictate. When he left the Scots, accompanied by the Parliamentary commissioners, he was still a king, though a king surrounded by perils, as he would have been had he been removed to Edinburgh. By one of these he was soon overtaken, when Joyce with his troops seized him on behalf of the army. All this is English history of

the most momentous and stirring kind, but it touches Scotland also. At Newport, in the Isle of Wight, he did what, if he had done it at Newcastle, would have carried him to Edinburgh in regal triumph. He agreed to be the Covenanted monarch of a Presbyterian people. Given at Newcastle, this assurance would have been an open, substantial proclamation of his royal policy, unless he might have said that it was extorted by armed force. Done in secret during furtive interviews, and far away from Scottish force or influence, it was interpreted as an act of treachery to the English Parliament and army, with which he was in open treaty.

So necessary was it to keep the "Engagement" a mystery, that the paper on which it was recorded was absolutely hidden in a hole in the garden at Newport, where, encased in lead to keep it from damage, it was covered with earth. The commissioners feared its discovery if in their custody, and therefore returned with a verbal statement of the result of their mission. The Committee of Estates took up the Engagement, and commissioned an army to aid the king in return for his concessions. The party against the Engagement was, however, powerful — it included Argyle. It was understood that this Engagement would band the loyal Presbyterians of Scotland, the old Parliamentary party in England, and the Cavaliers, to strive in concert for the restoration of the sovereign authority to be wielded over three Covenanted kingdoms. But the Church would not accept of so questionable an alliance. They felt that it would be an intercommuning with prelatial Malignants, and not only declined to accept of the Engagement, but ab-

jured it as a sin. The Engagers undertook a mighty project, destined, according to their own expectations, to revolutionise the whole tenor of the events passing before their eyes. The end, however, was so futile, that it is necessary to hurry past it as among the abortive efforts for which history can only afford a casual notice. An army was sent southwards with the mighty design of an invasion of England. It was put under the command of the Duke of Hamilton; and what he, or others responsible for its organisation, had made of it, may be best told by his eulogist: "The regiments were not full, many of them scarce exceeded half their number, and not the fifth man could handle pike or musket. The horse were the best mounted ever Scotland set out, yet most of the troopers were raw and undisciplined. They had no artillery—not so much as one field-piece—very little ammunition, and very few horse to carry it; for want of which the duke stayed often in the rear of the whole army till the countrymen brought in horses, and then conveyed it with his own guard of horse. Thus the precipitation of affairs in England forced them on a march before they were in any posture for it; but now they were engaged, and they must go forward."¹

This ill-found army wandered, rather than marched, as far as Preston. There it was surprised by Cromwell, and broken.² A treaty, as advantageous as it

¹ Burnet's Memoirs, 355.

² So little is known of the details of this affair and the part especially taken by Hamilton's force, that there may be some interest in the following narrative by Sir Marmaduke Langdale. It is the complaint of a commander ill supported by his colleague, but there is enough in it to show abundant mismanagement:—

"The same night certayne intelligence came that Lt.-Generall Cromwell with all his forces was within 3 miles of my quarters, which I in-

could obtain, was its only alternative. The treaty of Urttoxeter was signed on the 25th of August 1658. It conditioned "that James, Duke of Hamilton, his grace, with the rest of the officers and soldiers under his

mediately sent to the duke, and told it to my Lord Leviston to acquaint Lt.-Generall Middleton therewith, and drew my forces together in a field, and so marched towards Preston betimes in the morning, where I found the duke and Lord Callender with most part of the Scottish foot drawne up. Their resolution was to march to Wiggan, giving little credit to the intelligence that came the night before, but suffer their horse to continue in their quarters 10 and 12 miles off.

"Within halfe an hower of our meeting, and by that time I was drawn into the close neere Preston, the enemy appeared with a small body of horse; the Scots continue their resolution for Wiggan, for which end they drew their foote over the bridge. The enemy coming the same way that I had marched, fell upon my quarter, where we continued skirmishing six houres, in all which time the Scott sent me no relief: they had very few horse come up, so as those they sent me at last were but few, and were soone beaten; but if they had sent me 1000 foote to have flanked the enemy, I doubt not the day had been ours. Yet I kept my post, with various successe, many times gathering ground of the enemy; and as the Scots acknowledged, they never saw any foote fight better than mine did.

"The duke being incredulous that it was the whole army, sent Sir Lewis Dives to me, to whom I answered that it was impossible any forces that were inconsiderable would adventure to presse upon so great an army as we had, therefore he might conclude it was all the power they could make, and with which they were resolved to put all to the hazard, therefore desired that I might be seconded, and have more power and ammunition, I having spent nine barrells of powder.

"The Scots continue their march over the river, and did not secure a lane near the bridge, whereby the Parliament forces came on my flanks; neither did the forces that were left for my supply come to my relief, but continued in the reare of mine, nor did they ever face the enemy, but in bringing up the reare.

"When most part of the Scots were drawn over the bridge, the Parliament forces pressed hard upon me in the van and flanks, and so drive me into the towne, where the duke was in person, with some few horse; but all being lost, retreated over a foord to his foote. After my forces were beaten, the Parliament forces beat the Scots from the bridge presently, and so came over into all the lanes, that we could not joyne with the foote, but were forced to Charlow, where we found Lt.-General Middleton ready to advance towards Preston towards the foote, which

command, now at Uttoxeter, shall render themselves up prisoners of war, with their horses, arms, and all other provisions of war, bag and baggage." The officers and soldiers "shall have their lives and safety of

he did; but not finding them there, returned to Wiggan, where the duke was with his foote (nine totally lost).

"There they tooke a resolution to go to my Lord Biron, for which end they would march that night to Warrington. In their march the Parliament forces fell so fast upon their rear, that they could not reach Warrington that night. And Lieutenant-Generall Middleton finding himself unable to withstand their forces, left the foote in Warrington to make their own conditions.

"So as we marched towards Malpas, sixe of the Scottish lords in this march left us, whereof my Lord Traquaire was one. Most part submitted to the Sheriff of Shropshire, who sent two gentlemen of that country to the duke to offer him the same quarter that the Earl of Traquaire had. From Malpas we marched to Drayton and so to Stone; in our march from thence to Uttoxeter, the Parliament forces fell upon the reare, and took Lieutenant-Generall Middleton.

"At Uttoxeter the next morning going to attend the duke for his resolution, I found him extreame sick, not able to march. My Lord Callender seemed to refuse all wayes of treaty, but rather to march northward, where we had a considerable force, and the whole kingdome of Scotland at our backs. Upon this we marched over the river toward Ashburne. I had the van, and was marching; presently my Lord of Callender came to me, told me he would march with me, but that none of his forces would, and that he had much ado to escape them; that he was come himself alone, his horse pricked in the foote, and without a cloake. I perswaded his lordship that it was better to return to his forces, because I could not protect him; and seeing the Scots had left me, I was resolved to sever and shift every man for himselfe, but to capitulate I could not with a safe conscience."—Tracts relating to the Military Proceedings in Lancashire during the great Civil War, 268-70.

The following local account of the army's march, even if it be in some measure exaggerated, shows us something much in contrast with Leslie's orderly invasions:—

"In divers places some whole families have not left them wherewith to subsist a day, but are glad to come hither for meer subsistance. They have taken forth of divers families all, the very racken crocks and pot-hooks; they have driven away all the beasts, sheep, and horses, in divers townships, all, without redemption, save some poor milche kine. They tell the people they must have their houses too, and we verily believe it must be so, because Duke Hamilton hath told them it should be so.

their persons assured to them, and shall not be pillaged or stripped of their wearing clothes.”¹

Though the Engagers had not sent into England the thirty thousand men promised by them, the absence of a third of that number, and of the officers commanding them, weakened the Engagement party. We have seen that it was when Leslie's army went to England to join the Parliamentary forces that Montrose was able to strike a blow for the king. On this occasion a like opportunity was taken from the opposite side, with less immediate, but more permanent, success. The opponents of the Engagement held from the beginning that the Covenant was brought into it as a pretence. They saw Hamilton's army and that of the English Malignants or Cavaliers acting to a common end, though carefully avoiding all visible tokens of concert and co-operation. More thoroughly convinced,

Their usage of some women is extremely abominable, and of men very barbarous, wherein we apprehend nevertheless something of God's justice towards very many, who have abundantly desired and rejoiced at their advance hither: old extream Cavaliers, whom they have most oppressed in their acts of violence and plunder, to our great admiration.

“They raile without measure at our ministers, and threaten the destruction of so many as they can get. Many Cavaliers have sent into Furness and Cartmel to Sir Thomas Tilsley for protections, but the Scots weigh not their protections a rush, and Tilsley himself tells the Cavaliers he can do them no good, but wishes them to use their best shifts in putting their goods out of the way. They say they'll not leave the country worth anything; they make no account of Lambert, they say he is run away. They are yet in quarters at Burton, Kirby, Whittington, &c., and the English at Encross and Furness. They have driven away above 600 cattle and 1500 sheep. They have given such earnest of their conditions that the country have wholly driven away their cattel of all sorts towards Yorkshire and the bottom of Lancashire; forty great droves at least are gone from us, and through this towne this day.”
—*Ibid.*, 254, 255.

¹ Burnet's *Memoirs*, 364.

or professing to be so, every day, that Hamilton and his followers had deserted the Covenant and the national cause for the sake of helping the king to return unconditionally to his throne, the minority in the Estates used all their feudal and popular influence to gather a force. Argyle was to bring his whole following of western Highlanders. The clergy of the west were to a man bitterly against the Engagement, and they were all hard at work rousing the faithful.

It is at this period that we find for the first time in the south-west of Scotland a zeal for the Covenant heating by degrees, until it at last outflamed the zeal of the east, where the Covenant had its cradle. At Mauchline, in Ayrshire, a large body of men assembled under the auspices of Lord Eglinton, a zealous Covenanting potentate. They formed themselves into a military party, and marched in the direction of Edinburgh, gathering as they went. Their feat was called "the Whigamores' Raid;" and this is the first use appearing in history of a word which, in its abbreviated form of "Whig," was destined to political service too well known to need a word of explanation.¹ Leslie undertook to gather into a compact army the heterogeneous forces thus assembling from different quarters, and it seemed as if there were to be a new civil war in Scotland. The only considerable inci-

¹ They are called Whigamores by Sir James Balfour, a contemporary. Burnet, who was then five years old, afterwards used the term in his 'Memoirs of the House of Hamilton,' and also in his 'History of his own Times,' where he offers this etymological explanation of it: "The south-west counties of Scotland have seldom corn enough to serve them throughout the year, and the northern party producing more than they need, those in the west come in the summer to buy at Leith the storse that come from the north; and from a word 'whiggan,' used in driving their horses, all that drove were called the 'whiggamors,' and

dent of war, however, was that when Argyle with his Highlanders attempted to take Stirling Castle, they were assailed and severely handled by Sir George Monro, who had brought over a division of Hamilton's army left near the Border when the body of the army had advanced on Preston.

Argyle and his party, however, found a way to make their predominance secure. They came to terms with the victorious Cromwell, who agreed to join them in Scotland. The fragments of Hamilton's beaten army, when assembled in Scotland, were insufficient to cope with the new power. The Committee of Estates retired, or, as some expressed it, fled. A group of leaders, with Argyle at their head, formed a government, and took to themselves the name of the "Committee of Estates."

The road to Scotland being opened by the destruction of Hamilton's army, Cromwell marched to Edinburgh. He laid before the Committee of Estates, according to his peculiar rhetoric, divers "considerations," like the preambles of Acts of Parliament—as, in reference to the army which he had broken: "Considering that divers of that army are retired into Scotland, and some of the heads of those Malignants were raising new forces in Scotland to carry on the

shorter the 'whiggs.' Now in that year, after the news came down of Duke Hamilton's defeat, the ministers animated their people to rise and march to Edinburgh; and they came up, marching at the head of their parishes, with an unheard-of fury, praying and preaching all the way as they came. The Marquis of Argyle and his party came and headed them, they being about six thousand. This was called the Whiggamors' inroad; and ever after that, those who opposed the cause came in contempt to be called 'Whiggs;' and from Scotland the word was brought into England, where it is now one of our unhappy terms of distinction." —Summary of Affairs.

same design, and that they will certainly be able to do the like upon all occasions of advantage ;” therefore he demanded assurance, in name of the kingdom of Scotland, that no person accessory to the Engagement, which was followed by the invasion, “be employed in any public place or trust whatsoever.” Of course there was no alternative but to concede these terms. In fact they were what the Government of Scotland vehemently desired ; but that they were pressed by Cromwell made it all the more likely that they would be put in full force. On the other hand, he did his new allies the compliment of taking or renewing the Covenant along with them. He was feasted with great pomp in “the High Parliament House.”¹ Argyle and he had much opportunity of conference ; and the Cavaliers even suspected that the tragic drama to be presently enacted, with much more dark work, was then concerted between these subtle spirits.

The Estates assembled in the beginning of January 1649. The predominant party were able carefully to weed the new Parliament of the Engagement element. Their chief business was to give full effect to the bargain with Cromwell, by excluding from public office all who had been concerned in the Engagement. Two statutes, one of them known in history as the “Act of Classes,” confirmed this disqualification, and at the same time reversed much of the business transacted by recent Parliaments and by the Committee of Estates.

Four “classes” of men are defined according to their conduct as disqualified from sitting in Parliament or

¹ Carlyle's *Cromwell*, ii. 223 *et seq.*

holding any public office for a period measured by their iniquities. They include all Malignants or enemies of the Covenant, and all those who proved themselves its false friends by either furthering or assenting to the Engagement. The fourth class was of a general and comprehensive character, including all men "given to uncleanness, bribery, swearing, drunkenness, or deceiving, or are otherwise openly profane and grossly scandalous in their conversation, and who neglect the worship of God in their families."

Had these Acts been passed in the General Assembly instead of the Estates, they could not have done more to throw the country into the hands of the clergy. One of the grounds of criminality in those who went with the Engagement was, that the General Assembly had issued a declaration maintaining "the unlawfulness of the said Engagement," and "denouncing God's judgment against it," which denunciation "was seconded so speedily and immediately by God's own hand" in the defeat of the Scots army. Then the restoration of those belonging to "the classes," after their period of probation, was to be contingent on their giving satisfaction to the judicatories of the Kirk.¹

It is not wonderful that at this time we hear of statesmen sitting for lengthened periods on the stool of repentance, and parish ministers re-enacting the part of Hildebrand with the emperor.²

¹ "Act repealing all Acts of Parliament or Committee made for the late unlawful Engagement, and ratifying the protestation and opposition against the same" (Acts, vi. 341); and "The Act of Classes for purging the judicatories and other places of public trust" (*ibid.*, 352).

² "To remember how with abundance of tears the Lord Chancellor [London] made his repentance in the East Church of Edinburgh, declaring so much of his former honest dealing with the people as he well

These Acts are long discursive papers, unlike the general substance of the Scottish statute-book, and bearing more resemblance to the work of the ecclesiastical than of the civil power. Through all the wild work of the period, the utterances of the Legislature and the supreme tribunals generally preserve a grave decorum; but these Acts are full of vehement raving. They are a testimony as well as a law, and a song of triumph over a beaten enemy infused through both; in this capacity they refer to the defeat of a Scots

knew every one understood; and this was done to please some of the leading ministers, who were now leading this penitent in triumph, and causing him sing *peccavi* to blear the eyes of the commons."—Balfour, iii. 395. So far the Lord Lyon. A stranger who had opportunities for noticing affairs in Scotland a few months later, tells how several of the more eminent of the Engagers "went from Court, and have by their several ways endeavoured to be reconciled to the Kirk and State, and have had their various success; for Duke Hamilton, notwithstanding any submission he could make, was not permitted to stay above fourteen days at his own house, but was forced to retreat into the Isle of Arran. The Earl of Lauderdale had the favour to stay at home, but not to come to Court. The Earl of Dunfermline was at first admitted to stay at home, then to give satisfaction for being in the late wicked and unlawful Engagement, as they call it, sitting in his own seat in Dunfermline, and not in sackcloth on the stool of repentance at Edinburgh, as did the Earl of Crawford Lyndsay at the same time—but the reason is apparent, the one being Argyle's creature, the other Hamilton's brother-in-law; and, lastly, to be permitted to come to Court and to wait gentleman of the bedchamber. What became of the Earl of Carnwath you shall hear shortly. The Earl of Brainford [!] returned to his friends; and after going to Edinburgh and desiring to be reconciled to the Kirk, he waited five days before he could deliver his petition. At length he gave it to one of those high priests, by whom it was carried in, and being read, after much scoffing at his titles, answer was returned him, that as he behaved himself they would in time take his desires into consideration."—Sir Edward Walker's Journal, 159. What happened to Carnwath was, that being driven from the presence of Charles II. when in Scotland by Mr Wood, a minister, one of the commissioners to the Hague, "and coming to him, said, 'God, I hope, will forgive me; will not you?' But Mr Wood turned from him in disdain, giving him never a word."—Ibid., 161.

by an English army as something like a special mercy.¹

These Acts were probably prepared by Warriston, who, by his ascetic life, his pious conversation, and his untiring zeal in ecclesiastical work, proved himself to be one of the few laymen of that period to whom the Covenant was more than a mere political power. We know that he made a notable speech on the occasion, and the Act itself was probably modelled on what he said.²

This affair of the Engagement and the Act of Classes might afford some curious matter to any inquirer not under an obligation to measure the particularity of detail with the ultimate importance of events. Contemporary literature and correspondence would make this stage in the current of events seem as important as the promulgation of the Covenant or the march of Leslie's army into England. It seemed as if the great cause, which appeared to falter, had

¹ Among the iniquities of the Engagers are, that they "led out a forced multitude to slaughter or slavery with so great reproach and disgrace to the nation, and occasioned a powerful army to enter the bowels of this kingdom in pursuit of their enemies who had invaded England, to the great endangerment of this kingdom, and so laying the land open, and making it liable to the guilt and misery of an unjust and offensive war, drawing down God's judgments, and exposing us and our posterity to invasion from our neighbour kingdom, if God in His providence had not remedied the same." Farther, the protestations of the clergy were confirmed "by God's own hand," "in the defeat of that army and their overthrow in England with their associates in England."

² "This day the Marquis of Argyle had a very long speech, consisting of five heads, which he called the breaking of the Malignants' teeth, and he who came after him (Warriston, viz.) would break their jaws." "Warriston, the king's advocate, after the Marquis of Argyle had ended, read a speech two hours in length off his paper, being an explanation of Argyle's five heads of teeth, as he named them, with the answering of such objects he thought the prime Engagers would make in their own defence."—Balfour, iii. 377.

renewed its strength. The Lord was showing again the face which He had withdrawn; the enemy was conquered, and the work of bringing the three kingdoms to Covenanted reformation was to revive and go on to its triumphant end. There seems to have been among the zealots who had got possession of the Estates an utter unconsciousness that a power was arising destined to overwhelm them and their policy. While Warriston was proclaiming the triumph of his party and the reign of righteousness, the High Court of Justice was beginning its work in Westminster Hall. On the 30th of January 1649, King Charles I. was beheaded. With the High Court of Justice by which he was tried and condemned Scotland had no concern. On England lay the responsibility of the act, and with those who write the history of the England of that day lies the responsibility of passing historical judgment on it. It must suffice on the present occasion to note some points of difference between political conditions in England and in Scotland influencing the effect which the event had on public feeling in Scotland.

In Scotland there was no republican party. The opponents of the king only desired to bring him to reason. They would not have put him to death, nor would they approve of the act. It was perhaps, however, hardly to them that deed of awful sacrilege which it was in the eyes of the English Royalists. It seems on the whole, indeed, to have been considered an event rather fortunate in itself, that the regicides of England should have disposed of a king so obstinate and so tricky, making way for an unsophisticated youth who might be trained in the right path. It was perhaps

the way in which God thought fit to further the cause of the Covenant and of righteousness, that the stumbling-block should be removed by the hands of these English sectaries and latitudinarians. They themselves were all for the monarchy—the old Scots monarchy which had existed for more than a thousand years. But they had no favour for this particular monarch ; and without calling him a saint and martyr, or announcing that his fate had stricken many of his faithful people with death or insanity, they accepted of his son as the legitimate successor to the crown of Robert Bruce.

Distance from the scene of the tragedy concurred, with other incidental matters, to render the excitement naturally accompanying such an event less powerful in Scotland than in England. But there was another emphatic difference between the two countries. To the actors on the public stage in Scotland the long contest had been on purely public grounds, religious or political. It had not become, as in England, a personal struggle for life or death. In estimating the motives of those chiefly concerned in the event, this should ever be remembered. The long dangerous game of fast-and-loose that had been played with those who, from the opening of the Long Parliament, had been in one shape or other at enmity with the Court, convinced them that no treaty or other adjustment or promise would make their lives secure while the king lived. In Scotland, on the other hand, the party opposed to him—it might be more correct to say the party opposed to his government—had all along a preponderance so overwhelming that the leaders of it had nothing personally to fear. There

are many testimonies to this, but one is conclusive, that while the balance was vibrating between the two sides in England, the Scots lent their army to their friends of the Parliamentary party ; and it was only while this army was absent on duty elsewhere that the Cavalier party were able to take the field.

On the 5th of February, immediately after the news of the execution had reached Edinburgh, Charles II. was solemnly proclaimed at the cross as “King of Great Britain, France, and Ireland.”¹ As we shall presently see, however, he was not permitted to enter on duty until he became an assured Covenanter.

¹ Balfour, iii. 383.

CHAPTER LXXV.

The Commonwealth.

EXECUTION OF HAMILTON AND HUNTLY—MONTROSE'S PROJECT IN THE HIGHLANDS—ITS FAILURE—HIS CAPTURE AND EXECUTION—THE COMMISSIONERS WITH CHARLES II. IN HOLLAND—NEGOTIATIONS FOR THE COVENANT IN SCOTLAND—CROMWELL'S INVASION—KING CHARLES AND THE COVENANTERS—THE COMPULSORY TESTS—BECOMES A COVENANTED KING—CROMWELL AND LESLIE—THE BATTLE OF DUNBAR—ITS CONCLUSIVE INFLUENCE—CROMWELL AND THE COVENANTING PARTY—THE START—THE CORONATION—THE MARCH INTO ENGLAND—THE BATTLE OF WORCESTER—TAKING OF THE SCOTS FORTRESSES—FATE OF DUNDEE—MONK—ORGANISATION OF GOVERNMENT IN SCOTLAND—COURTS OF LAW—CLOSING OF THE GENERAL ASSEMBLY—INCORPORATING UNION—NAVIGATION LAWS AND FREE-TRADE—ABOLITION OF THE FEUDAL SYSTEM—REPORT ON THE SHIPPING AND REVENUE OF SCOTLAND—GLENCAIRN'S EXPEDITION—CONCLUSION OF THE PROTECTORATE.

THE king's execution was followed by another nearly as important to Scotland. The Duke of Hamilton was arraigned before the same High Court of Justice which had just dealt with the king. His character and the motives of his actions were throughout involved in a strange mystery ; and it seemed to be the fate of his house ever to be an enigma, whether from the actual character of the men themselves, or the suspicions

which the world naturally held about the motives of those who were by pedigree so peculiarly situated.¹ It is an incident which scarcely connects itself with wider historical events, that he was for some time under such suspicion at Court, that he was detained in one prison after another, until in 1646, after nearly two years of such detention, he was released from St Michael's Mount, in Cornwall, when it was taken by the Parliamentary army. His arraignment was for the invasion ending in the treaty of Uttoxeter. The indictment furnishes a touch of curious pedantry in calling him by no other name than Earl of Cambridge—an English title conferred on him when he was raised in 1643 from a marquissate to a dukedom. The charge against the Earl of Cambridge was, that he had traitorously invaded England in hostile manner, “and levied war to assist the king against the kingdom and people of England; and had committed sundry murders, outrages, rapines, wastes, and spoils upon the said people.” He pleaded that he had acted by command of the supreme authority of his own country, Scotland—an independent kingdom. Further, that he was born before the union of the crowns, and as he had not the privileges, so he had not the responsibilities, of an English subject. Being thus a foreign invader, he had capitulated according to the usages of war between enemies, and had been accepted to quarter. He therefore held that every English tribunal was bound by the articles of the treaty of Uttoxeter, which promised safety to his life. There was much arguing on these pleas, which of course came to nothing. It may be noted, that had his trial been in Scotland, he would,

¹ See above, chap. lxx.

according to usage, have probably pleaded that he was acting for the king. But to plead such authority before the tribunal which had just put that king to death, would have been a stretch even on the habitual use to which his enemies applied the sanction of his name. Hamilton was executed on the 9th of March 1649, meeting his fate with heroic calmness.¹

A third death, which at other times would have held a conspicuous place among events in Scotland, comes, like Hamilton's, as a mere secondary incident, overshadowed by the great tragedy of the day. The Committee of Estates had got possession of their steady and long-sought enemy Huntly early in March of 1647. Just a week after the execution of Hamilton—on the 16th of March 1649—he was brought to trial. Nothing could be more easily proved than his “treason” before those who counted war in the king's name against the Covenant to be treason, and he was beheaded on the 22d. Had the Committee of Estates thirsted for the king's blood, the death of his champion would have been the natural result of an excitement born of sanguinary sympathies. Professing, as they did, to hold the king's execution as a crime, one would have naturally expected that the event would give a pause to their hostile vehemence; but they were not to be influenced by sympathies or shadows, and would do their own work, whatever the rest of the world might be about.

To the modified character of the grief and resentment bestowed by the Scots on the fate of the king, there was at least one exception. Since the time

¹ State Trials, iv. 1155.

when Montrose showed in his brilliant little campaign how much he could accomplish with small means, his ardour had been cherished in the sunshine of the Court. He was urged by the young prince, in no generous or even upright spirit, as we shall find, to strike for the cause of royalty. But his acts were less those of a man struggling for a living cause with means offering probable success, than the desperate efforts of one stricken with grief and rage. As he proclaimed in some passionate verses written for the occasion, he went as the avenger of wrong and the champion of the fame of the illustrious victim. He followed the old impulse of chivalry in so far as it disdained any estimate of the capacity to accomplish a design, but rushed to the hopeless charge as a type of the champion's courage and devotion. There was something in the invasion of Scotland now undertaken by him so wild and unpractical, that in its utter destitution of prudent selfishness it did something to wipe away whatever stains of cruelty or treachery have tended to blot his name. His project was inaugurated by much fussy diplomacy, professing to discuss the great assistance in men, money, and arms to be provided by foreign powers. It is said that the bulk of the foreign troops put at his command were lost by shipwreck. However it might be, the end of the vast announcements of preparation was, that he reached Orkney with some seven hundred men, chiefly from Holstein and Hamburg, and fifteen hundred stand of arms given him by the Queen of Sweden. He was not likely to find among the Orcadians much indignation about the fate of a King in London, or even to find many who had ever heard of it. What recruits,

therefore, he obtained among them were probably pressed in to serve by the foreigners.

Thus slenderly attended, he passed to the mainland. If, as some unwise people told him, he would find the north all in a ferment and eager to rush to his standard, he was cruelly disappointed. An overwhelming force was sent against him under Leslie. Had the two forces met, there had been no material for a battle; but it happened that the little band under Montrose only encountered a small detachment under Strachan. The place where they met was Invercharron, on the northern border of Ross-shire, to the westward of the present railway-station of Bonar Bridge. Montrose seems to have had the larger force of the two; but it was incongruously made up of foreigners, undrilled Orcadians, and just a sprinkling of gentlemen Cavaliers trained in the civil wars. He tried to gain a pass, where he might have held out until the main body of his enemies arrived, but his party was broken and dispersed before he reached it. He escaped in the confusion, and, turning northwards, swam the Kyle, an estuary separating Ross from Sutherland, and wandered up Strath Oikil into the higher mountain-ranges of the west. He was accompanied by Lord Kinnoul, and both were disguised as inhabitants of the country. They suffered from hunger and from cold, for April was not yet over; and as Kinnoul never reappeared, he no doubt died of his miseries. Montrose himself was taken by Macleod of Assynt, at the head of a party in search of him.

He was removed to Edinburgh, where of course he had to expect no mercy. It is between those who remain true to a cause and those who break from it

that political hatred finds growth for its direst strength. The more thorough the refugee's belief in the honesty of his motives, the deeper is his enmity against his old companions. They and their cause have bitterly deceived him. He joined it, believing that it would work to certain good results beloved of his own heart; but he has found that he was wrong in that belief, and the guilt all lies on those whom he has cast off. They in their turn give hate for hate. The deserter, traitor, renegade, apostate, or whatever other name he may be called by, has no claim to the courtesies due to the consistent and natural enemy. To Huntly, Haddo, Airlie, and their kind, Papists and Prelatists, something was due that could not be granted to him who had stood foremost for the Covenant, and had banded a horde of cut-throat savages against the Covenanters. He might plead conscientious conviction; he might say he went with his friends of the Covenant until he found them choosing devious courses,—still he was the man who had appeared foremost among the children of God, and was now serving under his true master the devil.

In the natural course of political cause and effect, death was his portion; and it is an idle waste of words to reproach those who, in fulfilling that fate, could not only justify themselves, but plead the command of political duty. It is likely enough that the tragedy was not performed in good taste, and that ribaldries and humiliations unsuited to so solemn an occasion were heaped upon the victim. But these are accusations about which, as about floating scandals, it is well not to indulge in much comment and discussion. To cast humiliation on the fallen enemy was an ungrace-

ful habit of the day in which the Covenanters took their full share. But to exaggerate, and sometimes to invent, stories of such humiliations, was another practice of the age, and it is sometimes well to leave the one to neutralise the other.

We have official acknowledgment of another and more solemn kind of persecution inflicted by those who believed themselves to be engaged in a work of love and duty. Thus it is recorded how "the commission of the General Assembly doth appoint Messrs David Dickson, James Durham, James Guthrie, Robert Trail, Hugh Mackail, to attend upon James Graham when he is entered in ward and upon the scaffold, and deal with him to bring him to repentance, with power to them to release him from excommunication if so be he shall subscribe the declaration condescended upon by the commission, containing an acknowledgment of his heinous and gross offences,—otherwise that they should not relax him."¹ The inquisitive Wodrow got from one who was present during the infliction so decreed a few notes of what passed. Among the heads of admonition and remonstrance were: "Somewhat of his natural temper, which was aspiring and lofty;" "his personal vices, which were too notorious;" "his taking Irish and Popish rebels and cut-throats by the hand, to make use of against his own countrymen." He did not give these divines satisfaction, and they pronounced their judgment through Guthrie, who said: "As we were appointed by the commission of the General Assembly to confer with you, and bring you, if it could be attained, to some sense of your guilt, so we had, if we had found you penitent,

¹ Record cited, Napier's Life and Times, 482.

power from the said commission to relax you from the excommunication under which you lie. But now, since we find it far otherwise with you, and that you maintain your former course, and all things for which that sentence is passed upon you, we must with sad hearts leave you under the same until the judgment of the great God, under the fearful impression of that which is bound on earth God will bind in heaven.”¹

Notorious as the actions for which he was to suffer were, they had to be dealt with in form of law by the civil tribunal. In ordinary circumstances there would have been an indictment with a circumstantial history of the several acts of war, treason, and slaughter; and evidence would have been extracted at length to prove that the things had been done, and to identify “the said James Graham” as a person concerned in the doing of them. But this pedantry was obviated by another and a shorter. He had already been indicted to stand trial before the Estates for his achievements in 1645. He had not appeared at the bar, and was accordingly outlawed and forfeited. This, unless the Estates chose to withdraw the forfeiture, left nothing to be done but the adjustment of the sentence. It saves the necessity of narrating the method of his execution, to give it in the words of an “Act ordaining James Graham to be brought from the Watergate on a cart bareheaded, the hangman in his livery covered, riding on the horse that draws the cart—the prisoner to be bound to the cart with a rope—to the Tolbooth of Edinburgh, and from thence

¹ Wodrow *Analecta*, i. 162. Both Guthrie, who pronounced the sentence, and his companion Mackail, had afterwards to appear as martyrs on the other side.

to be brought to the Parliament House, and there, in the place of delinquents, on his knees, to receive his sentence—viz., to be hanged on a gibbet at the cross of Edinburgh, with his book and declaration tied in a rope about his neck, and there to hang for the space of three hours until he be dead; and thereafter to be cut down by the hangman, his head, hands, and legs to be cut off and distributed as follows—viz., his head to be affixed on an iron pin, and set on the pinnacle of the west gavel of the new prison of Edinburgh; one hand to be set on the port of Perth, the other on the port of Stirling; one leg and foot on the port of Aberdeen, the other on the port of Glasgow. If he was at his death penitent and relaxed from excommunication, then the trunk of his body to be interred by pioneers in the Greyfriars', otherwise to be interred in the Burrow Muir by the hangman's men under the gallows."¹ He was not relaxed from excommunication. The sentence was executed on the 25th of May in the High Street of Edinburgh.²

¹ Balfour's *Annals*, Works, iv. 12. The book to be tied by a rope about his neck was the history of his triumphs, by his chaplain, Bishop Wishart, published in 1648 in Paris: '*De Rebus, auspiciis Caroli Dei gratia Magnæ Britanniæ Regis, sub imperio illustrissimi Jacobi Montisrosarum Marchionis Commentarius.*'

² To know that there is an account of the last scene from the pen of Argyle himself may excite a curiosity scarcely to be justified by its perusal. It is written on the very day to his nephew, afterwards his son-in-law, Lord Lothian. The event chiefly engrossing his attention is the birth of a daughter, and he is weary with watching during the critical period. Then he notes how her "birthday is remarkable in the tragic end of James Graham at the cross": "He got some resolution after he came here how to go out of this world; but nothing at all how to enter into another, not so much as once humbling himself to pray at all upon the scaffold, nor saying anything on it that he had not repeated many times before when the ministers were with him. For what may concern the public I leave it to the public papers and Mr James Dalrymple's relation."—Note to Kirkton's *History*, 124; *Lothian Papers*.

On the 17th of March certain commissioners had sailed from Kirkealdy to confer with the young king in Holland. There was one peer, Lord Cassilis, who with the Laird of Brodie, Provost Jaffery of Aberdeen, and the provost of the small burgh of Irvine, in Ayrshire, represented the Estates. The Church was represented by Robert Baillie, another minister, and a ruling elder. This deputation was not affluently adorned by rank and station, and perhaps rather too closely represented the position of the ruling power. But they were high in confidence and singleness of purpose. The Government represented by them had been signally purified, and it was no matter that the purification had cut off some two-thirds of its rank, talent, and territorial influence, with a large share of its fighting power. So they went to the Hague with a "readiness to espouse the king's cause, if he first will espouse God's cause."¹ This, put more specifically, meant that he should take the Covenant with its companion testimonies, engage to do his utmost to enforce the whole Covenanting system over England and Ireland, and join in denouncing the Engagement.

A miscellaneous body of sympathisers and supporters naturally crowded about the young prince—Cavaliers from England and Scotland, with a few of those fresh outcasts the Engagers. For rank and title they were a brilliant court, yet the humble group who came from Scotland were the only men among them who represented any established government. These began their mission somewhat skilfully in a speech by the accomplished Baillie, containing matter

¹ Baillie's Letters, iii. 75.

that must have been acceptable. "We do declare," he said, "what in our own breast often we have felt, and generally in the people among whom we live have seen with our eyes, ane mournful sorrow for that execrable and tragie parricide, which, though all men on earth should pass over unquestioned, yet we nothing doubt but the great Judge of the world will arise and plead against every one, of what condition soever, who have been either authors or actors, or consenters or approvers, of that hardly expressible crime, which stamps and stigmatises with a new and before unseen character of infamy the face of the whole generation of sectaries and their adherents from whose hearts and hands that vilest villany did proceed." ¹

Avoiding disagreeables at this first interview, they left with him a letter from the commission of Assembly which might gradually and gently unfold their ultimate objects, and delivered to him the raw material of future discussion—"the National Covenant, the Solemn League and Covenant, the Directory, the Confession of Faith, the Catechise, the Propositions of Government, bound together in a book so handsome as we could get them." ²

The assassination of Dorislaus, and the dark suspicions thrown by it on those who were deep in the confidence of the prince, dispersed the little court at the Hague. After an interval of restlessness it settled down at Breda, where he was again in a position to hear terms by the Government of Scotland. Their propositions were as distinct and absolute as ever. Diplomacy, in the usual acceptation of the term, there

¹ Baillie's Letters, iii. 85.

² Ibid., 87.

was none—whatever the king might say, the ultimate answer resolved itself into yea or nay. With a sort of cheerful carelessness he adopted the affirmative. To every proposition setting down in the hardest and least ambiguous words their rigid terms, there was set down, “His majesty doth consent to this whole proposition *in terminis*.”¹ He was at the same time hounding Montrose out on his expedition, and telling him not to believe a word of any rumour that he was to accept of the Covenant. His instruction was: “We require and authorise you to proceed vigorously in your undertaking, and to act in all things in order to it as you shall judge most necessary for the support thereof and for our service in that way.”² There was such a banishment of all deliberation, such a prompt recklessness in this double-dealing, that it partook of the nature of a capricious escapade when compared with the solemn duplicity of his father.

Escaping some danger from the cruisers of the Republic, the prince arrived at the mouth of the Spey on the 3d of July. Before he was permitted to land, we are told that “his majesty signed both the Covenants, National and Solemn, and had notable sermons and exhortations made unto him by the ministers to persevere therein.”³ He found protection in Huntly’s Castle of Gight, where, although its master had just been put to death, there was a garrison. He went on by Aberdeen to the Earl Marischal’s fortress at Dunnottar, and so by Dundee and St Andrews to Falkland Palace. Due investigation having been made into the character of a group

¹ Thurloe’s State Papers, i. 147.

² Clarendon’s State Papers.

³ Sir Edward Walker’s Journal, 159.

of courtiers who attended the prince, it was discovered with alarm that they consisted of English Malignants, and of Scots who were either Malignants or Engagers. They were all dispersed with the exception of a small select group. Among these was Buckingham—a singular exception to the general disqualification, suggesting that he had successfully tried his powers of mimicry, and passed himself off as a child of grace.

This royal progress, sordid and unhopeful though it might be, was sufficient to alarm the Council of State at Whitehall, and it was determined to send a force under Cromwell to stop it. On the 16th of July he crossed the Tweed with an army of sixteen thousand men, trained veterans, and strong in artillery and cavalry. Cromwell was fresh from his bloody career in Ireland. We now know that he would not have dealt with the Lowland Scots as with the Celts—the etiquette of war forbade it. But the fame of the acts he had committed naturally spread terror among the peasantry not fully instructed in the exclusion of a population like the Irish from the courtesies of war. The general alarm joining with a spirit of loyalty, and a strong antipathy to the “sectaries,” produced perhaps the oddest effect ever occasioned by conditions of danger. A large body had flocked, as of old, to the national standard. Among these it was discovered by the predominant party that there were many Malignants and other persons excluded by the Act of Classes. They must be rid of these if their enterprise was not to be fundamentally cursed. Thus they drove away, as an astonished looker-on tells us, four thousand men, and these, as old experienced soldiers,

the best in their army.¹ After this purification they experienced such relief and self-reliance as a man heretofore in evil health may feel when his constitution has proved sound enough to discard some depressing morbid symptom. Some territorial potentates offered to bring forth their followers as independent auxiliaries, but as they belonged to the excluded classes their co-operation was sternly abjured. Another element of danger, too, must be removed, for the absolute purification of that host—the young man Charles Stewart. True, they had engaged with him to be their Covenanted king, and it might be said that they were going to fight for his cause. But a heavy burden lay upon his race in the sins of his father and the idolatry of his mother. For himself, he had not yet been tried. It might be that he was to become the king who would rule over them. But in the meantime, when God was to decide between them and the sectaries, it was not safe to retain such a possible cause of wrath in their camp, and he was compelled to retire.

Old Leven was commander of the army, but so far as the arm of the flesh was entitled to reliance it was on his nephew David. The strategy adopted was to make the Border districts a desert, as in the old wars with England; and the terror following Cromwell's Irish war made it easy to get the people to co-operate in such a policy. It was easy to persuade all of them who were sound Covenanters that there could be no madness or villany of which the army "of sectaries and blasphemers" was incapable; and those of the Borderers who were Cavaliers and Royalists would

¹ Walker, 165.

scarcely welcome the invaders. It was to no purpose that the general issued a proclamation "to all that are saints and partakers of the faith of God's elect in Scotland"—this would only pass for blasphemous mockery in those that were coming to strike the real saints with the edge of the sword. The Scots might have easily fortified Cockburnspath and the other deep gorges running from the Lammermuir Hills to the sea, but Cromwell was too prompt for them. Never in any of the invasions of Scotland was this strong position held—a position about which Cromwell himself expressively, though not in very good English, said, "Ten men to hinder is better than forty to make." It afforded this advantage, that an army crossing the flat elevated plain through which these gorges cut, would, if they were held by ever so small a force, have to make a flank-march over a tract of hill and moorland where there were no roads. For the first time we hear, after Cromwell had passed them, of these points of defence being guarded, and it was for the purpose, rendered unnecessary, of intercepting his retreat back to England.

Of the two armies thus drawing to a conclusion with each other, the one did not entirely consist of Englishmen or the other of Scotsmen; but the spirit of England and Scotland were severally represented in them. In both there was much of what might be called piety, zeal, or fanaticism, according to the humour of the person criticising; and some maintained that in both there was a strong leaven of hypocrisy. The seriously religious, both in England and Scotland, were broken up into various groups, with elements of difference great or small. But the effect of this diver-

gence was curiously different in the two countries. In Scotland one party was strong enough to stand aloof, taking all the power of Church, State, and army into its hands, and driving forth all who would not accept its articles of faith and Church government to the utmost. In England, on the other hand, the "boundless toleration" against which the Scots railed so vehemently, united all together in one compact mass for civil and military purposes.

The contest that was becoming inevitable was eminently critical. Had the issue of the battle been reversed, the change on the face of history is not exactly to be defined; but that it would have been a great change is beyond a doubt. It was a crisis on which mighty interests centred. Two generals who had never been beaten were to face each other, and the character of invincibility was inevitably to be lost by one of them. Such was the position in a mere human and worldly sense, but to the far-seeing the issues were infinitely grander. Of two hosts, each professing to be the Lord's chosen people, the time was at hand when He should choose between them by giving the victory to His own. There was no doubt that the victors would settle the question in their own favour, however the other party might take their defeat.

That they might be prepared for this ordeal, the Scots continued earnest in their purification, and the discharge from their host of all dangerous elements. They had already got rid of a few thousand soldiers whose faith was doubtful. But they were in sore perplexity touching the young man Charles Stewart, as not knowing what might be the influence on them-

selves of his dubious early life, the ecclesiastical sins of his father, and his mother's idolatry. A proclamation had been issued in his name, in which he promised to fulfil all that ever had been demanded of his father, announcing that "the Lord hath been pleased in His gracious goodness and tender mercy to discover to his majesty the great evil of the ways wherein he hath been formerly led by wicked counsel."¹

Against this document, issued without his consent, he demurred. There was immediate indignation and alarm in the camp. It was a question whether the army should break up and disperse, or make terms with the sectaries. They sent a "remonstrance and supplication" to the Committee of Estates, setting forth that, "being sensible of the imputation laid upon the kingdom and army as if they espoused the Malignant quarrel and interest, and considering that at this time we are more especially concerned in it than others, being in the Lord's strength to take our lives in our hands and hazard all that is dear unto us by engaging against the present enemy, who in a hostile way hath invaded this kingdom, contrary to all bonds of covenants and treaties,—we conceive it our duty to make it manifest to their honours and all the world that we do not own any Malignant quarrel or interest of any person or persons whatsoever, but that by the assistance of the Lord we resolve to fight merely upon the former grounds and principles in defence of the cause of Covenant and kingdom." Still the old decorum was preserved of abstaining from accusation against royalty itself, and charging all on pernicious counsel. They desired the accomplish-

¹ Walker, 163.

ment of "what remains in the army undone in relation to purging," "that God be no more provoked by countenancing or sparing of them, lest the Lord should desert us and cause us to partake with them in their judgments."¹

A declaration was prepared, in which all that had offended the young king in the proclamation was set forth more broadly and offensively. This he must sign. It was noticed at the time, that it was presented to him in that same Gowrie House where his grandfather had encountered so much peril. His advisers bade him sign it at once—sign everything. They were like persons in the hands of a set of madmen. He must do whatever he was bidden or all was lost. Some few expressions were permitted to be altered so far as to soften their accusative tenor and bring them into the category of calamities rather than crimes. By a very happy thought a sentence was inscribed attributing the misfortunes which had befallen the royal house as well as the faithful kingdom of Scotland to the malice of the sectaries.

The "declaration" is a lengthy document, for it was the work of men determined to leave nothing ambiguous or uncertain. Whoever accepted it could never afterwards plead that he had misinterpreted its full scope. The preamble or text, setting forth the principle to which the working details tended, was in these words: "He doth now detest and abhor all Popery, superstition, and idolatry, together with Prelacy, and all errors, heresy, schism, and profaneness; and resolves not to tolerate, much less allow of those in any part of his majesty's dominions, but to oppose

¹ Walker, 167, 168.

himself thereto, and endeavour the extirpation thereof to the utmost of his power.”¹ As to the army of sectaries now approaching, the Committee of Estates and the Assembly “having sufficiently laid open public dangers and duties both upon the right hand and upon the left, it is not needful for his majesty to add anything thereto except that in those things he doth commend and approve them, and that he resolves to live and die with them and his loyal subjects in prosecution of the ends of the Covenant.”²

One small ceremony yet remained to fill the cup. The king having signed all the protestations and ob-jurgations presented to him, it was needful for him to express how he was “desirous to be humbled for the sins of the royal family and for his own sins, that God may be reconciled unto him; and that he may give evidence of his real loathing of his former ways, and of his sincerity in his owning the cause of God and the work of reformation.”³ To this desirable end a public day of fasting and humiliation was to be held, and he was to be the hero of the occasion.

In the grotesque audacity of such professions we can imagine that there must have been something infinitely droll and exhilarating to such spirits as Buckingham and Wilmot, when they discussed it in after-times, away from that dreary land where their mirthful communings with the prince were rudely restrained. As for him, there was just one element of sincerity planted in his heart by reflecting on the part he had been induced to play—a sincere detestation of those who had driven him to such humiliation.

And after all was done, the purgation was not so

¹ Walker, 172.

² *Ibid.*, 175.

³ *Ibid.*, 178.

complete as to make a full intercommuning safe. They would not have the young man Charles Stewart within their host at the critical moment. Their feeling seems to have been, that although all were false, they might be justified in holding it to be true until they found evidence to the contrary—justified in not departing from the course they had adopted in resisting the sectaries with a view of supporting him if he continued true ; but the having him, possibly false and perjured, in their actual host on the day of battle, might be too dangerous—it would be tempting the vengeance of heaven too rashly.¹ They were like men who theoretically believe an arrangement to be safe, but shrink when they have to trust their lives to it. Therefore he was banished from the army and detained in courteous restraint in Dunfermline. Behind all these scrupulous arrangements there lingered a suspicion that the “purgation” of the Scots army was far away from completeness. Cromwell’s men were united in a zealous purpose, as that army had been which Leshe carried across the Tweed ten years

¹ Cromwell tells us how “some of the honestest in the army among the Scots did profess before the fight that they did not believe their king in his declaration ; and it’s most evident he did sign it with as much reluctancy and so much against his heart as could be, and yet they venture their lives for him on this account, and publish this declaration to the world to be believed as the act of a person converted, when in their hearts they know he abhorred the doing of it and means it not.” —Carlyle, ii. 197. He made a general charge against the Estates, that their difficulties arose “by espousing your king’s interest, and taking into your bosom that person in whom, notwithstanding what hath or may be said to the contrary, that which is really Malignancy, and all Malignants do centre ; against whose family the Lord hath so eminently witnessed for blood-guiltiness, not to be done away by such hypocritical and formal shows of repentance as are expressed in his late declaration.” —Ibid., 222.

earlier. The long contest had worn that army threadbare, and Scotland was too meagrely peopled to supply army after army of from twenty to thirty thousand men. No doubt the whole army subscribed the Covenant, but the greater part of them would probably have subscribed anything else. The zeal was limited to the attendant clergy and a few of the lay leaders. It seems to have strengthened the reasons for removing the young king that he was becoming popular among the troops. It was noted that upon their facings they marked with chalk the letter R for *rex*, and it was apprehended that a spirit of mere personal loyalty might supersede the due devotion to Christ's crown and Covenant. If we may trust an English Royalist onlooker, their staff of subordinate officers was as wretched as it well could be, "placing for the most part in command ministers' sons, clerks, and such other sanctified creatures, who hardly ever saw or heard of any sword but that of the Spirit,—and with this, their chosen crew, made themselves sure of victory."¹

Leslie appeared to handle his army, such as it was, to great purpose. He used the wonderful material for a fortified camp supplied by the heights near Edinburgh. It was desirable to keep both Edinburgh and Leith united within the fortified line, that Cromwell might not have access to the sea by seizing the port of Leith. This line of defence, beginning at the Firth to the eastward of Leith, kept the successive heights of Hermitage Hill, Hawkhill, Restalrig, the Calton Hill, Salisbury Crags, and St Leonards, until it came under the protection of the guns of the castle.

¹ Walker, 162-64.

There were some small affairs of outposts, but nothing that Cromwell could do would draw Leslie out of his strong lair. One of these is thus described by the great Cromwell himself, on the occasion of his retiring to Musselburgh, where his headquarters were: "We came to Musselburgh that night, so tired and wearied for want of sleep, and so dirty by reason of the wetness of the weather, that we expected the enemy would make an onfall upon us; which accordingly they did between three and four of the clock this morning, with fifteen of their most select troops, under the command of Major-General Montgomery and Strachan, two champions of the Church, upon which business there was great hope and expectation laid. The enemy came on with a great deal of resolution, beat in our guards, and put a regiment of horse in some disorder; but our men, speedily taking the alarm, charged the enemy, routed them, took many prisoners, killed a great many of them, did execution to within a quarter of a mile of Edinburgh." "This is a sweet beginning of your business, or rather the Lord's, and I believe is not very satisfactory to the enemy, especially to the Kirk party." "I did not think advisable to attempt upon the enemy, lying as he doth; but surely this would sufficiently provoke him to fight if he had a mind to it. I do not think he is less than six or seven thousand horse and fourteen or fifteen thousand foot. The reason I hear that they give out to their people why they do not fight us is, because they expect many bodies of men out of the north of Scotland, which when they come they give out they will then engage. But I believe they would rather tempt us to attempt them in their fastness within

which they are intrenched, or else hoping we shall famish for want of provisions, which is very likely to be if we be not timely and fully supplied.”¹

On another occasion, retiring towards the camp at Musselburgh, “the enemy perceiving it, and, as we conceive, fearing we might interpose between them and Edinburgh, though it was not our intention albeit it seemed so by our march, retreated back again with all haste, having a bog and pass between them and us.” “That night we quartered within a mile of Edinburgh and of the enemy. It was a most tempestuous night and wet morning. The enemy marched in the night between Leith and Edinburgh, to interpose between us and our victual, they knowing that it was spent. But the Lord in mercy prevented it. And we perceiving in the morning, got time enough, through the goodness of the Lord, to the sea-side to revictual, the enemy being drawn up upon the hill near Arthur Seat, looking upon us but not attempting anything.”² The hill “near” Arthur Seat must have been the hill itself so called. From the top and eastern slope of Arthur Seat all the movements of Cromwell’s army through the flat country towards Musselburgh must have been distinctly seen. More than a month passed in this fashion, yet Leslie would not trust his imperfect army to a battle. Cromwell shifted his place on a radius of six miles from Edinburgh, at one time going as far west as Colinton. Still Leslie either hovered above him, or if he took the high ground, was safe on some other eminence. The end seemed inevitable — Cromwell must either be starved into submission, or must force

¹ Carlyle, ii. 164, 165.

² *Ibid.*, 176.

his way back, with the certainty that he would carry with him but a fragment of his fine army. At the end of August he removed to Dunbar. Here he had the command of the sea for provisions and munitions, and for the removal of his troops were there shipping enough at his disposal. All along the east coast there is a bank or line of elevated ground, the first slopes of the Lammermuirs or other chains of Border mountains. Along these slopes marched Leslie, ever above his enemy; and when Cromwell encamped at Dunbar, Leslie was still above him on the Hill of Doon. The eye of any one visiting the neighbourhood of Dunbar will at once select this hill from all others. It stands forward from the range of the Lammermuirs like a watch-tower. It is seen to unite the two qualities sought by Leslie—it commands a view of all the low land bordering on the sea, and it is the centre round which every movement of the enemy must describe a circumference on which his army could descend. Dunbar itself was a flat peninsula, the hills at Leslie's command approaching the coast so closely on the south end that there could be no passage without a battle at disadvantage.

On the 2d of September Cromwell wrote to Haslerig, who commanded at Newcastle: "We are upon an engagement very difficult. The enemy hath blocked up our way at the pass at Copperspath, through which we cannot get without almost a miracle. He lieth so upon the hills that we know not how to come that way without great difficulty, and our lying here daily consumeth our men, who fall sick beyond imagination.

"I perceive your forces are not in a capacity for

present release. Wherefore, whatever becomes of us, it will be well for you to get what forces you can together, and the south to help what they can. The business nearly concerns all good people. If your forces had been in a readiness to have fallen upon the back of Copperspath, it might have occasioned supplies to have come to us. But the only wise God knows what is best. All shall work for good. Our spirits are comfortable, praised be the Lord, though our present condition be as it is. And indeed we have much hope in the Lord, of whose mercy we have had large experience.”¹

It was on that very evening that, to his surprise and delight, he observed a movement in the host on Doon Hill. They were coming down into the plain; the movement lasted all night, and at dawn of day the Scots had relinquished their advantage. It is a question whether in this movement Leslie acted on his own discretion, or on the dictation of the committees from the Estates and the Church who hampered his camp. To one conversant with the spirit of the times nothing seems more natural than this. Cromwell being mercifully delivered into their hands, it was fitting that they should stretch forth their hands and accept of the gift. If such views were canvassed, it can easily be believed that Leslie could not keep his force together on the mound, and must be content to do what he could to preserve them from destruction.²

¹ Carlyle, ii. 179, 180.

² Burnet is the authority generally cited for the interference: “Leslie was in the chief command; but he had a committee of the Estates to give him his orders, among whom Warriston was one. These were weary of lying in the fields, and thought that Leslie made

There is a brief account of his calamity by David Leslie himself in a letter to Argyle. If it can be said to attribute the defeat to the interference of the committees, the shape in which this operated must have

not haste enough to destroy those sectaries, for so they came to call them. He told them by lying there all was sure, but that by engaging in action with gallant and desperate men all might be lost; yet they still called on him to fall on. Many have thought that all this was treachery done on design to deliver up our army to Cromwell—some laying it upon Leslie, and others upon my uncle. I am persuaded there was no treachery in it, only Warriston was too hot and Leslie too cold, and yielded too easily to their humours, which he ought not to have done.”—Summary of Affairs. It has recently become a sort of historical canon that Burnet is ever to be discredited. He no doubt colours and likes to make up a good story; but he was honest “after a manner”—more honest, for instance, than Clarendon. He had good means of knowing what he speaks of here, for the “uncle” he refers to was Warriston.

Burnet was a child seven years old when the battle was fought; he was eighteen years old when his uncle Warriston was executed. The news of the day as told by Baillie, unpublished in Burnet’s day, goes far to confirm his account, and affords a pathetic story of practical genius thwarted and a cause ruined by self-sufficient intermeddlers: “After the woeful rout at Dunbar, in the first meeting at Stirling, it was openly and vehemently pressed to have David Leslie laid aside, as long before was designed, but covertly, by the chief purgers of the times. The man himself did as much press as any to have liberty to demit his charge, being covered with shame and discouragement for his late unhappiness, and irritated with Mr James Guthrie’s public invectives against him from the pulpit. The most of the commission of Estates and committee of the Kirk would have been content to let him go; but finding no man tolerably able to supply his place, and the greatest part of the remaining officers of horse and foot peremptor to lay down if he continued not—and after all trials finding no maladministration on him to count of but the removal of the army from the hill the night before the rout, which yet was a consequence of the committee’s order, contrar to his mind, to stop the enemy’s retreat, and for that end to storm Brocksmonth House as soon as possible,—on these considerations the State unanimously did with all earnestness entreat him to keep still his charge. Against this order my Lord Warriston, and, I suppose, Sir John Chiesly, did enter their dissent. I am sure Mr James Guthrie did his, at which, as a great impertinence, many were offended.”—Letters, &c., iii. 111. Sir Edward Walker does not mention the interference of the committees on this occasion, but on another he refers

been in weakening the sense of obedience and discipline in the subordinate commanders: "Concerning the misfortune of our army I shall say nothing but it was the visible hand of God, with our own laikness, and not of man that defeat them, notwithstanding of orders given to stand to their arms that night. I know I got my own share of the fall by many for drawing them so near the enemy, and must suffer for this as many times formerly, though I take God to witness we might have as easily beaten them as we did James Graham at Philiphaugh, if the officers had stayed by their troops and regiments."¹

Cromwell had at hand two men whose fame as soldiers was second only to his own — Monk and Lambert. The three watched Leslie's movement as well as they could, for to conceal it as well as he might he had ordered the musketeers to extinguish their matches. Cromwell watched the point of time at which the amount of daylight and the condition of his enemy, as having left the hill without being well formed below, concurred in his favour, and then struck the blow. The effect of the attack was an index to Leslie's opinion of his own army. The lines intrusted with the front stood firm and were slain. The great half-disciplined mass behind broke and scattered. The defeat was entire. The victor rendered an account of it in the words following:—

to them as having absolute command. It was employed in preventing Leslie from attacking when he would: "The committee would not give way to attempt on him, saying it were pity to destroy so many of their brethren; but seeing the next day they were like to fall into their hands, it were better to get a dry victory, and send them back with shame for their breach of covenant."—P. 180.

¹ Copied from the original in the Lothian Papers, through the courtesy of the Marquess of Lothian.

“The enemy’s word was ‘The Covenant!’ which it had been for divers days; ours ‘The Lord of hosts!’ The Major-General, Lieutenant-General Fleetwood, and Commissary-General Whalley and Colonel Twistleton gave the onset, the enemy being in a very good posture to receive them, having the advantage of their cannon and foot against our horse. Before our foot could come up, the enemy made a gallant resistance, and there was a very hot dispute at sword’s point between our horse and theirs. Our first foot, after they had discharged their duty (being overpowered with the enemy), received some repulse, which they soon recovered; for my own regiment, under the command of Lieutenant-Colonel Goffe and my major White, did come seasonably in, and at the push of pike did repel the stoutest regiment the enemy had there, merely with the courage the Lord was pleased to give. Which proved a great amazement to the residue of their foot, this being the first action between the foot. The horse in the mean time did with a great deal of courage and spirit beat back all oppositions, charging through the bodies of the enemy’s horse and of their foot, who were, after the first repulse given, made by the Lord of hosts as stubble to their swords. Indeed I believe I may speak it without partiality, both your chief commanders and others in their several places, and soldiers also, were acted with as much courage as ever hath been seen in any action since this war. I know they look not to be named, and therefore I forbear particulars.

“The best of the enemy’s horse being broken through and through in less than an hour’s dispute, their

whole army being put into confusion, it became a total rout, our men having the chase and execution of them near eight miles. We believe that upon the place and near about it were about three thousand slain. Prisoners taken : of their officers you have this enclosed list ; of private soldiers near ten thousand. The whole baggage and train taken, wherein was good store of match, powder, and bullet ; all their artillery, great and small, thirty guns. We are confident they have left behind them not less than fifteen thousand arms. I have already brought in to me near two hundred colours, which I herewith send you.”¹

This battle, fought on the 3d of September 1650, concludes an epoch in our history. The ecclesiastical parties retain their picturesque peculiarities and their bitterness. Tragic incidents occur, born of treachery and cruelty on the one side and rugged fanaticism on the other. But that momentous exercise of power which had endowed these peculiarities with a certain awe and dignity is gone, and hereafter these parties have a merely local history. The breadth of influence, indeed, achieved by Scotland during the years just passed over, is an anomaly in history. According to the usual course of events, Scotland, for the eighty years now come to a close, should have possessed no separate national history. When Edinburgh Castle was taken in 1573, the nationality of Scotland was provisionally at an end—provisionally so—that is, the permanence of the situation depended on King James succeeding to the throne of England. He did so, and thus the condition was confirmed and permanent. The old league with France was at an end,

¹ Carlyle, ii. 191, 192.

and Scotland's lot was thrown in with England's. It was not that the influence of Scotland was to be annihilated—it would tell in the national policy, like the influence of the northern counties of England against London and the south. But in the natural order of things, Scotland was no longer to put her separate mark on the politics and history of the day. It happened otherwise, as we have seen. Of the two States united, the small State had ardour and strength sufficient to drag the large State along with it; for Scotland began the contest which, after becoming so memorable in British history, influenced the fate of the whole civilised world.

After the heat of battle had let itself out in the "chase and execution" of nearly eight miles, the conqueror showed a temper of humanity and lenity to the wounded and the prisoners. It was not to be a continuation of the Irish work. The Lowland Scots were not enemies of God and civilised man, whose doom was extirpation. Their hostility was the incidental effect of political conditions, and with their invaders they had many common ties of brotherhood. The battle of Dunbar gave Cromwell the command of the open country south of the Forth, Edinburgh Castle and the other fortresses remaining in the hands of the Committee of Estates.

Accompanying and following this decisive battle was a very undecisive war of words. It was matter of derision to the indifferent or irreverent onlooker, who saw a competition between the general of the Independents and the clergy of the Covenant, in which the point of advantage appeared to be the excelling in the use of fanatical and Pharisaical lan-

guage. Whether or not Cromwell was the arch-hypocrite he has been called, the indifferent bystander is apt to sympathise with his cause, since, while he girds himself valiantly for the fight, and is as vigorously pious as his opponents, he does not think, like them, that true piety is a monopoly of his own sect. One might be tempted to quote at length from this controversy, but there is one short precept uttered by Cromwell against his assailants so complete and powerful that it were a pity to mix it up with any other passages. He asks if it is certain that all his opponents say is "infallibly agreeable to the Word of God;" and then follows the grand precept: "I beseech you, in the bowels of Christ, think it possible you may be mistaken."¹

One standing and predominating element in the controversy was the lay preaching, which had become a favourite occupation of the Independent soldiers. On this he rated his clerical opponents powerfully: "Are you troubled that Christ is preached? Is preaching so peculiarly your function? Doth it scandalise the Reformed Churches, and Scotland in particular? Is it against the Covenant? Away with the Covenant if this be so!" "Your pretended fear lest error should step in, is like the man who would keep all the wine out of the country lest men should be drunk. It will be found an unjust and unwise jealousy to deprive a man of his natural liberty upon a supposition he may abuse it. When he doth abuse it, judge. If a man speak foolishly, ye suffer him gladly, because ye are wise; if erroneously, the truth more appears by your conviction. Stop such a man's

¹ Carlyle, ii. 168, 169.

mouth by sound words which cannot be gainsaid. If he speak blasphemously, or to the disturbance of the public peace, let the civil magistrate punish him; if truly, rejoice in the truth.”¹

Such things must have opened up new avenues of thought and controversy to men whose polemical training had been all in the tactics of warfare against Popery and Prelacy.

There was another point where, on the face of the controversy, Cromwell appeared to bear himself charitably and reasonably. A group of the ministers had taken refuge in Edinburgh Castle. He thought it might be more to the purpose that they were among their flocks in the performance of their pious duties. But they declined to trust themselves abroad in a land infested by sectaries and blasphemers. Dundas, the governor—Leven’s son-in-law—was their first spokesman; and he naturally attributed their reluctance to timidity, referring to the usage given to ministers in England and Ireland. Cromwell’s answer was: “No man hath been troubled in England or Ireland for preaching the Gospel; nor has any minister been molested in Scotland since the coming of the army hither.”² Words of truth, since it was not “for preaching the Gospel” that he left his bloody mark on Ireland. In a second letter, embodying the views of the ministers, they revealed their true grievance—that the sectaries would not permit them to take the command of the affairs of the country, or speak their minds about the sectaries and other evil-doers: “That it savours not of ingenuity to promise liberty of preaching the Gospel, and to limit the preachers

¹ Carlyle, ii. 211.

² *Ibid.*, 205.

thereof that they must not speak against the sins and enormities of civil powers, since their commission carrieth them to speak the Word of the Lord unto and to reprove the sins of persons of all ranks, from the highest to the lowest.”¹

Cromwell and they afterwards found a good deal of common ground to meet on; and if he had only favoured them on one point—if he had abjured that “damnable doctrine of toleration”—they might have been excellent friends. Even the embittered and sorely afflicted heart of Baillie was touched by the unexpected gentleness of the terrible sectarian. On his arrival in Glasgow “the ministers and magistrates flee all away. I got to the Isle of Cumbrae with my Lady Montgomery, but left all my family and goods to Cromwell’s courtesy, which indeed was great; for he took such a course with his sojourns that they did less displeasure at Glasgow nor if they had been at London, though Mr Zachary Boyd railed on them all to their very face in the High Church.”²

Let us now look in upon the young king or prince, and his small court or jail at Dunfermline, afterwards shifted to Perth. If his heart was not changed, it was from no deficiency of the preaching, prayer, exhortation, admonition, and all the apparatus of persuasion and threats available to the Covenanting community. Of the tone in which it was rendered we have perhaps seen examples more than enough. Of its effect those who dealt with it had a startling opportunity of judging. One morning—the 4th of October—they found, to their consternation, that he had escaped. There was immediate chase, and he was found in the wilds

¹ Carlyle, ii. 207. ² Letters, iii. 129. Of Mr Zachary, see above, p. 225.

of Atholl, desolate as a truant schoolboy who has run from his home without forecasting a place of refuge. There was, in fact, a plan, deep and formidable in its way, for gathering round him a loyal army of north Highlanders; but he went to the spot where he was to meet their chiefs too soon, and lost his opportunity.

On his return it was resolved that if his friends were to keep him, it should be in a shape available for political purposes by making him King. Arrangements were accordingly made for crowning him in Scone, where so many of his gallant ancestors had been anointed.

The 1st of January 1651 was the day appointed for the ceremony, and with one exception it was performed with all state and magnificence; for the "honours" of Scotland—the crown, sword, and sceptre—were at hand, and those who filled the offices of State in attendance. Argyle took precedence, and placed the crown on the king's head. The occasion was improved by Robert Douglas in a sermon which in this age would be deemed of monstrous length.¹

The preacher lifted his protest alike against Engagers who co-operated with the uncovenanted, the Remonstrants, who followed their own factious ends, and the Sectaries, who were for no monarchy. In his sermon, too, and a personal exhortation by which it was followed, he enlarged emphatically on the parental sins, which were to be repented of and avoided if the new monarch would escape wrath and condemnation.²

¹ The Form and Order of the Coronation of Charles the Second, King of Scotland, England, France, and Ireland, as it was acted and done at Scone the 1st day of January 1651. Printed at Aberdeen in 1651.

² Douglas had, according to tradition, an origin that also admitted of

The part omitted was the anointing. This omission was improved by the preacher, who referred to the unction as a rag of Popish and Prelatical superstition. Now, however, "by the blessing of God, Popery and Prelacy are removed. The bishops, as limbs of Antichrist, are put to the door; let the anointing of kings with oil go to the door with them." To compensate for this omission, the National Covenant and the Solemn League and Covenant were read over to the king, and again signed by him.

A new army now assembled under new conditions. To find these we must again grope our way through ecclesiastic intricacies. Half Scotland was occupied at that time in an attempt to solve the lesson intended to be taught in the defeat at Dunbar—the meaning of the Lord in His dealing with them, as it was termed. A looker-on with strong Prelatic prepossessions said: "There was great lamentation by the ministers, who now told God Almighty it was little to them to lose their lives and estates, but to Him it was great loss to suffer His elect and chosen to be destroyed, and many other such blasphemous expressions; and still crying out not to take in any of the Engagers, or to assert the kingdom of Christ by carnal or selfish means."¹ Cromwell threw back upon them, in their own peculiar style, but somewhat enriched and strengthened, some jeering taunts on the tendency of the lesson: "Although they

repentance for ancestral sins. He was supposed to be the grandson of George Douglas and Queen Mary—a sequel to the scandal referred to above. He was called by Wodrow "a great State preacher." He had been chaplain of the Scots troops in the service of Gustavus Adolphus, who esteemed him much. We shall meet with him as the colleague of James Sharp on a mission to the Court at the period of the Restoration.

¹ Walker, 183.

seem to comfort themselves with being sons of Jacob, from whom they say God hath hid His face for a time, yet it's no wonder, when the Lord hath lifted up His hand so eminently against a family as He hath done so often against this, and men will not see His hand—it's no wonder if the Lord hide His face from such putting Him to shame, both for it and their hatred of His people as it is this day.”¹

Here he touched a point on which many were perplexedly meditating and doubting. Was it possible that after all they were on the wrong side? They had asserted vehemently and positively that the defeat of Hamilton's army at Preston was a judgment for the adoption of the Engagement. And what of this heavier defeat? Immediately after the battle, and before the doubters had made up their minds to speak out, the General Assembly decreed a day of fasting and humiliation: it was to be held on the 15th of September; and an edict was issued, called “Causes of solemn public humiliation upon the defeat of our army, to be kept through all the Congregation of Scotland.” In this paper distinct “causes of The Lord's wrath” were stated, to the number in all of fourteen. They were all attributed to insufficiency of purgation; and, what is especially odd when one remembers how many things at that time were taken for granted without examination to find whether they existed or not, the insufficiencies were generally accidental through negligence, not from false intention. In fact the report on the causes of the Lord's dealing at Dunbar resembles a report on a railway accident or the explosion of a powder-manufactory, explaining how it

¹ Carlyle, ii. 206.

has been caused by neglect of the regulated precautions. Taken as one instance, perhaps the most serious of the defects on this occasion was "the leaving of a most malignant and profane guard of horse to be about the king, and who being sent for to be purged, came two days before the defeat, and were suffered to be and fight in our army."¹ Baillie, whose zeal was mingled with sense and worldly experience, tells a friend how he escaped responsibility as to the acceptance of these articles. "The Lord," he says, "in a very sensible way to me carried it so, that neither the Synod was troubled with me, nor the peace of my mind by them. I once inclined to absent myself, but behoved to return, not daring to take that course." But the course was taken for him; he was called out to speak with the Lord Cassilis on business—the business occupied his mind, the time passed unnoted, and when he returned all had been voted. Baillie was writing to his close friends Dickson and Spang, and so he reveals some weaknesses affecting his own favourite system of Church government, when some "did bring forth that strange remonstrance of the Synod, when Mr Patrick, obtaining a committee to consider the sins procuring the wrath of God on the land, did put such men on it as he liked best, and by them the framing of the draught was put upon himself;" which gives opportunity for this commentary: "I have oft regretted of late to see the judicatories of the Church so easily led to whatever some few of our busy men designed, but never more than in the particular in hand."²

The "Causes of The Lord's wrath" became a cele-

¹ Walker, 184; Peterkin's Records, 600.

² Letters, iii. 115.

brated paper, as in after-years it was made a test of guilt,—those who had given it positive support having committed an overt act of treason against King Charles II.

Others went farther than Baillie in dissent from this standard, and thought it lawful in the extremity to use such forces as were available. These were called “Resolutioners,” as those who were parties to resolutions for admission to public office, civil or military, of those who had been included in the Act of Classes. They acted rather in tacit understanding than by open testimony; and it is in the protestations and remonstrances uttered against them, rather than in their own account of themselves, that they stand forth as the supporters of a special policy. In the “sense of the Parliament” dealing with objections, the new policy is defined in these hesitating terms. “We have in this time of extreme danger to the cause and kingdom, after advice had from the commissioners of the General Assembly, admitted many who were formerly excluded to be employed in the army in this defensive war against the army of sectaries, who, contrary to covenant and treaties, have most perfidiously invaded and are destroying this kingdom, not daring to omit so necessary a duty for fear of a future danger which may ensue upon the employment of such.”¹ Baillie, who affords so many clear pictures of his times, loses his distinctness at this juncture, and lets us feel the perplexities of himself and others in the mistiness of his revelations:—

“We had long much debates about employing Malignants in our arms. Some were of opinion that the Acts of Church and State were unjust and for par-

¹ Act. Parl. (Old Record Ed.), vi. 555.

ticular ends from the beginning. All agreed that common soldiers, after satisfaction to the Church, might be taken in. But as for officers, noblemen, and gentlemen volunteers, they were not to be taken in at all, at least not without an eminent degree of evident repentance.

“The most thought they might be employed as soldiers, on their admittance by the Church to the sacrament and Covenant. As for places of counsel and trust, that this was to be left to the State’s discretion. However, when the case was clearly altered, and now there was no choice of men, the Parliament wrote to Mr Robert Douglas to call the commission extraordinarily : a quorum was got, most of these of Fife. The question was proponed; of the lawfulness of employing such who before were excluded. The question was alleged to be altered from that which Mr Gillespie writes of, and that whereto Mr Guthrie had solemnly engaged — a defence of our life and country, in extreme necessity, against sectarians and strangers, who had twice been victors. My heart was in great perplexity for this question. I was much in prayer to God, and in some action with men, for a concord in it. The Parliament were necessitate to employ more than before, or give over their defence. Mr Samuel Rutherford and Mr James Guthrie wrote peremptory letters to the old way, on all hazards. Mr Robert Douglas and Mr David Dick had of a long time been in my sense, that in the war against invading strangers our former strictness had been unadvised and unjust. Mr Blair and Mr Durham were a little ambiguous, which I much feared should have devised the commission; and likely had done so,

if with the loss of the west the absence of all the brethren of the west had not concurred. However, we carried unanimously at last the answer herewith sent to you. My joy for this was soon tempered when I saw the consequence—the ugging of sundry good people to see numbers of grievous bloodshedders ready to come in, and so many Malignant noblemen as were not like to lay down arms till they were put into some places of trust, and restored to their vote in Parliament.”¹

Again :—

“ Ane other inconvenient was like to trouble us, a seed of hyper-Brownism, which had been secretly sown in the minds of sundry of the soldiers, that it was unlawful to join in arms with such and such men, and so that they were necessitate to make a civil separation from such, for fear of sin and cursing of their enterprises. The main fomenters of these doubts seemed not at all to be led by conscience, but by interest ; for the officers of our standing army, since the defeat at Dunbar, being sent to recruit the regiments to the northern shires, did little increase that number, but taking large money for men, and yet exacted quarters for men which were not ; this vexed the country and disappointed the service. The officers, by the new levies, thought it easy to be recruited at their pleasure ; but ane Act passing, that the new levies should not recruit the old regiments, they stormed, and gladly would have blasted the new way for their own ends. Under these evils we wrestle as yet, but hopes for a good end of these divisions also ; in the mean time Cromwell is daily expected to

¹ Letters, &c., iii. 126.

march towards Stirling to mar the coronation, which, sore against my heart, was delayed to the 1st of January, on pretence of keeping a fast for the sins of the king's family on Thursday next. We mourned on Sunday last for the contempt of the Gospel, according to Mr Dickson's motion, branched out by Mr Wood. Also you see in the printed papers, upon other particulars the commission at Stirling, which appointed these fasts, could not agree. The Remonstrants pressed to have sundry sins acknowledged which others denied, and would not now permit them to set down as they would what causes of fast they liked. Surely we had never more cause of mourning, be the causes, what God knows, visible or invisible, confessed or denied, unseen or seen, by all but the most guilty. It cannot be denied but our miseries and dangers of ruin are greater nor for many ages have been—a potent victorious enemy master of our seas, and for some good time of the best part of our land; our standing forces against this his imminent invasion, few, weak, inconsiderable; our Kirk, State, army, full of divisions and jealousies; the body of our people besouth Forth spoiled, and near starving; they benorth Forth extremely ill used by a handful of our own; many inclining to treat and agree with Cromwell, without care either of king or Covenant; none of our neighbours called upon by us, or willing to give us any help though called. What the end of all shall be the Lord knows. Many are ready to faint with discouragement and despair; yet diverse are waiting on the Lord, expecting He will help us in our great extremity against our most unjust oppressors.”¹

¹ Letters, &c., iii. 127, 128.

So, had the western representatives been present, the dubious policy of the "Resolutioners" would probably have been outvoted. These western people drew apart and uttered their own testimony in a "remonstrance." Like so many of the papers of the day, those who composed it took the opportunity of setting forth a general code of policy both for Church and State; but when they touched on existing politics their utterance was clear and unmistakable—a thorough contrast to the hazy talk of the Resolutionists. Their position was, that the young man Charles Stewart was not at heart a sound Covenanter, and they who pretended to believe he was a sound Covenanter knew that he was not.¹ Henceforth these men stood apart as a peculiar people. They were called "Remonstrants," and sometimes "Protesters," and in later times "the wild westland Whigs." It was their doom ever to be unfortunate. It was not that they could possibly be in the wrong, but the Lord had hidden His face from them on account of the iniquity of the times. We shall hear of them twenty years later, with all their peculiarities hardened into them by the fire of persecution. Meanwhile they raised a considerable army. It was commanded by Colonel Archibald Strachan, an able soldier—the same who led the party against Montrose in Ross-shire. It is singular that of this man, who seemed for a few months to have the destinies of the country in his keeping, so little should be known. His name is not to be found in any biographical dictionary. He went just a step beyond the place assigned for "Scots worthies," and so was neither com-

¹ "The humble Remonstrance of the Gentlemen, Commander, and Ministers attending the Forces in the West;" Peterkin, 604.

memorated as friend nor enemy. It appears that he belonged to a class very acceptable to the zealous at all times. He was an awakened sinner—one of those whose early life was burdened with such a weight of sin that they feel as if all the world ought to do penance for it. If he joined either the king or Cromwell, it would alter the face of the contest; but he kept aloof from both. It was observed that he put himself out of the way of either, by taking his stand at Dumfries, in the south-western extremity of the country. Though a party of his followers had a skirmish with a part of Cromwell's army near Hamilton, yet he was suspected of favouring the sectaries. "Since the amendment of his once very low life," says Baillie, "he inclined much in opinion towards the sectaries; and having joined with Cromwell at Preston against the Engagers, had continued with them to the king's death." This was an occasion on which it was an offence to be on either side. He was brought to "content the commission of the Church for his error," but "at this time many of his old doubts revives in him."¹ The records of Parliament would make his conduct less doubtful, if we could believe in them. It is observable that the Estates met at Perth, with the king at their head, passing with all solemnity many Acts which dropped into oblivion. They took the initial steps of a prosecution against Strachan, as an abettor of the enemy, along with Dundas, who had traitorously, as they held, rendered Edinburgh Castle to the sectaries.²

¹ Baillie's Letters, iii. 112, 113.

² Summons against Colonel Archibald Strachan, Walter Dundas of that ilk, and others; Acts, vi. 548.

Wodrow had it from his wife's uncle, the husband of Strachan's sister, that "he was a singular Christian; that he was excommunicate summarily for his leaving them [with] the forces at Hamilton; that his heart was much broken with that sentence, and he sickened and died within a while; that he was so far from being upon Cromwell's interest, that he had the greatest offers made him by Cromwell, and refused them; that he had the general's place offered him of all Cromwell's forces in Scotland, and refused it."¹

To whatever direction his intentions tended, fate took the decision out of his hands. The army grouping round the king enlarged, and under David Leslie they fortified themselves on the height between Stirling and Falkirk, renowned in the days of Wallace as the Tor Wood. In vain Cromwell endeavoured to draw them out to battle. At length, after watching them for several months, he determined to take his own post at the other side of the king's. He crossed the Forth at Queensferry, and beating a force which attempted to intercept him at Inverkeithing, reached and occupied Perth. The way southward was now open, and the royal army did an act of unexpected decision and spirit. Silently and speedily they marched into England. It was the same strategy that brought Montrose to Scotland seven years earlier—the enemy's army was absent at the other end of the island. They passed through Yorkshire and beyond Staffordshire, a moving centre to which the Royalists of England were expected to gravitate, but these came only in small numbers.

It was of course obvious to Cromwell, that unless

¹ *Analecta*, ii. 86.

this small army were speedily sought and destroyed, it would reach London, where it might enlarge itself and renew the war in earnest. They had reached Worcester before he overtook them. Here, unless they could occupy some strong post on the Malvern Hills, it was clear that Worcester itself was the safest spot for a stand: it had a wall, with Gothic gates, strongly defensible before the days of artillery, and between them and the enemy was the rapid Severn. Nowhere else in the low country was there a post so defensible. The king and his attendants from the cathedral tower saw the enemy making a bridge of boats across the Severn where the Teme joins it a little way below the town. A party was sent to stop the making of the bridge; but it was either too late or too feeble for its purpose, and was driven back. This bridge united Cromwell and Fleetwood. The Scots made their chief stand at the Sudbury Gate—probably a large Gothic building like its neighbour, Edgar's Gate, still visible. The Scots occupied the castle, where, according to Cromwell himself, they "made a very considerable fight with us for three hours' space," until they were driven from it and its guns turned on them. While they continued the fight at Sudbury Gate, the king, who saw what the event was to be, made his escape with a few personal followers. His army was annihilated. This battle was fought on the 3d of September 1651, the first anniversary of the battle of Dunbar. "Indeed," says the victor, "this hath been a glorious mercy, and as stiff a contest for four or five hours as I have ever seen." So ended the great civil war. It was begun by the Scots—they partook in the first great victory over the royal party, and here they shared its

last battle and its conclusive defeat. Among the captives taken in the retreat or flight were David Leslie, and Middleton who became conspicuous in the reign of Charles II.

Monk was left in Scotland in command of five thousand men—a sufficient force to remove all impediments, now that Scotland was so drained of men, and that Edinburgh Castle had fallen. In Stirling Castle was found a deposit of public records, which were removed to the Tower of London. The fate of Dundee has attracted a mysterious and horrible interest. Two days before the battle of Worcester it was stormed. We are told that its large garrison was “put to the edge of the sword,” and that the inhabitants—men and women, old and young—were miscellaneously slaughtered. It was one of the privileges or “courtesies” established in the Thirty Years’ War, that if a town held out against a storm, it was handed over to the licence of the soldiers, who slaughtered and pillaged, as we may see in Callot’s etchings. But the enemy who had any chivalry in his nature permitted all the unwarlike inhabitants to be removed before the storming. Wanton cruelty was not one of Monk’s vices; and had the storming of Dundee been such a deed as some have described, it would have hung more weightily on his memory, and been more frequently referred to in contemporary history than it has been. There is nothing in local record to confirm the aggravations, and antiquaries have in vain tried to find where the crowd of sufferers was buried.¹

¹ Thomson’s History of Dundee, 72. Though local record gives no assistance to the story, local tradition—the parent of lies—gives ample contribution to it: “It is a tradition here that the carnage did not cease

Dundee had been selected as a city of refuge by those who had been driven out of Edinburgh, Glasgow, and Perth. When seeking safety there they took with them their valuable movables. Hence the town was a centre of critical interest to both parties. When Monk threatened the place, the Committee of Estates went in a body to arrange for its defence, and probably to get within its defences. They were at Alyth, a village in a hilly country some fifteen miles from Dundee. Monk sent five hundred horse under Colonel Aldriche to eject them, and it was noticed that in that force there were Scotsmen who knew the ways through the mountains, and served as guides.¹

It appears that when summoned to surrender, till the third day, when a child was seen in a lane called the Thester Row sneking its murdered mother."—Old Stat. Account, viii. 212. Mr Stuart Wortley, in his notes to Guizot's *Memoirs of Monk*, says: "Monk is charged with this atrocity on the authority of Ludlow, who says that he commanded the governor and others to be killed in cold blood. But we must recollect that Ludlow wrote long after (he finished his *Memoirs* in 1699) at a distance (for he wrote in Switzerland), and apparently, by internal evidence, very much from recollection. Moreover, Monk was one of those by whom he had 'seen their cause betrayed,' as he expresses it in his opening sentence; and he had a strong dislike to him, which often appears."—P. 61. Though not supported by Whitelocke, Clarendon, Baillie, or Baker, however, Ludlow's is not the only testimony to the charge. It is given by Sir James Balfour, the Lord Lyon, thus: "Monk commanded all, of whatsoever sex, to be put to the edge of the sword. The townsmen did no duty in their own defence, but were most of them all drunken like so many beasts. There were eight hundred inhabitants and soldiers killed, and about two hundred women and children."—Vol. iii. 314. Gumble, Monk's chaplain and biographer, improves on this story of the drunkenness. A treacherous boy climbed over the wall and told Monk "in what condition the town was, that at nine o'clock the strangers and soldiers used to take such large morning draughts—whether to make them forget the misery their country was in at that time, or their own personal troubles and losses—that before the twelfth they were most of them drenched in their cups; but they were more drunk with a vain security and confidence."—P. 43.

¹ Baker's *Chronicle*, 343.

Lumsden, the governor, gave a soldier's haughty answer—all he would do for his enemies was to give them a pass homewards. He was killed, but, as we are told, by a casualty, after it had been resolved to save his life. Every one who has visited Dundee must have noticed the church tower or belfry, built of massive masonry to a great height, and dark and sullen in the absence in the lower stages of windows or other openings to relieve the monotony of the walls. Here the last stand was made, until the defenders "were smothered out by the burning of straw."¹

We may believe that the assailants obtained much valuable plunder in the stormed city; but when it is said that it was at the time crowded by people of wealth and position, that tends to contradict the story of the slaughter, since the fate of such persons would be distinctly known.²

¹ On looking at this building, it will be seen that its windows have been built up at some remote period, and in absence of any other account of this closing up, we may presume that it was for the purpose of strengthening the post against Monk's attack. Few castles of the day were stronger than this ecclesiastical edifice. When it was drawn with its old openings—that is, with the old windows, according to the profiles and mouldings still visible—the grim unadorned tower became one of the richest and lightest specimens of that noblest of all forms of Gothic architecture, the transition between the first and second pointed.—See the engraving in Billings's 'Ecclesiastical and Baronial Antiquities.' It is singular that, in this age of ecclesiological zeal and costly restoration, a building should remain in deformity when the mere removal of a heap of stones would make it a noble ornament to a city possessed by an affluent and liberal community.

² The author of the Old Statistical Account says that in the parish registers of the town he can trace, as then present in it, "the Earls of Buchan, Tweeddale, Buccleuch, and Rosebery, the Viscount of Newburgh, the Lords Balcarras, Yester, and Ramsay, and the Master of Burley." But Douglas's Peerage, and other genealogical documents, do not show that these personages were slain at Dundee, or that the death of any of them occurred in 1651.

This was the last blow in Scotland to those who, whether as Covenanters or Cavaliers, supported the throne and the house of Stewart. A strong man armed had taken possession; but at last there came one stronger than he. Three infallibilities had successively held rule—the infallibility of Laud on the apostolic past; the infallibility of the Covenanters; now it was the turn of the infallibility of Cromwell and his army of saints. It exemplified a renowned saying, that Providence was to be found with that side which had brought the heaviest artillery into the field. Cromwell was keenly alive to the potency of that great arm of war, and his artillery was on a scale of which Scotland had previously little conception.¹

The new Government, whether we call it Protectorate or Commonwealth, was disposed—nay, it may be said with more accuracy, earnestly endeavoured—to treat Scotland fairly after its own way of dealing. In the State documents the empire was spoken of as “England,” as indeed it often is at the present day, after a habit sometimes provocative of protests by Scotsmen never loud enough to be heard. The ingenious idea of King James, adopted both in Parliamentary procedure and diplomacy after the Union of 1707—the idea of giving the new name of “Great

¹ A curious and impressive specimen of his “pommelling” will be seen in the wall-plate of the tower of Borthwick, twelve miles from Edinburgh. It is one of the thickest-walled and strongest of the square fortresses in Scotland, and its keeper thought he might even defy artillery. Cromwell wrote him a laconic letter, saying: “If you necessitate me to bend my cannon against you, you may expect what I doubt not you will not be pleased with” (Carlyle, ii. 228). A rough cavity torn into the flat ashler stone-work shows that a few more shots would have brought the enormous tower toppling to the ground.

Britain" to the two nations united under his sceptre —was not known, or if known, not followed. The ordinances which superseded Acts of Parliament in England and Acts of the Estates in Scotland were issued in the name of the Protector and Council, afterwards the Protector and Parliament, "of England." It was only when there were ordinances solely applicable to Scotland that this part of "England" was separately named. Thus there was no respect for the nationality of the Scots or for their "ancient kingdom." But there was much consideration for their welfare as a people, and for just dealing with their personal rights and obligations. To make a winding-up, as it were, of the quarrel concluded by Dunbar and Worcester, an ordinance of indemnity was passed: "His highness the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions thereunto belonging, being desirous that the mercies which it hath pleased God to give to this nation by the successes of their forces in the late war in Scotland, should be improved for the good and advantage of both nations, and the people of Scotland made equal sharers with those of England in the present settlement of peace, liberty, and prosperity, with all other privileges of a free people." This ordinance, passed by his highness "with the consent of his Council," was equivalent both to an indemnity for offences and a declaration of peace between England and Scotland. From the indemnity there were exceptions, including specially the royal family, the house of Hamilton, and some other persons of note, such as the Earls Marischal, Lauderdale, and Loudon. There was a general exception of the following classes: 1st, All mem-

bers of the Estates who did not concur in "the great protestation" against the resolution to send Hamilton's army into England, "and all who served in that army;" 2d, All who attended Parliament or the Committee of Estates after "the coronation of Charles Stuart;" 3d, All who took arms for "the said Charles Stuart" after the battle of Dunbar, or followed him to Worcester. There were complicated clauses for preserving any claims over the estates thus forfeited held by persons not implicated in the cause of forfeiture.¹

There was one man in Scotland so powerful that he became the object of a separate policy. Argyle fortified himself in his Highland fastnesses. He proposed to hold a meeting of the Estates at Inverary, to which Huntly and other Royalists were invited.² To subdue him would be an affair of time and difficulty, and would demand a kind of warfare to which English forces were unaccustomed. The alternative, however, was either subjugation or direct alliance. Both parties preferred the latter alternative, and he entered on treaty with "Major-General Richard Deane on behalf of the Parliament of the Commonwealth of England." By this treaty the marquess engages "that he shall neither directly nor indirectly act or contrive anything to the prejudice of the Parliament of the Commonwealth of England, their forces, or authority exercised in Scotland, but shall live peaceably and quietly under the said Government." He is to use

¹ Declarations, Orders, and Ordinances, ii. 231.

² "Letters that the Lord Argyle had called in Parliament, and that Mr Alexander [Andrew] Cant, a minister, said in his pulpit 'that God was bound to own that Parliament. That all other Parliaments were called by man, but this was brought about by His own hand.'"—White-locke, 489.

“the utmost of his endeavours” that in this his vassals and followers shall follow his example. On the other hand, the representative of the Parliament agrees that he shall “enjoy his liberty, estate, lands, and debts, and whatever duly belongs unto him, from all sequestration and molestation of the Parliament of the Commonwealth of England.” The treaty is not to interfere with his “good endeavours for the establishing of religion according to his conscience,” provided this be not accomplished by any act of hostility or force.¹ The significance of this paper is in its testimony to the great power acquired by the western potentate, and in this sense it connects itself with subsequent events.

One important thing had yet to be done. The theologians who had kept Scotland in uproar for so many years had to be silenced as well as the politicians. The two opposing parties—the Resolutioners and the Remonstrants—were girding their loins for a war of extermination. After a long contest, with much surrounding disturbance, the end would be that the majority would drive forth the minority. In July 1653 the General Assembly met in Edinburgh, each side charged with material for hot debate. What occurred on that occasion can best be told in the words of Baillie, both an eyewitness and a sufferer:—

“Lieutenant-Colonel Cotterel beset the church with some rattes of musketeers and a troop of horse. Himself (after our fast, wherein Mr Dickson and Mr Douglas had two gracious sermons) entered the Assembly House, and immediately after Mr Dickson the moderator his prayer, required audience, wherein

¹ Articles of Agreement, &c. ; Kirkton, 105, n.

he inquired if we did sit there by the authority of the Parliament of the Commonwealth of England, or of the commander-in-chief of the English forces, or of the English judges in Scotland. The moderator replied that we were an ecclesiastical synod, a spiritual court of Jesus Christ, which meddled not with anything civil; that our authority was from God, and established by the laws of the land yet standing unrepealed; that by the Solemn League and Covenant the most of the English army stood obliged to defend our General Assembly. When some speeches of this kind had passed, the lieutenant-colonel told us his order was to dissolve us; whereupon he commanded all of us to follow him, else he would drag us out of the room. When we had entered a protestation of this unheard-of and unexampled violence, we did rise and follow him. He led us all through the whole streets a mile out of the town, encompassing us with foot companies of musketeers, and horsemen without, all the people gazing and mourning as at the saddest spectacle they had ever seen. When he had led us a mile without the town, he then declared what further he had in commission—that we should not dare to meet any more above three in number, and that against eight o'clock to-morrow we should depart the town, under pain of being guilty of breaking the public peace; and the day following, by sound of trumpet, we were commanded off town, under the pain of present imprisonment. Thus our General Assembly, the glory and strength of our Church upon earth, is by your soldiery crushed and trod under foot, without the least provocation from us at this time, either in word or deed. For this our hearts are

sad, our eyes run down with water, we sigh to God, against whom we have sinned, and wait for the help of His hand; but from those who oppressed us we deserved no evil.”¹

The last shred of separate national organisation was now gone, and for some years history is dormant in Scotland. It was nearly so in England too. The policy of Cromwell and his body of able assistants was to fuse the two countries into one republic. The history of the island centred in its achievements abroad, and in these Scotland took her share. It was an occasion calling forth the highest ability; for England, having no longer a sovereign, had lost position in the diplomatic ranking of European States, and could calculate on gaining or holding nothing save by sheer force. Scotland supplied to the Commonwealth one of its best generals, and by far its best diplomatist, in Sir William Lockhart. He it was who braved Richelieu, and made the Court of France forget its chivalry in a close alliance with the Protectorate. By an achievement uniting both military and diplomatic skill, he took Dunkirk out of the hands both of France and Spain.²

If the Scots had not their full share in the government of the republic, their own shyness to serve in it was the reason. Warriston brought great scandal on himself by yielding to the seductions of the Protector. He took office, and became a member of Cromwell's House of Lords, or “the other House,” as it was

¹ Letters, &c., iii, 225, 226.

² For some notices of Lockhart the author refers to his book called ‘The Scot Abroad,’ ii, 230.

called; and he became the chairman of the celebrated Committee of Public Safety.

The Court of Session was superseded by a commission of justice. Its members were called "the English judges," but they were of both kingdoms. In the first commission there were four Englishmen and three Scotsmen. In the "precedents" cited by the commentators on the law, or brought up in pleadings to support forensic arguments, the decisions of this court are naturally passed by. They left, however, an impression that they were honest; and there is a well-known anecdote accounting for this virtue without allowing merit to the owners—because they were "kinless loons," or persons under no pressure of family influence in the discharge of their duty. There is another tradition of a more general character—that their method of procedure did much to create the voluminous essays, mixing up law, fact, and general ethical reasoning, which came to be a heavy reproach to the method of pleading in the Scottish courts of law. The men, it was said, required not merely to be reminded of the law, like learned judges, but had to be absolutely instructed in it. A collection of their decisions is preserved. It carries the impression of much painstaking, and is just as technical and absolutely shut to the intelligence of the uninitiated as many of the other "practics" of undoubted native growth.¹ This

¹ The men who went over the voluminous pleadings, abbreviated in such terms as these, certainly gave testimony to their earnest intentions: "A general and special declarator of the single escheat of umquhile Mr Patrick Ruthven, being pursued at the instance of John Clerk, merchant and burges of Edinburgh, against the tenants of Redcastle and the Laird of Ruthven. *Excepted* that there could be no declarator,

court had to deal with a great revolution in the law, to be presently noticed—the abolition of the feudal system, and the commutation of the pecuniary interests arising out of the obligations thus thrown loose. But perhaps to men to whom the old part of the law was as much a novelty as the new, this duty might fall more easily than on the experienced adepts trained in an old established system.

In the few years of quietness thus inaugurated, the most important transaction was an attempt to accomplish an incorporating union of England and Scotland. A body of commissioners was sent to Scotland to adjust difficulties and endeavour to obtain co-operation in the proposed union. This commission contains eminent names—it consisted of Saint John, the younger Vane, General Lambert, General Deane, General Monk, Colonel Fenwick, Alderman Tichburne, and Major Sallowey.¹ These commissioners desired that delegates might be sent from the counties and burghs, chosen like commissioners to the Estates, to treat with them on the proposed union. The proposal was received with lassitude and distaste rather than active opposition. Of thirty-one shires, representatives came from eighteen, and of fifty-six burghs twenty-four were represented.² We know little of the deliberations of this assembly beyond the general conclusion

because the homing whereon the gift of escheat and declarator is grounded bears Sir Francis to be denounced at the market-cross of Edinburgh, whereas by the Act of Parliament all homings whereupon gifts of escheat are purchased ought to be used at the market-cross of the head burgh where the party denounced dwells," &c.—Clerk *contra* Ruthven, 30th November 1655; ‘The Decisions of the English Judges during the Usurpation, from the year 1655 to his Majesty’s Restoration and the setting down of the Session in June 1661. 1762.’

¹ Whitelocke, 487.

² *Ibid.*, 502.

that they gave their assent to the proposed union. The union was ratified by an ordinance of the Supreme Council of the Commonwealth of England in 1654. It proceeded on the preamble, that "taking into consideration how much it might conduce to the glory of God and the peace and welfare of the people in this whole island, that, after all those late and unhappy wars and differences, the people of Scotland should be united with the people of England into one commonwealth and under one government; and finding that in December 1651 the Parliament then sitting did send commissioners into Scotland to invite the people of that nation into such a happy union, who proceeded so far therein that the shires and burghs of Scotland, by their deputies convened at Dalkeith, and again at Edinburgh, did accept of the said union, and assent thereunto."

The fundamental clause of the ordinance was, "That all the people of Scotland, and of the Isles of Orkney and Zetland, and of all the dominions and territories belonging unto Scotland, are, and shall be, and are hereby, incorporated into, constituted, established, declared, and confirmed one commonwealth with England; and in every Parliament to be held successively for the said Commonwealth, thirty persons shall be called from and serve for Scotland." It was a condition of this union, that Scotland be "discharged of all fealty, homage, service, and allegiance, which is or shall be pretended due unto any of the issue and posterity of Charles Stewart, late King of England and Scotland, and any claiming under him."

For the armorial bearings and the public seals of the united Commonwealth, it was provided "that the

arms of Scotland—viz., a cross, commonly called St Andrew's cross—be received into and borne from henceforth in the arms of this Commonwealth as a badge of this union; and that all the public seals, seals of office, and seals of bodies civil or corporate, in Scotland, which heretofore carried the arms of the kings of Scotland, shall from thenceforth, instead thereof, carry these arms of the Commonwealth.”

The thirty members for Scotland stood against four hundred for England. The proportion was probably unequal, whether measured by population or wealth. But when the armed command held by England over Scotland at that time is looked at, it will also be seen that there was courtesy and moderation in the scheme which, in words, if not in spirit, treated the two communities as independent contracting parties. Still Scotland dealt with this new constitution languidly. Representatives were sent to the Parliament of 1654—twenty from the counties and ten for the burghs. It is observable, however, that several of these representatives were Englishmen—whether to save the expense attending on the removal of Scotsmen to London, or from some other cause. That Parliament was impracticable under the other conditions of the Protectorate Government, and its ephemeral existence is a small section of English history. With this Parliament the Union, as a representative institution, disappeared; but it had another form of action, imparting a beneficence of which the people of Scotland were too unconscious until they lost it at the Restoration. This was the establishment of free-trade between the two countries. This great boon lies almost hidden in a provision of the

ordinance : "That all customs, excise, and other imposts for goods transported from England to Scotland, and from Scotland to England, by sea or land, are and shall be so far taken off and discharged, as that all goods for the future shall pass as free, and with like privileges, and with the like charges and burthens, from England to Scotland, and from Scotland to England, as goods passing from port to port, or place to place, in England ; and that all goods shall and may pass between Scotland and any other part of this Commonwealth or dominions thereof with the like privileges, freedom, and charges, as such goods do and shall pass between England and the said parts and dominions." ¹

Thus commerce was as free between Caithness and Middlesex as between Middlesex and Lancaster. The great arena of commercial enterprise centred in England was opened to the energetic and industrious Scots. Of the beneficent influence likely to follow such an opening up in a period of profound peace, we can only form an estimate by remembering the rapid progress in wealth and civilisation accruing to Scotland when the Union of 1707 got free action at the conclusion of the insurrections forty years afterwards. It was a help rather than an impediment to the influence of the free-trade, that, in conformity with Cromwell's military policy, the country was dotted with fortresses. Raised and armed according to the most recent defensive science, they seemed to the eye less formidable than the great feudal towers dispersed over the country. But they were infinitely more powerful ; for although mere earthen mounds, they were mounted

¹ Bruce, Appendix No. xxvii. p. cciii.

with heavy cannon, and held by garrisons well drilled to serve them. When, as we shall see, the Highlanders were restrained, the industrious Lowlander could raise agricultural produce and manufacture mercantile commodities undeterred by the bitter misgiving that any night the whole fruits of his vigilance and industry might disappear in pillage and destruction. Under these conditions, even in the very few years while they lasted, the country prospered. There was a theoretical discontent—a latent protestation against the whole arrangement, and a loyal desire to see King Charles II. restored. But it had little active vitality; and perhaps it was in human nature that the material prosperity of the people soothed such political irritation as came of mere abstract principles, and preserved the general lull.

There is an interesting example of this spirit of the immediately practical, of which the Protectorate Government was full, in a document bearing the date of 1656, called a ‘Report by Thomas Tucker upon the Settlement of the Revenues of Excise and Customs in Scotland.’¹ In the language of the dealer it might be called “taking stock” of Scotland’s share in the new partnership. The chief object was no doubt to find and draw upon the most available sources of revenue; but the inquiry to this end brought forth information valuable for other purposes. In the words of the editor, it “contains some curious and apparently very authentic information relative to the trade and shipping of Scotland in the year 1656;” affording, besides the proper details about the collec-

¹ Printed and presented to the Bannatyne Club by John Archibald Murray, afterwards Lord Murray, in 1825.

tion of the customs and excise, some account "of every harbour and creek upon the coast to which vessels resorted at that time."

Tucker's details—especially about shipping, which are the most specific—afford curious elements for comparison. The trade with the New World had yet hardly opened on the west coast, and the great bulk of the shipping was along the edge of the German Ocean, where there was an open and straight seaway to Denmark, North Germany, Holland, and Scotland's ancient ally. The great trading centre was the Firth of Forth, and Fifeshire had more shipping than any other county. The small shallow creeks, unfit to furnish harbours for the large vessels of more recent times, were a shelter and haven to the small craft of that day, as they are to the fishing-busses of the present.

Leith was, in the eye of Cromwell's commissioner, the natural centre of trade and civilisation, and the hope of Scotland's future. The place was strongly fortified by Cromwell; it was far more suitable for his school of fortification than the castle rock of Edinburgh. The commissioner's comment on the two has some interest as a touch of the utilitarian spirit of the age: "The town of Leith is of itself a pretty small town, and fortified about; having a convenient dry harbour into which the Firth ebbs and flows every tide, and a convenient quay on the one side thereof, of a good length, for landing of goods. This place formerly, and so at this time, is indeed a storehouse, not only for her own traders, but also for the merchants of the city of Edinburgh, this being the port thereof. And did not that city, jealous of her own

safety, obstruct and impede the growing of this place, it would, from her slave, in a few years become her rival. For as certainly the Castle of Edinburgh did first give the rise and growth to that city, by inviting people in the time of their intestine troubles to plant and settle there, for settling themselves under the strength and security thereof; so now, in time of peace, the situation of this town, and all other circumstances concurring to the rendering it fit to prove the most eminently mercantile and trading place of the whole nation, would soon invite the inhabitants of that city to descend from their proud hill into the more fruitful plain, to be filled with the fulness and fatness thereof.”¹

There were fourteen vessels in Leith—the largest number in any port in Scotland. Three ports next in order, as each possessing twelve vessels, make a conjunction, much altered in later times — Montrose, Kirkealdy, and Glasgow. But capacities for trade are appearing in the “Venice of the west”: “This town, seated in a pleasant and fruitful soil, and consisting of four streets handsomely built in form of a cross, is one of the most considerable burghs of Scotland, as well for the structure as trade of it. The inhabitants, all but the students of the college which is here, are traders and dealers—some for Ireland with small smiddy coals in open boats from four to ten tons, from whence they bring hoops, rungs, barrel-staves, meal, oats, and butter; some for France with pladding, coals, and herring, of which there is a great fishing yearly in the western sea, for which they return salt, paper, rosin, and primes; some to Norway for

¹ Page 25.

timber; and every one with their neighbours the Highlanders, who come hither from the Isles and western parts."

There is a brief note of the germ—puny and precarious—of the great Transatlantic trade of the Clyde: "Here hath likewise been some who have adventured as far as Barbadoes; but the losses they have sustained by reason of their going out and coming home late every year, have made them discontinue going thither any more."¹

In Renfrew there are "three or four boats of five or six tons apiece;" and "in Irvine three or four, the biggest not exceeding sixteen tons." There is no more shipping on the west coast, but it is noticed that English traders are frequenting the estuary of the Clyde.

It fell to Mr Tucker and the other commissioners of the revenue to deal with a curious social phenomenon. The revenue was farmed, so that its collection fell to the highest bidder who was in a position to carry his offer into effect. The competition was keen, but of a peculiar kind. It worked itself into conjunction with the feudal spirit of the country. The great man, or the man who was trying to make himself great by aggrandising himself in lands and seignorial rights, sought the power of collecting the taxes as a valuable acquisition for furthering his objects. It made a material addition to the power he had before. Now, however, the customs were to be recast, and, with the new duty of excise, to be used for materially increasing the revenue. To this end, on a mere pecuniary consideration, English adventur-

¹ Page 38.

ers would be the more suitable farmers, but they did not know the nature of the people:—

“Therefore, duly weighing as well the quality of the farmers as having a regard to the temper and humour of the people, and finding part of the farmers to be English and not acquainted either with the thing, persons, or places, and the rest Scots, and in this respect more qualified and less obnoxious, but naturally rigid exacters, apt to avenge private quarrels or discontents under colour or pretext of public employment, and most of them generally strangers to the particular work in which they engaged. And considering withal the people on the other side, through poverty and an innate habit of their own, to be cross, obstinate, clamorous, and prone to apprehend every action an oppression or injury, and again to repel both either with noise or force.”¹

The commissioners resolved to try a middle course—to farm the revenues, but to reserve to themselves that ultimate power of enforcement which they saw to be productive of many social irritations: “To reserve the judicial part in themselves, and to give the farmer only the collective power, which was done accordingly.”

The result of this project was utter failure; and as the Commonwealth could not afford to lose a revenue for the sake of social quiet and good fellowship, the farmers were, in the significant language of the commissioner, “let loose” again upon their natural victims and enemies: “Very few or none would pay any moneys, suffer any distress, or obey any summons; insomuch that the commissioners were enforced to

¹ Page 12.

retract their former resolutions, and to let the farmers loose to the full execution of all the powers and authorities of the several Acts and ordinances, but against and upon such only as should refuse to give due obedience, that so they might have a just sense that the commissioners did still retain and should have continued their first tenderness towards them." The result was, that "every one, acted by his fear and the expectation he had of suffering the penalties of the law, began to provide for his own peace and security by a timely conforming, and so made way for the more easy and vigorous carrying on of things in the future."¹

We have here a very expressive token of the powerful pressure attained in the seventeenth century by the feudal system in Scotland, where indeed it was at all times more effective than the prerogative or any other central authority. Perhaps those who were so eager to farm the revenue expected thus to obtain compensation for the loss of the feudal prerogatives in their old established form. Among the projects of the Protectorate completed upon paper was the sweeping away of the whole complex machinery of the feudal system in Scotland. In the first place, there was to be a restraint on the feudal power of the territorial chiefs, by abolishing those portions of their authority which made them judges in courts of law, and entitled them to the military attendance of their vassals. In mere technical language, it was the abolition of heritable jurisdictions and of military service. It left to the feudal superior all that he was entitled to in the shape of beneficiary

¹ Page 13.

profit—all that consisted in money, or civil services convertible into money. The vassals holding under any deeds or charters were to continue to hold “by and under such yearly rents, boons, and annual services as are mentioned and due by any deeds, patents, charters, or enfeoffments now in being, of the respective lands therein expressed, or by virtue thereof enjoyed, without rendering, doing, or performing any other duty, vassalage, or command whatsoever.” Thus, upon paper at least, the Government of the Protectorate achieved that social reconstruction which, on its actually coming into effect after the suppression of the insurrections, received unanimous applause from politicians and historians.¹ But the restraint of the military and judicial power of the feudal lords was not all. Commerce in land was to be freed from impediments. Tracts of land were in a state of transition from “roums,” or realms, as they used to be called, to be estates in the modern sense of the term. The feudal system was a heavy burden on commerce in this sort of valuable property. The system had been invented for military tenure, and was hostile to anything that deprived the overlord of his proper vassal. The person who desired to purchase an estate had hence heavy impediments in his way, and he could only overcome them by a sort of bribery, or the payment of a “casualty.” The old military notion clung so closely to all questions of land-right, that the person who had thus got over the feudal difficulties, and put himself in possession as actual owner and occupant of the land, was said to

¹ The ordinance will be found in Scobell's Collection, and in the Appendix (No. xxvii. p. cciii) of Bruce's Report on the Union.

have acquired it by "conquest," to distinguish him from the hereditary successor to a family domain; and the term "conquest" has remained in use down to the present time. Thus this project contemplated not only the extinction of the military command over their vassals belonging to the superiors, and also of their jurisdiction over them as hereditary judges, but it went still farther. It cut away all the nomenclature and usages of the system, so that even for the mere purpose of accommodating the feudal system to the commerce in land, there should be no such relation as superior and vassal.¹ It enables one to realise the breadth of such a project, to say that, after countless statutes modifying and adjusting the feudal usages to modern utility, this conclusive extinction of its vestiges is at the present moment making its way through Parliament.

As in this measure, so in that of the Protectorate—there was provision for everything that could be

¹ "That all and every the heritors and others, the persons aforesaid and heirs, are and shall be for ever hereafter freed and discharged of and from all suits, and appearing at or in any of their lords' or superiors' courts of justiciary, regality, stewardry, barony, bailiary, heritable sheriffship, heritable admiralty—all which together, with all other offices, heritable or for life, are hereby abolished and taken away; and that all and every the heritors and persons aforesaid and their heirs are and shall be for ever hereafter freed and discharged of and from all military service and personal attendance upon any their lords or superiors in expeditions or travels, and of all casualties of wards, lands formerly held of the king and other superiors, and of the marriage, single and double, avail thereof, nonentries, compositions for entries, and of all rights and casualties payable if they be demanded only, or upon the committing of any clause irritant; and that the said heritors and persons aforesaid be now and from henceforth construed, reputed, adjudged, and declared free and acquitted thereof."—Bruce's Report on the Union, p. cex.

deemed a vested interest, if it were in a shape to be estimated in money. The investigations for the accomplishment of this revolution were probably what revealed a valuable institution for facilitating and protecting the commerce in land in Scotland—an institution struggling now into existence in England, and anticipated by Cromwell. This was the system of Registration. Its germ is in an institution of the Empire. The notaries, who were imperial officers, were bound to keep protocol-books containing transcripts of the deeds and documents prepared by them. On this usage was raised a system of records of land-rights, in which the record was the supreme title, not to be contradicted by an unrecorded private deed.¹ When Cromwell attempted an imitation of this system in England, he found that “the sons of Zeruah,” meaning the common lawyers, were too strong for him.²

These things testify to much enlightened forethought; but we must look both at what was given as well as what was taken away, before we determine that the great Protector was more than two hundred years beyond his age. When he extinguished the feudal powers throughout the country, he laid down

¹ See “A Notice on the Subject of Protocol-books as connected with Public Records,” by David Laing, Esq., F.S.A., Scot.; Proceedings of the Soc. of Ant. of Scotland, iii. 350.

² The method in which this strength was shown is described by Ludlow with thorough distinctness: “Upon the debate of registering deeds in each county, for want of which, within a certain time fixed after the sale, such sales should be void, and being so registered, that land should not be subject to any incumbrance. This word ‘incumbrance’ was so managed by the lawyers that it took up three months’ time before it could be ascertained by the committee.”—Vol. i. 370.

in it twenty-eight fortresses, and kept in them permanent garrisons out of an army varying from five to nine thousand men. While this was the necessary alternative, it is an open question whether the time for the entire abolition of feudality in Scotland had yet come. At the same time, an organisation resembling the Justice of Peace system in England was created for Scotland by an ordinance for the erection of Courts Baron, to be administered by that class whose feudal authority had been suppressed.

The central power of the new Government enabled it to accomplish other measures of advantage unquestionable. There had been some early attempts to open postal communication between England and Scotland with but slight success. In 1656 the service was organised, in fulfilment of reasons well and briefly put thus:—

“Whereas it hath been found by experience, that the erecting and settling of one General Post-Office, for the speedy conveying, carrying, and recarrying letters by post to and from all places within England, Scotland, and Ireland, and into several parts beyond the seas, hath been and is the best means, not only to maintain a certain and constant intercourse of trade and commerce betwixt all the said places, to the great benefit of the people of these nations, but also to convey the public despatches, and to discover and prevent many dangerous and wicked designs which have been and are daily contrived against the peace and welfare of this Commonwealth.”—

By the ordinance so announced, the organisation was put under the direction of “a postmaster-general” and “a comptroller of the post-office.” A

scale of charges was established, among which the postage of a single letter between Scotland and London was fixed at fourpence.¹

The plan for the Union was accompanied by efforts to reconstruct the Church. The closing of the General Assembly was like clearing the inhabitants out of a street on fire.² But if the clergy were saved from a conflagration, mischief of another kind must arise if they were left unregulated to act separately, or in small groups as presbyteries. There must be some central power to regulate the action of these separate corporations, or of the respective clergy if they were to act in isolation, otherwise there would be infringements and strife. There were questions about temporalities, and the due appointment to these along with the functions of the ministry, which could not be left to spontaneous action in each parish. Some central tribunal, whether clerical or secular, must adjust them.

But what suggested the closing of the Assembly left difficulties in the path of any adjustment. The two contending parties—the Resolutioners and Protesters—though restrained from flying at each other's throats, continued, in their compulsory restraint, to nourish their hatred of each other, and were each prepared to recommence the war of extirpation whenever

¹ Ordinance of the Protector in Parliament, 17th December 1656.

² The historian of the sufferings entered this memorandum in his private note-book: "I find some that favour the memory of Oliver Cromwell, excuse the acting of Cromwell in this Church, and say they were out of kindness. That he would not suffer any more General Assemblies to sit after 1652, because they would have deposed one another, and the rent would have still increased. That he indicted fasts and thanksgivings himself, and prescribed the days and causes, out of a regard to the peace of the Church, because, as he thought, the Protesters and Resolutioners would make each other causes of their fasting."—*Analecta*, i 274.

a clear arena was opened to them. For the ends of the Protector's Government there was a perplexing cross-play of compatibilities and incompatibilities between the two. The Protesters, who abjured Charles Stewart, seemed in that act to be open for alliance with the Commonwealth; but they abjured also all interference by the civil power with that great area of dominion claimed by them for the authority of the spiritual power, and these claims were not easily compatible with the supremacy of the Commonwealth. The other party were more amenable to civil rule; but what they wanted was the civil rule of the old Scots line of kings. Cromwell called up leading men from both sides, and held conferences with them. As these discussions had no distinctive permanent influence, they are not likely to interest any but those who study the more obscure intricacies of Church history. What appears on the surface is, that Cromwell found the Resolution party the more tractable of the two. One member of this party, afterwards famous, began at this time to found an influence which helped him into the sinister path of his celebrity—this was James Sharp. He either was, or made himself appear to be, so well listened to at the Protectorate Court, that he was believed to be the proper man to represent his party there when any crisis should come. The end of the conferences was, that an ordinance was issued in 1654, "taking away," as a succinct clerical author puts it, "the ordinary powers of Church courts previously established, and dividing Scotland into five precincts, in every one of which a few ministers, with others, were appointed to give testimony in order to the admission of ministers (four being sufficient for this

charge in every province), so that ten ministers and ten other persons might exercise the power of planting churches for the whole of Scotland.”¹

The Government had the command of the stipend, the manse, and the church itself; and if it could not well raise the question how far a suspected minister should be permitted to retain possession, it could put a practical veto on the new man wherever there came a vacancy. That the Protesting or Remonstrant party were hostile to Charles Stewart, while the Resolutioners befriended him, naturally influenced the result, even although the Government would have preferred alliance with the Resolutioners. Thus Baillie in his lamentations says: “When a very few of the Remonstrants and Independent party will call a man, he gets the kirk and the stipend; but when the presbytery, and well near the whole congregation, call and admit, he must preach in the fields or in a barn without stipend.”² The question of praying for the king, naturally declared to be an offence against the Protectorate Government, forced these questions of ecclesiastical politics on those most desirous to let them alone. This was a negative duty to which the Remonstrants were ready to conform. But the old Covenanting party held by him whom they had themselves made a Covenanting king, and in many instances sacrificed themselves by continuing to pray for him by name.

Some difficulties, created by their political condition, in reference to one great religious principle where they were in harmony, may have a harsh sound in the

¹ Principal Lee's Lectures on the Church of Scotland, ii. 376.

² Letters, ii. 371.

present day ; but it is one that ought to be listened to, if we would understand fully the spirit of the period. Both parties had a hearty horror of the new doctrine of toleration. But when the Remonstrants sought favour with the existing rulers, were they not conniving with that swarm of sectaries in which the detested doctrine had been born and bred ? The difficulty was rendered all the more grotesque by this, that the Remonstrant party were far more fierce and vehement in their testimony against toleration than the old Presbyterians, who had something like a misgiving towards a very clamorous proclamation of that peculiar article of their faith. So far on in the Church's bondage as the 11th of April 1659, Baillie says : "Understanding a design of the Remonstrants, some weeks before the Synod, to have a petition sent up to the Protector and Parliament against toleration," he calls on his friends to beware of that design, giving reasons, of which a portion will suffice : "This petition will be a formal address to the present power as the supreme magistrate, which no Church judicature in Scotland had ever yet attempted." "The petition to preserve that part of our Covenant which toleration destroys, with silence of all other articles of our Covenant which now are openly laid aside and destroyed, does avow our contentment with, or neglect of, the violation of the other articles against which we do not petition." He suspects that such a testimony against toleration cannot be "full," looking to those it is addressed to, since "we must be silent of Independents, Anabaptists, and Erastians, these being the chief statesmen who must agent our petition." ¹

¹ Letters, &c., iii. 393.

The somewhat gloomy quietness following the pacification and the firm establishment of the Protectorate was disturbed by an affair known as "Glencairn's Expedition." William Cuninghame, Lord Glencairn, applied to the exiled Charles for a commission to command such a force as he might gather in Scotland. The careless exile could see no harm to himself in granting such a request, and in August 1653 Glencairn appeared in the West Highlands as the royal commander-in-chief. The project at once declares itself as an imitation of Montrose's expedition of ten years earlier, but it was a very bad imitation. Such achievements depend on the man who can invent the most effective combination for the occasion, and are not available to the mere imitator. The Highlanders were of course ready to join in hostility to a Government which brought them under the direst of all rules in compelling them to be at peace and abstain from plunder. Several heads of clans brought a following with them. Glengary came with two hundred, Cameron of Lochiel and Lord Athole with a hundred horse and twelve hundred foot. But it was said that the Highland leaders seemed more desirous to command than to obey—in short, they did not find themselves under the master who could handle a Highland army, and were therefore useless.

He was superseded, and the command conferred on Middleton, who had been originally intended for it. He was a man of a soldierly type who had seen hard service, and was not, as we shall have opportunity of seeing, very scrupulous. When he arrived at the camp a muster was ordered, "that he might examine how the men were armed and mounted, and know

with certainty what he had to depend upon. They were mustered, accordingly, about the middle of March; and their number consisted of three thousand five hundred foot and one thousand five hundred horse, three hundred of which were not well mounted or armed."

The new general was presently witness to a scene that exemplified the character of the army handed over to him. It was at a banquet given by Glencairn at his headquarters at Dornoch. The entertainer called a toast to "the gallant army" which he and his friends "had raised out of nothing." Immediately Sir George Monro started from his seat, and interrupting Lord Glencairn, said: "By God! the men you speak of are no other than a pack of thieves and robbers—in a short time I will show you other sort of men." There was a competition for the honour of resenting this, but the quarrel remained between Glencairn and Monro. Then follows the delivery of a challenge with a picturesqueness that might suit a novel-writer. There is a merry supper with the Laird of Ducherie, his daughter playing on the virginals—the piano of the day. Monro's brother appears, and is heartily received by Glencairn, who "saluted him at the hall-door as being very welcome, and made him sup with him, placing him at the head of the table next the laird's daughter. The whole company were very merry. Immediately after supper he told Monro that he would give him a spring if he would dance—which accordingly he did, the laird's daughter playing. Whilst the rest were dancing, his lordship stepped aside to the window and Monro followed. They did not speak a dozen words together." Thus they con-

certed a duel fought with bloody bitterness, and only not fatal because Monro was disabled and the hand of the other held from slaying him.

One advantage came from a change of commanders. The new man was not to be responsible for keeping what had never been gained. Accordingly, like a new steward entering in possession, he rendered an account of the condition of the enterprise, and thus dispelled some flattering visions: "Exaggerated reports had been sent to Holland of the number of men in arms—they were only prophetically, not actually, true; and if Middleton had not hastened over, and previously sent Major-General Drummond, things had not lived long." "Middleton has a hard task to a great disadvantage, but has hitherto managed it so well that there is no doubt of success. The business, although its growth is not hasty, is in constitution healthy and strong; nor is its stature so contemptible as to expose it to scorn." Such was the tenor of the reports to the exiled Court, and evidently they were not likely to excite hope or enthusiasm.¹

Middleton, a thorough child of the Thirty Years' War—an apt pupil in its school of cruelty and rapacity—was to do something to conciliate the Covenanters. He had experience of their ways when he was excommunicated, and had to do penance in sackcloth to regain his rights as a free citizen; he was to have further experience of them as the hand by which they were to be scourged when his master regained his own. Of this consummation the very policy he was to pur-

¹ Account of the Proceedings of Middleton's Forces in Scotland; Macray's Calendar of Clarendon State Papers (preserved in the Bodleian Library), ii. 371.

sue is ominously suggestive of what was then to come : “ It is hoped to induce the ministers to preach against the rebels and undeceive the people, whose affections have been strangely won by their smoothness ; but, nevertheless, Mr Presbyter will never be allowed again to sit at the helm as he formerly did, although, as things now are, too much severity and open disavowing that way would be very destructive.”¹

Monk took this affair with his usual deliberate caution. He detached a force of three thousand — six hundred of them being horse — to deal with the Royalist army. It went in two divisions—one led by himself, the other by General Morgan. Their policy was to keep strong parties well supplied at Inverness, Perth, and the other gates of the Highlands, so that Middleton’s army should be driven back into the mountains if they attempted to reach the low country. This force was sufficient easily to crush the Royalists’ force if it could be reached. Monk’s troops were not well suited for Highland warfare, and therefore wisely attempted it as little as possible. But the incapacity of their enemy gave them an opportunity. By some blundering on both sides, Morgan’s party and the Highlanders stumbled against each other on the banks of Lochgarry. In the words of the historian of the expedi-

¹ Macray’s Calendar of Clarendon State Papers, ii. 371. Middleton seems to have tried his hand on something like a testimony, but with poor success. A copy of “a declaration hastily drawn up by Middleton” is sent to the Court, with an explanation that “he showed it yesterday to some of the young Presbyters who had a meeting in Thurso, who, after a perusal and two or three deep ‘gryes,’ said there was not enough concerning religion. Middleton replied that it was only occasional, and not intended for a set declaration which leaves them in hopes of great performances that way. But other friends advise him to be very tender there—to use only general words, and not to make it his practice to communicate such things.”—*Ibid.*, 373.

tion, "The king's army marched to Lochgarry, near which there was a small town where they were to encamp all night. But Morgan, who intended to rest in the same place, had gained it before Middleton, and having no intelligence of each other, the king's vanguard and Morgan's outer guard immediately engaged. There was no ground for drawing up; for on the one side the loch hemmed them in, and on the other the ground was all morass, so that no horse could ride it; and the way by the loch-side was so narrow that two or three only could ride abreast. Middleton, finding this, ordered his rear to face about, so that our van became our rear; and the English gentlemen in our army being then in the rear, did behave most gallantly. Morgan pursued very close. At last he made himself master of the general's sumptuary, where was his commission and all his other papers. He pressed so hard that the king's army ran as fast as they could and in great confusion. There was no great slaughter, as night came on soon after they were engaged. Every man shifted for himself and went where he best liked."¹

Middleton, tired of such work, returned to the exiled Court; hence Glencairn had to finish the pro-

¹ Military Memoirs, 138. It is scarcely possible to connect with this affair the preposterous news received by the exiled Court, and yet there is no other to which it will better fit: "It is certain that the Marquis of Montrose and Viscount Dudhope charged and routed Monk, who returned from Stirling to Dalkeith, where he still is curing his wounds. Eighty-three wounded officers are in Heriot's Hospital. Montrose lost his left thumb. The Earls of Atholl and Kinnoul fell on a reinforcement that was marching from St Johnstons to assist Monk, killed five hundred, and dispersed the rest. At the same time Middleton routed all the English forces which were by the head of the river Spey, and killed and took three troops of Lambert's regiment called 'the Brazen Wall.' The fugitives sheltered themselves under Dinnottar Castle, not daring to trust to the foolish fortifications they had begun about Aberdeen.

ject he had begun. He proffered terms to Monk, who received them in a pacific spirit. There was a break in the negotiations, and at that point an opportunity occurred for showing that the insurrection had still life in it. A party of dragoons was quartered in the town of Dumbarton. A body of Highlanders forded the river Leven and surprised them, so that they fled to the castle, leaving their horses and provisions to the assailants. It was the one success in the expedition, and was credited with the effect of bringing Monk to good terms: "The conditions were, that all the officers and soldiers should be secure in their lives and fortunes, and should have passes to carry them to their respective homes, they behaving themselves peaceably in their journeys. The officers were allowed their horses and arms, and to wear their swords always. The soldiers were allowed to keep their horses, but were to deliver up their arms and to receive the full value for the same, which was to be fixed by two men chosen by my lord and the other two by Monk."¹ A

Middleton is going south. Men see he is in earnest, having imprisoned Sir George Monro for raising a mutiny and drawing his sword on the Earl of Glencairn. It is thought he will have above sixteen thousand horse and foot at a general rendezvous between St Johnstons and Stirling the 10th of this month, besides those in the west and south with Kenmore and Sir Arthur Forbes. There is not an Englishman between the Forth and the Tay except one hundred and twenty-five in Burntisland Castle, who dare not look out. All this news comes by persons who came nine days ago from Burntisland. The Scots make inroads into England as far as Newcastle, and receive kind entertainment from the country people."—"Intelligence from various Places, copied by John Nicholas;" Calendar, Clarendon Papers, ii. 376.

¹ Military Memoirs, 185. The authority thus cited and chiefly relied on for the facts of this insurrection is 'Military Memoirs of the great Civil War, being the Military Memoirs of John Gwynne, and an Account of the Earl of Glencairn's Expedition,' &c., 4to, 1822. Edited by Sir Walter Scott.

spirit of conciliation is conspicuously visible in these terms. Before its dispersal the disorderly Highland camp was brightened by a visit from a hero of romance—Colonel Vegan he is called by the historian of the expedition; but he is better known to the world as Captain Wogan, the name he holds in Clarendon's History, where his adventures are told. He took a small party of devoted Royalists who marched with him through England and Scotland in the guise of troopers of the Commonwealth, and thus reached Glencairn's camp with "near a hundred gentlemen well armed and mounted." He brought with him a wound caught in an affair "with a troop of the Brazen-Wall Regiment, as they called themselves;" and from unskilful treatment, as it was said, died in Glencairn's camp.¹

So high ran hopes and expectations about Glencairn's expedition that Charles professed his intention to join it. He seems only to have been stopped in time, when the precise and unassuming reports from Middleton were received. It was well for himself that he remained in safety in Paris, since the result of all rational calculation from the tenor of events is, that he would have been taken.² There is another feature of some in-

¹ "Middleton made a short harangue, passionately lamenting Colonel Wogan, whose memory all men here reverence, and who perished either by the ignorance or villany of his chirurgeon."—Calendar of Clarendon Papers, ii. 371. For help to all the authorities on the Wogan affair, see the Boscobel Tracts, p. 42.

² Macray's Calendar of the Clarendon State Papers (preserved in the Bodleian Library), Nos. 1468, 1480, 1713. The chief of Glengary writes to the royal exile to this effect: "Although on Middleton's arrival their forces were not so strong as possibly they had been reported, yet they are now in better condition; and the king's presence, which is desired by most of his faithful subjects, would shortly put them in a condition to deal equally with the enemy, while without it they will have no governing of themselves."—No. 1944. He wisely remained away,

terest in this affair. The Lord Lorn, the son of the Marquess of Argyle, professed to befriend it. We find him coming to Glencairn as a friend, who would be an ally if he could raise his father's clan; and he was in correspondence with the exiled Court at Paris, receiving the thanks of Charles for his proffers.¹

It would seem that the boastful hopes of the Royalists were so far echoed in the apprehensions of the Government, that eighteen thousand men were available in Scotland. At the time when the affair came to an end the force was reduced to nine thousand. Down to the middle of the eighteenth century the "wild Highlander" never was so effectually bridled as during the remaining years of the Protectorate. There was a great fortress at Inverness for his special government. But we shall have perhaps an exaggerated account of it, if we take the impression of a trooper in the Protectorate army speaking of it in the year 1658: "North and by east, near the forcible stream of the Ness, stands the fortress or pentagon, drawn out by regular lines, built all with stone, and girt about with a graff that commodes it with a convenient harbour. The houses in this fair fortress are built very low, but uniform, and the streets broad and spacious, with avenues at inter-

but he wrote a letter destined for the Moderator of the General Assembly, if such a person could be found, desiring him to send "such able, faithful, and discreet ministers into the army as may draw down God's blessing upon them" (No. 1709).

¹ Macray's Calendar of the Clarendon State Papers, Nos. 1480, 1747. "Lord Lorn, in a letter to the lieutenant-general about six weeks since, expressed abundance of zeal to the king's service. He has a considerable force with him, and therefore it will be no policy absolutely to refuse him; if there be just ground to fear him, the only way will be to labour to get him into their power."—No. 1944.

vals for drilling of foot and drawing up horse. I must confess such and so many are the advantages and conveniences that belong to this citadel it would be thought fabulous if but to enumerate them; for that end I refer myself to those who have inspected her magazines, providoes, harbours, vaults, graffs, bridges, sally-ports, cellars, bastions, horn-works, redoubts, counterscarps, &c.”¹ There was a responding fort at the upper end of Loch Ness, and—most astounding phenomenon of all to the natives—communication was opened between them by a ship of war cruising on the loch. The same writer describes, with much flowery eloquence, its removal overland from the Moray Firth by “a regiment—or it may be two—at that time quartered near Inverness, who by artifice had fastened thick cables to her forecastle, and then they got levers and rollers of timber, which they spread at a distance one before another.”²

Neither the united Parliament nor the new Church polity had a practical growth carrying any touches of its spirit into the institutions of later times; and, unlike the political project, the ecclesiastical was accompanied by no secondary influence of a beneficent kind, such as the opening of trade between the two countries, to commend it to the sympathies of an age in which it would otherwise be forgotten.

Cromwell’s immediate and temporary influence, both on Church and State in Scotland, had in it much of that character which he claimed for his position. The country was in a state of riot—a constable was wanted to put it in order and keep it so, and he accepted of the post. But the constable is at all times more

¹ Frank’s Northern Memoirs, 202.

² *Ibid.*, 199.

tolerated than liked. To those even whom he protects he is the emblem of forced obedience ; and when they see him on his stiff walk, with his suspicious eye and his baton of control, they sigh for the good old days when courtesy and deference preserved order in the village, and the squire was respected for his ancient pedigree and his personal amiability. Then when the Protectorate passed to Oliver's son, it was no longer the necessary constable, but a question of change of dynasty.

The loyalty that only muttered under the stern rule that was over now spoke fairly out. It was in November 1659 that Monk began his renowned march to London. For all the famed inscrutability of his character, the Scots evidently knew the errand on which he had gone. There was so good an understanding between them that he could withdraw the army from their neighbourhood. He called together an assembly of representative men from the counties, who so far promoted his undertaking, whatever it might be, that they aided him with a considerable sum of money, which might either be called an anticipation of the taxes to come, or an advance on their security. At their meeting, whatever was spoken beyond compliments and expressions of good-fellowship, referred to the support of the Parliamentary authority in each country. The general knew the opinion of the men he was dealing with ; he accepted of co-operation and aid from them ; he was able to do what they desired, and the bargain was as complete as a bargain without words can be. Had Monk done otherwise than as he did, he would certainly have incurred a charge of dissimulation or apostasy.

CHAPTER LXXVI.

Social Progress from the Reformation to the Restoration.

LITERATURE — DECAY OF LATIN LITERATURE — PASSES FROM A LIVING TO A DEAD LANGUAGE — RISE OF VERNACULAR LITERATURE — POETRY — HUME — DRUMMOND — SIR ROBERT AYTOUN—BALLAD LITERATURE—SONGS — NATIONAL MUSIC — SCIENCE—NAPIER OF MERCHISTON—GREGORY—ART—JAMESON THE PAINTER — FATE OF ECCLESIASTICAL ARCHITECTURE — BARONIAL AND STREET ARCHITECTURE—PROGRESS OF WEALTH —CONDITION OF THE TOWNS—NOTICES OF SCOTLAND BY VISITORS—THE MORALITY OF THE PEOPLE—THE SUPERSTITIONS AS THE DARK SIDE OF THE SOCIAL SYSTEM—MALIGNANT INFLUENCE OF BELIEF IN WITCHCRAFT—DIABOLICAL POSSESSIONS.

HAVING reached a period of calm, with the consciousness that fresh troubles will speedily demand exclusive attention, the opportunity is suitable for a retrospect on the social conditions and fluctuations attending a hundred years of the country's history.¹

¹ It is sometimes said that the history of a country is imperfectly written if it do not in the narrative reveal the social condition of the people brought forward to act upon its stage. This may be so, but most ordinary narrators are apt to feel that there are characteristics of a people too placid and leisurely in their growth to be easily put into companionship with others born of violence, fanaticism, or craft. At all events, if there are morsels which the skill of an author is insufficient to weave into his narrative, the best he can do is to stop at a halting-place and pick them up.

The great impulse to literature and learning accompanying the Reformation had not yet expired, though in the stormy atmosphere it had lived in for fifty years it was evidently dwindling towards extinction. Yet even among the men foremost in its acrid discussions were many who had a name far beyond their own country in the theological or polemical literature of the day, and who published the results of their labours abroad in the language which still made the learned of all Europe kin to each other. Among these were David Calderwood the historian, John Brown, commonly known as "Brown of Wamphray," Samuel Rutherford, David Dickson, and Robert Baillie, with whom we have had many opportunities of communing.¹ The cousin to whom he wrote the letter cited

¹ It is pleasant to find Baillie, in the hours of his darkest depression from the fate of his beloved Church, finding relief in the republic of foreign letters. To Middelburg he writes, desiring his cousin Spang, a minister there, to send him some morsels of periodical literature written in French, but published in Holland, where it evaded the censorship. And then: "I pray you, in your first to Voetius, remember my hearty service to him for his kind and prolix answer to my letter. Try if he has any return either from Buxtorf or Golius about my motion to them: we all long for a new enlarged edition of the Bibliothek, and a third volume of his Theses. I am informed that there is no man fitter to draw a philosophic cursus than his own son; will you try if he can be persuaded to it? Who now is in by for any service? What is Heidanus for a man? What has come of Morus and Blondell? Is there no man who after Spanheim does mind the controversy with Amiraud? As long since I desired you to gather the adversarie pieces of Voetius and Maresius, and send them to us—do it yet. What is my good friend Apollonius doing? Is there no more of Bochartus' or Henricus' Philippus come out? That the more willingly you may give me an account of all this, behold I am at the labour to let you know how all our affairs stand here.

"To myself the Lord is still very good, continuing my health, wealth, credit, welfare of all my six children, assistance in every part of my calling; blessed be His name."—*Letters, &c.*, iii. 311. But it was not well with his Zion. After having beheld triumph after triumph until he grew be-

below—William Spang—provided the sympathisers in the Netherlands with a history of the recent transactions in Scotland, conveyed to them in the language of all scholars.¹

Among other Presbyterian divines whose writings are limited to their own vernacular were men with eminent intellectual qualities; such was the great John Welch who married Knox's daughter. Though he wrote in his own language, he threw himself into the midst of the fundamental contests between the old Church and the new; and he must have been an accomplished linguist, since he ministered for some time as a Huguenot pastor in France. There were John Weems of Lathoker, Robert Bruce, James Durham, James Guthrie, the hero and martyr of the Remonstrants, and George Gillespie, the "hammer of the Malignants."² There was eminent over all

wildered with success, all was now subdued to the iron rule of the Commonwealth. In viewing the public side of such a man in his brawling assemblies and perilous politics, and turning to his studies and his domestic peace, we see how well a mind stored with intellectual wealth is endowed with resources against the calamities of the times. His correspondents, though their works now rest very peacefully on the book-shelves, were noted divines in their day—chiefly in the sources of study supplied from Oriental literature.

¹ *Rerum Nuper in Regno Scotiæ Gestarum Historia, &c., per Irinæum Philalethen Eleutherium,* Dantzic, 1641. This is apt to be confounded with a little book called *‘Motuum Britannicorum verax Cushi ex ipsis Joabi et oculati testis prototypis totus translatus.’* I have not been able to discover the origin of this book. It is clear, from the abundance of its local information, that the Joab and eyewitness by whom either it was written or its chief materials supplied, were in Scotland.

² Of Gillespie Wodrow says: "He was one of the great men that had a chief hand in penning our most excellent Confession of Faith and Catechisms. He was a most grave and bold man, and had a most wonderful gift given him for disputing and arguing." The end of a dispute held by him with some of the promoters of the Engagement was that "Glencairn said, 'There is no standing before this great and mighty

Alexander Henderson, selected for the distinction of debating the great question of the day with the king.

These men all belonged to a religious community frequently oscillating between triumph and defeat—a community of many transitions and interminable contests. Among religious bodies of so restless a temperament the trumpet is frequently and loudly blown, and men are famous who but for adventitious conditions would have been obscure. But whether it were from the fruitful impulse of this restlessness or not, it is certain that soon after the Reformation, and down to the Restoration, there was a marked access of intellect and zealous scholarship among the Presbyterian clergy of Scotland; and the feature seems the more worthy of note, that in the after-ages, whether in depression or in triumph, the same Church became intellectually barren.

The Episcopal Church was not without its literary ornaments. Among these we may count Archbishop Spottiswood, and, more eminent as scholars, the two Bishops of Aberdeen, Patrick and John Forbes. There was Leighton, destined for a high place in religious literature, and Alexander Ross, a man of various accomplishments and powers somewhat eccentrically employed.

The foreign intellectual market continued to be abundantly supplied from Scotland.¹ The Latin language, as a vehicle of literature and teaching, lingered

man.' He was called *Malleus Malignantium*; and Mr Baillie, writing to some in this Church against Mr George Gillespie, said, 'He was truly an ornament to our Church and nation.'—*Analecta*, iii. 111.

¹ For notices of the learned Scots who became distinguished on the Continent the author refers to his 'Scot Abroad,' vol. ii.

longer in Scotland than in England, for various obvious reasons. Until the Scot ambitious of an audience could address his neighbours of England as well as his own countrymen, he spoke in these to a narrow audience. With Latin he had the educated men of all the world to speak to. The use of the language had become so much a nature, that one sometimes finds a Scots scholar, when laboriously endeavouring to express his meaning in not too provincial vernacular, relieving himself by relapsing into the familiar Latin.

But as the use of the vernacular increased, the Latin degenerated by a process of stiffening. As it dropped out of living use by the great community of scholars, it came at last to be the dead language it is now called, and had to be artificially acquired. In the days of Buchanan it had been purified from the various barbaric forms into which it had been twisted by the scholastic divines, the lawyers, and the chroniclers, in whose hands it took generally a shape warped by the peculiarities of their several native languages. In the days of Buchanan it was both pure and free, and open, as any man's native tongue is, to the bold handling of a genius such as his. He was no more under the dominion of the rules of prosody, and no more excluded from the use of neologies legitimately born of the genius of the language, than Ovid and Catullus were. But the later men who aspired to Latin versifying came gradually under the restraints in full force in later times, and their verses might be accurate and canonical, but were not poetry. In the collection of elegant extracts already mentioned as containing the effusions of Andrew Melville and his comrades—'The Deliciæ Poetarum Scotorum'—

we can estimate at a glance the contribution rendered by Scotland to this kind of literature. It may be counted an open question, whether Arthur Johnston shall be held to rise above the prosodical manufacture into the region of the poet. The direct comparison with Buchanan demanded in his translation of the Psalms did much to prejudice his claim. Still there are some touches of sweetness and beauty, in his less ambitious efforts especially, where, like Ausonius, he touches on incidents and scenes of local interest, — as where he commemorates the tragedy of the burning of Fren draught, perpetrated near the door of his own paternal home, or muses on the coincidence that that home is touched by the shadow of the neighbouring hill of Benochie when the midsummer sun is setting behind it.

With examples of the vernacular prose literature of Scotland, from Knox's time downwards, the reader of these pages may perhaps have found himself rather too abundantly supplied.

The Scottish poets of the early half of the seventeenth century were not many. Chief among them were Drummond of Hawthornden, Sir William Alexander, Sir Robert Aytoun, and Alexander Hume. A community so small and obscure did not subject itself to the rules of art coming in force in England for the discipline of its larger literary republic. The few Scottish poems of the day have thence a spirit of not unpleasant freedom, which has recommended them to the anarchical taste of the present generation.¹ But

¹ Alexander Hume's poem of the "Day Estival," existing in obscurity, as excluded from legitimate poetry by the canons of each succeeding dynasty, has found itself in harmony with the poetical spirit of the pre-

although the versification is free of many contemporary trammels of art, and is often devoted to the description of natural objects, yet there is a certain

sent generation—so far, indeed, that a close parallel has been found between him and a great poet of the nineteenth century in their style of imagery. It is the description, physical and social, of the land, blessed by a hot summer day, following the course of daylight from sunrise to sunset. The morning and the poem open together :—

“O perfect light, whilk shed away
 The darkness from the light,
 And left ane ruler o'er the day,
 Ane other o'er the night ;
 Thy glory, when the day forth flies,
 Mair vively does appear,
 Nor at mid-day unto our eyes
 The shining sun is clear.
 The shadow of the earth anon
 Removes and draws by,
 Syne in the east, when it is gone,
 Appears a clearer sky.”

The birds are the earliest to feel the reviving influence, and when the darkness is utterly dispersed by the sun, they and other elements of life are in full career :—

“For joy the birds, with bolden throats,
 Against his visage sheen,
 Takes up their kindly music notes
 In woods and gardens green.
 Up braids the careful husbandman
 His cows and vines to see,
 And every timeous artisan
 In booth works busily.
 The pastor quits the slothful sleep,
 And passes forth with speed
 His little cameo-nosèd sheep
 And ronting kie to feed.”

Moving on towards the mid-day heat we have this sultry sketch :—

“The time so tranquil is and still,
 That nowhere shall ye find
 Save on ane high and barren hill
 The air of peeping wind.
 All trees and simples, great and small,
 That balmy leaf do bear,
 Nor they were painted on a wall
 No more they move or stir.

pedantry or conventionalism in the selection of these objects. The poet does not go forth dreaming on what is around him, and telling his dream. He must select and group his matter after such rules as have prescribed the foreground, middle, and distance of a legitimate picture, or the unities in a drama. It will

Calm is the deep and purpure sea,
 Yea, smoother than the sand.
 The wells that weltering wont to be
 Are stable like the land.

Sa silent is the ceecile air,
 That every cry and call,
 The hills and dales and forests fair
 Again repeats them all.

The rivers fresh and caller streams
 O'er rocks can softly rin;
 The water clear like crystal seems,
 And makes a pleasant din."

There are many other types of man and nature enduring the burning heat, and then the day draws to a close :—

"The gloaming comes, the day is spent,
 The sun goes out of sight,
 And painted is the occident
 With purpouir sanguine bright.

The scarlet nor the golden thread,
 Who would their beauty try,
 Are nothing like the colour red,
 And beauty of the sky.

Our west horizon circular,
 Fra' time the sun be set,
 Is all with rubies, as it were,
 Or roses red o'erset.

What pleasure were to walk and see,
 Endlong a river clear,
 The perfect form of every tree
 Within the deep appear!"

Hume died minister of a country parish early in the seventeenth century. The original edition of his 'Hymns and Sacred Songs, wherein the right use of Poesy may be espied,' is very rare. It was reprinted by the Bannatyne Club, and the "Day Estival" has been reprinted more than once. It is in the third volume of Sibbald's 'Chronicle of Scottish Poetry,' and in the 'Scottish Descriptive Poems,' edited by Leyden.

perhaps make this characteristic more distinct to say, that when we accompany a Scottish poet of the day, who in natural and easy versification is describing natural objects with much truth and vivacity, yet we do not feel that we are in Scotland along with him. This will show itself in the portions from Hume's poem given in the preceding note, and one may read the whole without finding anything in the descriptions to mark the author as a Scotsman. In fact his summer day belongs to climes nearer the sun; and only to some memorable day of exceeding heat, scarcely occurring once every year, would it be applicable in Scotland.

It is in harmony with this, that there is nothing made in these old poems of the wealth of varied national scenery, which has in late years given inspiration to English as well as Scottish bards. It is not only that negatively is this theme of poetry passed by, but that in one instance there exists what may be termed a positive protest against it as unworthy of poetic treatment. It is the one instance where the poetry of the period deals with scenes frequented now by annual thousands of pilgrims in search of the picturesque, and in that one instance the scenery is treated with derision. A certain freebooter named Duncan MacGregor had long been a dreaded scourge in the straths leading towards the central highlands of Perthshire and Angus. He was at last trapped and brought to the stronghold of the head of the Breadalbane Campbells, where the bard divines his contemptions as he is awaiting the final rope. He is ruminating on the old scenes dear to his heart—the fair straths and fruitful corses where his presence was murder and ruin—the savage recesses

of the rock where he hid his plunder and found shelter for himself. The point of humour in the effort is, that on scenes abhorred by poetry and civilisation the ruffian becomes tenderly pensive. It is as if, when a modern housebreaker has come to grief, his ruminations should recall the shops and warehouses where he has done his most distinguished feats as a cracksman, and should pass from these to the horrible dens in the polluted regions of the great cities where he and his like seek safety,—the whole being rendered in the manner of Gray's ode on a distant view of Eton, or Wordsworth's reminiscences at the fountain where his heart was "idly stirred" by "the self-same sounds" that he had heard, not alone, in days long past.¹

¹ "Farewell, Breadalbane, and Loch Tay so sheen,
 Farewell, Glenorchy, and Glenlyon baith;
 My death to you will be but little skaith.
 Farewell, Glenalmond—garden of pleasance,
 For many a flower have I frae you tane.
 Farewell, Strathbran, and have remembrance
 That thou wilt never mair see Duncan again.
 Atholl, Strathlitay, of my death be fain;
 For ofttimes I took your readiest gear,
 Therefore for me see ye greet not one tear.
 Farewell, Strathern, most comely for to know,
 Plenished with pleasant policies perclair;
 Of tower and town, standing fair in raw,
 I rugged thy ribs, while oft I gart them roar.
 Gar thy wives, yif thou wilt do no more,
 Sing my *dirige* after *usum sarum*,
 For ofttimes I garred them alarum.
 Farewell, Monteith, where oft I did repair,
 And came unsought, ay, as does the snaw.
 To part frae thee my heart is wonder sair.
 Sometime of me I gart you stand great awe;
 But fortune now has lent me sic ane blaw,
 That they whilk dread me as the death befor,
 Will mock me now with heathen shame and scorn."

Farther up in the fastnesses of the mountains his regretful memories are of another kind:—

"Now farewell, Rannoch, with thy loch and isle;
 To me thou wast richt trest both even and morn."

The abode of Drummond, perched on its rock of Hawthornden, looked down on scenes renowned for their beauty; yet one will wander until he is tired through the sonnets, madrigals, and epigrams to which his muse was chiefly dedicated, without finding any allusion to the glories spread around him by nature.

The poets of this period were almost as negligent of the heroic annals of their country as of its natural beauties. Classical models, ideas, and names had gained the supremacy, and were to hold a long reign. The morsels of poetic or imaginative literature that did most to offer a mirror of the country and the period were those given to moralising. The vices that degrade and the virtues that adorn are the objects of prolific literary painting, and they could not be personified without some touches of actual human life. How to adorn the life allotted to us, however humble, with the mellow beauties of a contented spirit, is the general tenor of this kind of literature; and from Seneca downwards it seems to have been a favourite theme with ambitious and self-seeking men. Like these, Sir William Alexander, Earl of Stirling, the Secretary of State and the projector of the colony of Nova Scotia, was successful in painting the happiness of a lot he never knew. He speaks in dramatic

Thou wast the place that would me nocht beguile
When I have been oft at the king's horn."

—Duncan Laideus *alias* Makgregouris Testament; Black Book of Taymouth, 149. The author is not known, but he must have been a cultivated man. Laideus is Latinised from *Laudasach*, Duncan's hiding retreat, or some other place associated with his name. For a further account of the hero and the poem see Immes's *Sketches of Early Scotch History*, 355.

pieces; but these apparently were not constructed for the stage, but written to bring out the moralities in the utterance of the several parts: and there is a dignity and sweetness in the appreciation and description of the homely virtues of common life as they are thus celebrated.¹

There is generally, among a people with a nationality and a history of their own, a literature more significant in its social relations than the literature of the library. This, inspired by scholarship, may be drawn from foreign lands and distant times; but the songs and ballads preserved in the traditions of

¹ The quartets following are a pleasant gloss on the Horatian text of the "Desiderantem quod satis est," &c. :—

"O happy he, who, far from fame, at home
Secrely sitting by a quiet fire,
Though having little, doth not more desire;
But first himself, then all things doth o'ercome.

His purchase weighed, or what his parents left,
He squares his charges to his store,
And takes not what he must restore,
Nor eats the spoils that from the poor were reft.

Not proud nor base, he scorneth creeping art;
From jealous thoughts and envy free,
No poison fears in cups of tree,
No treason harbours in so poor a part.

No heavy dream doth vex him when he sleeps;
A guiltless mind the guardless cottage keeps."

The following is in the spirit of the "Ne sit Ancillæ," with an inversion of the sexes :—

"O happy woman! of true pleasure sure,
Who in the country lead'st a guiltless life,
From fortune's reach retired, obscure, secure,
Though not a queen, yet a contented wife.

Thy mate, more dear to thee than is the light,
Though low in state, loves in a high degree,
And, with his presence still to bless thy sight,
Doth scorn great courts while he lives courting thee.

the people are their own beloved. It was an eminent and popular Scotsman who first uttered the judgment, so often repeated, "If a man were permitted to make all the ballads, he need not care who should make the laws of a nation." In literature of this kind Scotland is peculiarly affluent. The ballad-poetry of Scotland may now be counted a full hundred years old in printed literature. Allan Ramsay collected a few of its floating fragments; but it is in Percy's 'Reliques,' published in 1766, and more amply in David Herd's contemporary collection of 'Ancient and Modern Scottish Songs, Heroic Ballads, &c.,' that the minstrelsy of Scottish ballad-poetry took a place in British literature. The later collections, including Scott's 'Border Minstrelsy,' and ending with Aytoun's two volumes, are too numerous to be conveniently individualised.

From the structure of the versification and language we may carry the bulk of these popular poems at least as far back as the seventeenth century. It was then, at least, that they appear to have been completed, or brought to the condition in which they stand in the versions held in highest esteem by those who have collected and published them. At this stage of their existence we may say of them that they were a literature adopted by popular acclamation. No one was known as the author of any one of them. They grew and fell into shape as they passed from generation to generation by tradition. One minstrel or reciter had to fill up, in his own way, what he had forgotten; another gave a touch of improvement, or what he deemed so, to the work as he got it. If there were originally verses of execrable doggerel in the

ballads that have come down to us in all their quaint sweetness, then the public taste must have chosen the fair and dropped the foul. A literary structure of this kind should be a valuable study to those scholars who attribute a similar method of growth to "the Homeric epics."¹ The collector for publication was not precluded from what, in artist phrase, is called "touching up" his prizes. Of several versions he had perhaps not simply to select the best, but he had to adorn it with stray beauties found among the others. This rendered manipulation necessary; and the judicious alteration of a word here and there, to make better harmony of the whole, was within the licence of his craft.² There is no doubt that in editing the 'Min-

¹ "The peculiar character and tone of the Iliad and Odyssey, apart from the question of structure and organism, is specifically the tone and character which belongs to minstrel poetry, as distinguished from the productions of poetic art in an age of literary culture. The difference between minstrel poetry and the poetry of literary art is given necessarily with the character of the age to which it belongs. The minstrel sings or recites for the entertainment of a race of simple but stout and healthy-minded men who know nothing of books; the literary poet writes and publishes for a generation of nice readers, subtle thinkers, and fastidious critics—a people who can do nothing without printed paper, and for whose souls books have become almost as essential as bread is to their bodies. The conditions of growth being so totally diverse, it cannot be that the flower and the fruit brought to maturity under such different influences should not present a corresponding diversity."—Blackie's *Homer and the Iliad*, i. 139.

² For instance, in the exquisitely mournful "Waly, Waly,"—

"Now Arthur Seat shall be my bed,
The sheets shall ne'er be pressed by me:
Saint Anton's well shall be my drink,
Since my true love's forsaken me.

O winter winds, when will ye blaw,
And shake the dead leaf aff the tree?
O gentle death, when wilt thou come,
And tak a life that wearies me?"

strelsy of the Scottish Border,' Scott did much for purification and a little in the shape of decoration; and his was the master's hand that could not fail in giving the true and perfect touch. A critic of the day whose first sight of Scottish ballad-lore was in these attractive volumes prophetically announced that they contained "the elements of a hundred historical romances."

The Scottish ballad-minstrelsy, indeed, ranges over

—it is said that Allan Ramsay tampered with the last line, which in an older version is, "For of my life I am weary." But we may thank "honest Allan" for the improvement; and we are indebted to Scott for a slight but effective touch, removing an imperfection in the older readings. No one, however, will feel any debt of gratitude to the pedant who seems to have broken in on the simple description of the beautiful boy Gil Morice with "Minerva's loom" and other polishings:—

"Gil Morice sat in good greenwood,
He whistled and he sang:
'O what means a' the folk coming?
My mother tarries lang!'

His hair was like the threads of gold
Drawn from Minerva's loom;
His lips like roses drapping dew,
His breath was a' perfume.

His brow was like the mountain snaw
Gilt by the morning beam;
His cheeks like living roses glow;
His eyes like azure stream.

The boy was clad in robes o' green,
Sweet as the infant spring;
And like the mavis on the bush
He gart the valleys ring.

The baron came to the greenwood
Wi' muckle dule and care;
And there he first spied Gil Morice
Kaiming his yellow hair,

That sweetly waved around his face
That face beyond compare.
He sang sae sweet it might dispel
A' rage but fell despair."

and engrosses every element of poetry except the religious or devout. That had its own minstrelsy in the vocal psalmody of public worship. The great cause of the Covenant had many heroic acts, but few minstrels. The only tolerable ballads belonging to it are "Loudon Hill," celebrating the battle of Drumclog, and "Bothwell Brig," a ballad of lamentation. Of the songs attached to popular tunes the cause has but one, and it is not entirely of a reverend character—it is "Blue Bonnets over the Border," intended as a song of triumph on Leslie's march to Newcastle. Otherwise the minstrelsy is rich in all that picturesquely associates itself with the shades as well as the lights of the national life. We have the great crimes, with their harvest of remorse and retribution. War is there, with its patriotic devotion, its heroism, and triumphs on the one side; its calamities and desolation on the other. Love, of course, with all its romantic variations, is abundant. Superstition enters with its horrors; but it is also sometimes borne on the wings of an exquisite fancy, yet so wild and wayward that one cannot see what æsthetic law or theory can justify it, and yet it pleases.¹

In Scotland, and perhaps it is the same all over the

¹ Take, in young Tamlane, the changeling brought up in fairy-land, who has found an earthly lady-love, and plans, with her aid, an escape from the enchanted land:—

"Gloomy, gloomy was the night,
And eerie was the way,
As fair Janet in her green mantle
To Miles Cross she did gae."

And that fair Janet was "eerie," or touched with nervous apprehension, is not wonderful, when we have the rehearsal of the scene in which she is to take the chief active part:—

world, there is no distinct line between the "ballad," which tells a story, and the song, which expresses abstract sentiment. The same literary history is common to both. The song, like the ballad, was in the copyright of the people, who altered it to their

“ ‘ The morn at e'en is Hallowe'en ;
 Our fairy court will ride
 Through England and through Scotland baith,
 And through the warld sae wide,
 And if that ye wad borrow me,
 At Miles Cross ye maun bide.

And ye maun gang to the Miles Moss
 Between twelve hours and one,
 Tak haly water in your hand,
 And cast a compass roun'.

‘ And how shall I ken thee, Tamlane ?
 And how shall I thee knaw,
 Amang the throng o' fairy folk,
 The like I never saw ?

‘ The first court that comes along,
 Ye'll let them a' pass by ;
 The neist court that comes along,
 Salute them reverently.

The third court that comes along
 Is clad in robes o' green,
 And it's the head court o' them a',
 And in it rides the queen.

And I upon a milk-white steed,
 Wi' a gold star in my crown ;
 Because I am a christened man
 They gave me that renown.

Ye'll seize upon me with a spring,
 And to the ground I'll fa',
 And then ye'll hear an eldrieh cry
 That 'Tamlane is awa'.

They'll turn me in your arms, Janet,
 An adder and a snake ;
 But haud me fast, let me not pass,
 Gin ye wad be my maik,

They'll turn me in your arms, Janet,
 An adder and an aske ;
 They'll turn me in your arms, Janet,
 A bale that burns fast.

They'll shape me in your arms, Janet,
 A dove, but and a swan ;

mind as it passed on from generation to generation. Since Allan Ramsay published his 'Tea-Table Miscellany' these songs have appeared from time to time with many variations. It happened in the instance

And last they'll shape me in your arms
 A mother-naked man.
 'Cast your green mantle over me,
 And sae shall I be wan.'"
 —Aytoun's Ballads, i. 9.

In a story of a different kind, but as waywardly fanciful, the beings of the aerial world express themselves on the crime of her who in a fit of jealousy murders her fair-haired sister by drowning her in the mill-dam of Binnourie. A harper finds the drowned girl, and—

“ He has ta'en three loeks o' her yellow hair,
 Binnourie, O Binnourie !
 And wi' them strung his harp sae rare,
 By the bonnie mill-dams o' Binnourie.
 He brought the harp to her father's hall,
 Binnourie, O Binnourie !
 And there was the court assembled all,
 By the bonnie mill-dams o' Binnourie.
 He set the harp upon a stane,
 Binnourie, O Binnourie !
 And it began to play alane,
 By the bonnie mill-dams o' Binnourie.”

The lengthy character of the ballad-poetry is inimical to the exemplification of its imaginative character in extracts. In comparison with the epigrammatic and antithetic, which may be exhibited like separate gems, it is, like natural scenery, only to be enjoyed in its full expanse and at leisure. Another, however, tempts to citation by its brevity, and the touch of bitter pathos in its spirit. It is called “The Twa Corbies” :—

“ As I was walkin' all alane,
 I heard twa corbies making their mane ;
 The tane unto the other did say,
 ' Whare shall we get our denner this day ?'
 ' Out ower aside yon auld fail dyke
 I wote there lies a new-slain knight ;
 And naebody kens that he lies there
 But his hawk, his honnd, and his lady fair.
 His honnd is to the hunting gane,
 His hawk to bring the wildfowl hame,
 His lady has ta'en another mate,
 Sa we can make our denner sweet.

of the songs, however, that the genius of Burns broke into and disturbed this easy traditional process. He so revolutionised and adorned their old versions that the songs became his own. The literature of some of these songs was so stupid or offensive that it might have died unregretted; but attached to the coarse clay was, as it were, a soul in the music belonging to it, and this it was the mission of Burns to ally with fitting poetry. In some instances the song in its old shape might have its merits; but they were not in harmony with the habits of the age, and made an unsuitable union. Besides what the taste of the present day would condemn as absolutely coarse and indecorous, there were characteristics which had ceased to be genial to the lyric muse. The bacchanalian song still asserts its supremacy, but the feats it records are all performed by the male sex. In the Scotland of the seventeenth century, what is so often called the gentle, and might in later times be called the sober, sex, indulged to some considerable extent in hard drinking, and its feats were celebrated in genial rhyme.¹

O ye'll sit on his white hause bane,
 And I'll pike out his bonny blue een;
 Wi' ae lock o' his yellow hair
 We'll theek our nest when it grows bare.

Mony a aue for him maks mane,
 But nane shall ken whare he lies slane.
 O'er his white banes, when they are bare,
 The wind shall blaw for ever mair."

¹ For instance, take the song called "Andrew and his Cutty Gun":—

"Blithe, blithe, blithe was she,
 Blithe was she butt and ben;
 And weel she lo'ed a Hawick gill,
 And leugh to see a tappit hen."

The Hawick gill was a measure of liquor peculiar to that district. The "tappit hen" was a measure of claret certified on the authority of the author of 'Waverley' to contain "at least three English quarts."

Although, among recent adapters of new words to the old tunes, Burns at least ever improved on what he found, the lyrical poetry superseded by his stronger muse was not always despicable. Though unequal in the original, and perhaps injured rather than improved by tradition, yet it was often enlivened with genial touches of the sentiment more vividly and artistically expressed by the reconstructor; and indeed if the populace had not been educated to the general tone and sentiment of national song, they would not

The brief air devoted to this blithe toperess was wanted for a fairer spirit, and Burns addressed to a reigning beauty of his day the well-known—

“ Blithe, blithe, and merry was she,
Blithe was she butt and ben ;
Blithe by the banks of Earn,
But blither in Glenturrit glen.”

The spirit of feminine joviality comes well out in the following : it was much liked by the late Charles Kirkpatrick Sharpe, who printed some copies of it with the music for presentation to his friends :—

“ There were four drunken maidens
Together did convene,
From twelve o'clock in a May morning
Till ten rang out at e'en,
Till ten rang out at e'en,
And then they gied it ower.
And there's four drunken maidens
Doun i' the Nether Bow.

When in came Nelly Paterson,
With her fine satin gown :
' Come, sit about, ye maidens,
And give to me some room,
Before that we gie't ower.'
And there's four drunken maidens
Doun i' the Nether Bow.

When peacock and pigeon,
And hedgehog and hare,
And all sorts of fine venison,
Was well made ready there,
And set before the maidens
Before they gied it ower.
And there's four drunken maidens
Doun i' the Nether Bow,” &c.

have heartily appreciated as they did its revival in the eighteenth century.¹

In a province where adepts claim supreme rule it would be presumption in any onlooker to define the place occupied by the song-music of Scotland, or even to assert that it has a place at all in music, scientifically speaking. It is among human anomalies that the divine gift sent to soothe the savage breast has created the fiercest of exterminating wars in the arena of controversy, and those claiming absolute supremacy in the art have been denied the possession of music altogether when the test of science has been applied. But we may at least say that the Scottish school has done the duty of national music in stirring the heart of the people, and bringing a soothing and elevating

¹ The following stanzas, first printed in Watson's Collection in 1711, and evidently then modernised, will have a familiar tone to many :—

“ Should old acquaintance be forgot,
 And never thought upon ;
 The flames of love extinguished,
 And freely past and gone ?
 Is thy kind heart now grown so cold
 In that loving breast of thine,
 That thou canst never once reflect
 On old long syne ? ” &c.

Some critics have the audacity to hold that in one instance, at least—the restoration of Sir Robert Aytoun's “ Inconstancy Reproved ”—Burns did not beautify the ideas of the old song. The first stanza of this is :—

“ I do confess thou'rt smooth and fair,
 And I might have gone near to love thee,
 Had I not found the slightest prayer
 That lips could speak had power to move thee ;
 But I can let thee now alone,
 As worthy to be loved by none.”

Burns, varying the measure, begins :—

“ I do confess thou art so fair
 I wad been o'er the lugs in love,
 Had I na found the slightest prayer
 That lips could speak thy heart could move.”

element into a national character apt to be otherwise hard and rugged. The strength of its influence has been shown among the many wanderers over the world, who have found in it the most powerful solace and enjoyment that music can confer in the association of the past and present, and the recall of home memories.¹

When the music of the people found its way into higher social regions at home, whence it spread abroad, the artists of the legitimate and established schools complained bitterly of the caprice of fashion which doomed them to make something enduring out of the discordant jargon of a rude peasantry. But the taste has held its own for now nearly a hundred years, and is old enough to merge from a fashion into a school. Nor was it utterly destitute of older appreciation in high places. Dryden, when he was dressing up Chaucer's stories in presentable modern costume, says that although the voice of their author is not deemed harmonious to a modern audience, "they who lived with him and some time after him thought it musical; and it continues so even in our

¹ The following pleasant little story occurs in that old collection of questionable archæology, Verstegan's 'Restitution of decayed Intelligence': "So fell it out of late years that an English gentleman travelling in Palestine, not far from Jerusalem, as he pursued through a country town he heard by chance a woman, sitting at her door dandling her child, to sing 'Bothwell Bank, thou bloomest fayre.' The gentleman hereat exceedingly wondered, and forthwith in English saluted the woman, who joyfully answered him, and said she was right glad there to see a gentleman of our isle, and told him that she was a Scottish woman, and came first from Scotland to Venice, and from Venice to thither, where her fortune was to be the wife of an officer under the Turk, who being at that instant absent and very soon to return, entreated the gentleman to stay there until his return; the which he did."

judgment, if compared with the numbers of Lidgate and Gower, his contemporaries. There is the rude sweetness of a Scotch tune in it, which is natural and pleasing though not perfect.”¹

Much conjectural matter has been written about the origin of Scottish music, discussing among others the question whether it was the creation of one of the artistic favourites of James III., or was brought over and naturalised by David Rizzio. That much of it is as old, at least, as the sixteenth century, was proved by a manuscript collection of the tunes themselves in a handwriting and notation which brought them back close to that period. The collection had the fortune to be edited by a man of scholarly attainments, who had devoted himself to musical science. His conclusion on their value as preserving the music of the country in its original purity is: “The favourable contrast which many of the Scottish airs therein contained present to the dull, tiresome, meretricious productions which from time to time have been palmed off upon the public under that name, and the vitiated copies of the same tunes which have been handed down by tradition alone, are among the most gratifying results of its discovery. We are now no longer at a loss for a standard by which we can test the genuineness of our national music, distinguishing the true from the false, and separate the pure ore from all admixture of baser metal.”²

¹ Works, Wharton's edition, iii. 27.

² Ancient Scottish Melodies, from a Manuscript of the Reign of King James the Sixth; with an Introductory Inquiry, illustrative of the History of the Music of Scotland, by William Dauncey, Esq., F.S.A., Scotland. The original book is called ‘The Skene Manuscript;’ and on the question whether it was a favourite possession of that oracle of the law

Before the period now reached the country had made some worthy contributions to the graver sciences. The logarithmic tables of John Napier of Merchiston may be counted the grandest discovery in the united sciences of algebra and arithmetic that can be brought home to any one discoverer. As a machine for overcoming the difficulty of working with large and complicated numbers, it may vie with the invention of what we call the Arabic numeration, because we do not know by whom it was invented, or where or when, but have reason to suppose that its first use was in Arabia. Like this numeration, so familiar to all who have gone through the first steps of education, the logarithm is in its elementary principle beautifully simple. Take a series of numbers increasing by arithmetical progression, or with the same distance between each, as 1, 2, 3, 4, &c., where the distance is from one unit to another. Connect them with a set of numbers marching on by mathematical progression or multiplication. To multiply one of these by the other, perform the simple task of adding together the number attached to them in arithmetical progression. Take the result of the addition to its place in the arithmetical series—above it stands the product of the

Sir John Skene, the editor says: "Although music was an accomplishment infinitely more common—among gentlemen at least—than at present, there is no information on record" "that he was either a proficient in or a patron of the art of music" (p. 12). In his celebrated work of reference, 'De Verborum Significatione,' Skene has "*Menetum*, Leg. Forest, C. 2, ane stockhorn;" "*cornare menetum*, to blaw ane stockhorn, whilk commonly is made of timmer-wood or tree, with circles or girds of the same, whilk is yet used in the Highlands and Isles of this realm; where I have seen the like in the country of Helvetia, in the year of God one thousand five hundred sixty-aucht, among the Switzers." May we infer that the man who put matter like this into a law dictionary must have had a liking for music?

multiplication of the two numbers of the geometrical series. Through this means, instead of each mathematician, astronomer, or other adept who has to deal with large numbers, having to make his own calculations, they can be made beforehand by persons whose business it is to do so, and can be stored apart for use.

The union of simplicity and power in this invention was well expressed by the great astronomer Henry Briggs, who made a pilgrimage to the inventor's tower and observatory in Edinburgh. He said to Napier: "Sir, I have undertaken this long journey purposely to see your person, and to know by what engine of wit or ingenuity you came first to think of this most excellent help unto astronomy—viz., the logarithms; but, sir, being by you found out, I wonder why nobody else found it out before, when, now being known, it appears so easy."¹

The trigonometrical discoveries, adapted to the measuring of great distances, and especially to astronomy, had gone so far as to make the labour of calculation by the ordinary methods a heavy burthen on further discovery, and without such a facility it became clear that the progress of astronomical discovery was so impeded that its final stoppage might be anticipated. The vast saving to mental labour effected by this adjustment, so simple in its principle, may be estimated by a mere glance at any large collection of logarithmic tables, such as those prepared under the auspices of the first Napoleon.²

¹ Memoirs of Napier of Merchiston by Mark Napier, p. 409.

² The system was announced by its inventor in 1614 under the title 'Mirifici Logarithmorum Canonis Descriptio ejusque usus, in utraque Trigonometria; ut etiam in omni Logistica Mathematica amplissimi, &c., explicatio.' Printed at Edinburgh by Andrew Hart. The ivory

A rival both in power and in simplicity to Napier's invention was that made by James Gregory, forty years later, in mechanical optics. The magnifying influence of a convex lens must have its equivalent on a concave mirror. Thus the difficulty that the enlargement of the magnifier tended to the obscurity of the image was conquered. The discovery was not the less a triumph of pure science that there was no mechanic of the day, either in England or Scotland, who had skill enough to give effect to it. The philosopher, not the less confident in his knowledge, left it as a truth in natural philosophy not to be doubted, and afterwards the reflecting telescope of the astronomers proved the soundness of his reliance. James Gregory never used or saw a reflecting telescope, yet that powerful instrument is coupled with his name as its inventor.

Scotland owned in the seventeenth century another discoverer still less fortunate—George Dalgarno. Of one of his achievements another got the use and credit. A second died along with the memory of its author. It is admitted that Bishop Wilkins derived from him the leading idea of his elaborate 'Essay towards a Real Character and a Philosophical Language.'¹ This belongs to the speculative sciences, where the value of discoveries may be appreciated by fellow-students, but cannot be weighed before the world as realities.

tablets called "Napier's bones," or "rods," do not contain logarithmic tables, but adjustments for facilitating multiplication and division.

¹ Wilkins published this in 1668. Among the scanty notices of Dalgarno, it is known that Wilkins was acquainted with him. Dalgarno's book, published in London in 1661, is called 'Ars Signorum vulgo Character Universalis et Lingua Philosophica. Authore, Geo. Dalgarno. *Hoc ultra.*'

But Dalgarno's other discovery — the method of teaching the deaf to read and speak—was eminently practical.¹

It was not until the project had been rediscovered and put in effective practice that the curious in obscure philosophical literature found the buried discovery of Dalgarno. Its character may be best expressed in the words of Dugald Stewart: "After having thus paid the tribute of my sincere respect to the enlightened and benevolent exertions of a celebrated foreigner [the Abbé Sicard], I feel myself called on to lay hold of the only opportunity that may occur to me of rescuing from oblivion the name of a Scottish writer whose merits have been strangely overlooked both by his contemporaries and by his successors. The person I allude to is George Dalgarno, who more than a hundred years ago was led by his own sagacity to adopt, *a priori*, the same general conclusion concerning the education of the dumb, of which the experimental discovery and the happy application have in our days reflected such merited lustre on the name of Sicard."²

¹ 'Didascalocophus ; or, The Deaf-and-Dumb Man's Tutor ; to which is added a Discourse of the Nature and Number of Double Consonants —both which Tracts being the first (for what the author knows) that have been published upon either of the subjects. Printed at the Theatre in Oxford anno Dom. 1680.' Both works were edited by the late Lord Dundrennan for the Maitland Club, with the title, 'The Works of George Dalgarno of Aberdeen, 1834.'

² Philosophy, cited introduction to Dalgarno, p. vii.

Dalgarno adorns his ideas with some touches of quaint eloquence: "The soul can exert her powers by the ministry of any of the senses ; and therefore when she is deprived of her principal secretaries, the eye and the ear, then she must be contented with the service of her lackeys and scullions the other senses, which are no less true and faithful to their mistress than the eye and the ear, but not so quick for despatch."

"As I think the eye to be as docile as the ear, so neither see I any

There was too much strife and too little wealth in the Scotland of early days to let it be a favourable field for art. Yet the quiet for some years following the Union produced one considerable artist—George Jamesone. He was born in Aberdeen, and there he settled as a portrait-painter about the year 1620. In later days the artist in that and other towns of Scotland has generally gravitated towards Edinburgh; but, as we have seen, the northern town was of old a sort of metropolis in itself. There clustered round its cathedral and university a group of scholars, and there was a wealthy territorial aristocracy around, so that it was perhaps the most promising spot in Scotland for the growth of an artist. It is, at all events, fortunate that in the quiet, before the storm of civil war was to burst, there was one able to commemorate the features of so many of those who were to be actors on the scene.

It has been said and often repeated that Jamesone studied along with Vandyke under Rubens. But no authority can be found for this; and if he had such opportunities, he brought little with him either from his master or his fellow-pupil. His pictures are quiet, with nothing of the stirring life that filled the canvas under the powerful brush of Rubens. Nor has he

reason but the hand might be made as tractable an organ as the tongue; and as soon brought to form, if not fair, at least legible characters, as the tongue to imitate and echo back articulate sounds."

"The hand is—at least is capable of being made—a more serviceable organ of interpretation to the soul than the tongue; for it has access to its mistress's soul by the door of three senses,—1st, of hearing by aulogy; 2d, of seeing by both species of schematology—to wit, Typology and Dactylogy; 3d, of feeling by Haptology,—whereas the tongue can only enter by the door of one sense, and do its message only by one kind of interpretation, Glossology."—Works, 131.

that wonderful gradation of light and shade, of aerial perspective, which makes the human figure stand forth so clear from all the rest in Vandyke's portraits. Jamesone gives his heads light upon a very dark ground; but the painting is thin, with few gradations of shade, and there is little of the artist anywhere save in the head itself. His principal patron was the chief of the house of Breadalbane, and hence many specimens of his work are to be found at Taymouth. There are several in the two colleges of the University of Aberdeen. Perhaps the best known, because most readily seen of his works, is the portrait of Sir Thomas Hope in the Advocates' Library.¹ One of the pleasantest of all his achievements was engraved by his grandson Alexander, and re-engraved for Dal-laway's edition of Walpole's 'Anecdotes of Painters.' It is a family group—the artist himself with his pallet and brushes, his comely wife with the tartan snood of the day, and their chubby child. We know that Jamesone worked in a pavilion or pleasure-house within a garden, after the Dutch and Flemish fashion, save that it stood on the brink of a brawling brook instead of a ditch. When we have the portraits, the munificent patrons, the artist himself at work in his studio decorated by his own brush, we have something like a chapter out of the social history of the Netherlands. The final touch is given to the little episode of prem-

¹ There are two entries in the great lawyer's diary: "20 Julii 1638, Fryday.—This day William Jameson, painter (at the earnest desire of my son Alexander), was sufferit to draw my pictur. 27 Julii 1638.—Item, a second draught by William Jameson." Hope was extremely minute, as some instances have shown us, in his entries in his diary, but he does not seem to have acquired accuracy about such a trifle as an artist's name.

ature civilisation, when we find the poet Arthur Johnston describing the whole within the terse limits of a Latin epigram. On the whole, it must be admitted that the claims to immortality of this one Scottish painter are founded somewhat on the poverty of neighbours, and that he would not have been so widely celebrated had it not been that England had no artist so good until, a little later, Dobson came forth.

The doctrines of the Covenanting party were inimical to the plastic arts, from the belief that they had been subservient to the breach of the second commandment, and if encouraged might again be so. In England, even in the small parochial churches, we can trace with nicety the changing types of ecclesiastical architecture, from the debasement, as it has been called, of the classical into the Norman, on through the various stages, until, by what is called another debasement, the perpendicular is mixed with classical restorations in the seventeenth century. But the progress of ecclesiastical architecture in Scotland stopped in the year 1560. From that year, in the building of churches, not only all decoration ceased, but along with it all beauty and symmetry departed, leaving, in the places of Christian worship, objects as displeasing to the eye as buildings could be made. One exception to this generality is in itself significant. We have met with the name of Archbishop Spottiswood as a friend of the innovations of King James in the direction of Episcopacy. He had it in purpose, as his biographer says, "the restoring the ancient discipline, and bringing that Church to some degree of uniformity with her sister Church of England, which, had we on both sides been worthy of, might have proved a wall

of brass to both nations." Besides his more conspicuous work as an ecclesiastical politician, he left a local relic of his zeal in a parish church in Fifeshire, built, as he thought, after the Gothic models. In the words of the same author, "he publicly, upon his own charges, built and adorned the church of Dairsie after the decent English form, which if the boisterous hand of a mad Reformation had not disordered, is at this time one of the beautifullest little pieces of church-work that is left in that unhappy country."¹ But what is left of Dairsie church only shows that the hand of the builder had lost its cunning, and that neither the prelate nor his biographer had an eye for mediæval art. It is a piece of cold mimicry, like the work of the cabinetmaker rather than of the architect. The tracery of the windows, for instance, instead of being the utmost degree of united beauty and strength to be obtained by laying one stone on another, seems like openings stamped into a flat slab of stone. In this it has too much in common with some of the efforts towards Gothic at the present day. It is a mistake to suppose that the art created by centuries of study and labour can be mimicked offhand. But it is of far more importance that these efforts, such as they are, have been made by the representatives in the present day of those religious communities which from the Reformation to the existing generation held in detestation all æsthetic effort in the building of places of worship.

In baronial architecture and dwelling-houses there was a great advance between the Reformation and

¹ The author's Life, prefixed to 'History of the Church and State of Scotland.'

the Restoration. The French style of tall round towers or turrets with conical tops prevailed. In some instances the old square tower was surmounted with turrets and other decorations, and many dwellings were wholly built in the style of Chantilly and other great French chateaus. Of these there are fine specimens in Winton, Pinkie, Glammis, Fyvie, Castle Fraser, Craigievar, and Crathes. Heriot's Hospital is a curious modification of this style. It was designed by Sir Robert Aytoun the poet, who evidently appears to have sought to bring the rambling picturesque character of the French style into a rigid symmetry, like that which prevails in the classical styles. It may be noted that the little corner turrets did not belong to his original plan. In this the towers were to be carried up into high, abruptly-shapen pavilion roofs, after the French fashion, as exemplified in the Tuileries. These petty turrets depart essentially from the rule that some useful end should be the object of all building—they are too small to serve as flanking works, or to be in any way of service to the main building.¹

Some of these turreted mansions are decorated with sculpture, chiefly in pargeted ceilings. But there is nothing national in these works. The medallioned heads represent, not the worthies of Scotland, but King

¹ To Sir Robert Aytoun, who was thus an artist as well as a poet, there is a monument in Westminster Abbey. It is rich in decoration, and yet in simplicity and beauty it stands in favourable contrast to many of its neighbours. It is engraved in Smith's 'Oeconographia Scotica.' We have a little morsel of incidental evidence that his opinions were not inherited by his descendant the author of the 'Lays of the Cavaliers.' He was master of an art in high esteem in its day—that of calligraphy, or decorated penmanship; and he exercised this art in writing out illuminated copies of the Confession of Faith, some of which still exist.

David, Hector of Troy, Alexander the Great, and other persons eminent in Scripture or classical literature. They were probably the work of Italian and Netherland artists, made for the general market of the world.

It is evident that the citizen middle class in the towns rapidly advanced in wealth and comfort after the union of the crowns. Like the country mansions, the streets and houses followed Continental examples rather than English, in the piling of house above house. There was an obvious reason for this. England was, during the dynasty of the Tudors, almost the only part of Europe where towns did not require to be walled. In Scotland they were liable to attack from the English on the one side and from the Highlanders on the other. But any one alike familiar with the Scots borough town and the municipalities of France, Germany, and the Low Countries, sees that Scotland was some two hundred years later in the progress of the more material part of culture. The town-houses earlier than the seventeenth century are in Scotland extremely rare, perhaps even in Edinburgh they do not amount to half-a-dozen. Thus, although there, and in Glasgow, Dundee, Aberdeen, and the small towns of Fifeshire, the old houses are many, their age as a rule does not go back behind the union of the crowns.

The old Scots town was not so unpleasant a place of residence, nor so hostile to the laws of health, as it became when modern buildings enlarged its area. The old idea was to run up one long street on a ridge of hill if such ground were available. The street itself was close and dirty, but each house had its garden sloping down towards the open country.

The following sketch of Aberdeen by a Cavalier country gentleman gives an impression not unpleasing: "It is easy to conjecture that the closes, lanes, and streets have not been at the first building chalked out or designed by any geometrical rule. The buildings of the town are of stone and lime, rigged above, covered with slates, mostly of three or four storeys height, some of them higher. The streets are all neatly paved with flint-stone, or a grey kind of hard stone not unlike to flint. The dwelling-houses are cleanly and beautiful and neat both within and without, and the side that looks to the street mostly adorned with galleries of timber, which they call fore-stairs. Many houses have their gardens and orchards adjoining. Every garden has its postern, and these are planted with all sorts of trees which the climate will suffer to grow; so that the whole town, to such as draw near it upon some sides of it, looks as if it stood in a garden or little wood."¹

Sir William Brereton, a gentleman of Cheshire, might claim the merit of being the earliest of a prolific race—the tourists in Scotland. He was among the first to leave memorials of what he saw there. He visited Edinburgh, and then rambled westward, in the year 1634. Perhaps his experience of the Scottish capital may be read with some interest:—

"This Saturday, after dinner, I took a view of the castle here, which is seated very high and sufficiently commanding, and being able to batter the town. This is also seated upon the top of a most hard rock, and the passage whereunto was (as they there report) made through that hard and impregnable rock, which cannot

¹ Gordon of Rothiemay's description of Aberdeen, 9.

be touched or hewed ; and it is indeed a stately passage, wherein was used more industry, pains, art, and endeavour, than in any place I have found amongst the Scotts. It is but a very little castle, of no great receipt, but mighty strength ; it is called *Castrum Puellarum*, because the kings of the Picts kept their virgins therein. Upon the wall of the castle, towards the top, is this insculpsion, part thereof gilt,—a crown and sceptre, and dagger placed under it crosswise, with this superscription : ‘*Nobis hæc invicta miserunt 106 Proavi.*’ The same arms and inscription is placed upon the front of the abbey, which is the king’s house. Out of the court of this high-seated castle, there was one that watched (a soldier in his turn) in a little wooden house or cabin, which by a whirlwind was taken and thrown down both together over the castle-wall and to the bottom of this high and steep rock, and the man not hurt or bruised, save only his finger put out of joint. Hence you may take a full view of the situation of the whole city, which is built upon a hill nothing oversteep, but sufficiently sloping and ascending to give a graceful ascent to the great street, which I do take to be an English mile long, and is the best paved street with bowther-stones (which are very great ones) that I have seen. The channels are very conveniently contrived on both sides the streets, so as there is none in the middle ; but it is the broadest, largest, and fairest pavement, and that entire, to go, ride, or draw upon.

“ Here they usually walk in the middle of the street, which is a fair, spacious, and capacious walk. This street is the glory and beauty of this city : it is the broadest street (except in the Low Countries, where

there is a navigable channel in middle of the street) and the longest street I have seen, which begins at the palace, the gate whereof enters straight into the suburbs, and is placed at the lower end of the same. The suburbs make an handsome street; and indeed the street, if the houses, which are very high, and substantially built of stone (some five, some six stories high), were not lined to the outside and faced with boards, it were the most stately and graceful street that ever I saw in my life; but this face of boards, which is towards the street, doth much blemish it, and derogate from glory and beauty; as also the want of fair glass windows, whereof few or none are to be discerned towards the street, which is the more complete, because it is as straight as may be. This lining with boards (wherein are round holes shaped to the proportion of men's heads), and this encroachment into the street about two yards, is a mighty disgrace unto it, for the walls (which were the outside) are stone; so, as if this outside facing of boards were removed, and the houses built uniform all of the same height, it were the most complete street in Christendom.

“This city is placed in a dainty, healthful, pure air, and doubtless were a most healthful place to live in were not the inhabitants most sluttish, nasty, and slothful people. I could never pass through the hall but I was constrained to hold my nose: their chambers, vessels, linen, and meat, nothing neat, but very slovenly; only the nobler and better sort of them brave, well-bred men, and much reformed. This street, which may indeed deserve to denominate the whole city, is always full thronged with people, it being the market-place, and the only place where the gentlemen

and merchants meet and walk, wherein they may walk dry under foot, though there hath been abundance of rain. Some few coaches are here to be found for some of the great lords and ladies and bishops.

“Touching the fashion of the citizens, the women here wear and use upon festival days six or seven several habits and fashions; some for distinction of widows, wives, and maids, others apparelled according to their own humour and phantasy. Many wear (especially of the meaner sort) plaids, which is a garment of the same woollen stuff whereof saddle-cloths in England are made, which is cast over their heads, and covers their faces on both sides, and would reach almost to the ground, but that they pluck them up and wear them cast under their arms. Some ancient women and citizens wear satin straight-bodied gowns, short little cloaks with great capes, and a broad boun-grace coming over their brows, and going out with a corner behind their heads; and this boun-grace is, as it were, lined with a white stracht cambric suitable unto it. Young maids not married all are bareheaded; some with broad thin shag ruffs, which lie flat to their shoulders, and others with half bands with wide necks, either much stiffened or set in wire, which comes only behind; and these shag ruffs some are more broad and thick than others.”¹

To the sense of the English baronet of that day there was of course in Scotland much poverty, dirt, and discomfort. But the people of the Lowlands did not lie down on a dreary dead level of common wretchedness, like the Highlanders and the Irish. There were brighter varieties here and there, giving the hope

¹ Breerton's Travels, 101-103.

of progress. In the small towns on the Ayrshire coast he finds comfort and pleasantness. Irvine is “daintily situate, both upon a navigable arm of the sea, and in a dainty, pleasant, level, champaign country. Excellent good corn there is near unto it, where the ground is enriched or made fruitful with the seaweed or lime.” “Hence they trade much into Bourdeaux, in France, and are now furnished with good wine.” He goes on to Ayr, “where is a cleanly neat hostess, victuals handsomely cooked, and good lodging.” “This also is a dainty, pleasant-seated town; much plain rich corn-land about it.” “Most inhabiting in the town are merchants trading into and bred in France.” On these relics of the old French league follows a grievance significant of the period of Brereton’s visit: “Inquiring of my hostess touching the minister of the town, she complained much against him, because he doth so violently press the ceremonies—especially she instanced in kneeling at the communion; whereupon, upon Easter Day last, as soon as he went to the communion-table, the people all left the church and departed, and not one of them stayed—only the pastor alone.”

From these small trading seaports, with their humble amenities, the traveller passes on to Culzean, the castellated mansion of the powerful Kennedies, and there his sketch is somewhat of the Irish type. It is “a pretty pleasant-seated house or castle, which looks full upon the main sea. Hereunto we went, and there found no hall, only a dining-room or hall, a fair room, and almost as large as the whole pile, but very sluttishly kept, unswept, dishes, trenchers, and wooden cups thrown up and down, and the room very nasty and unsavoury. Here we were not entertained with a cup

of bear or ale; only one of his sons, servants, and others, took a candle and conducted us to the cave, where there is either a notable imposture, or most strange and much-to-be-admired footsteps and impressions which are here to be seen of men, children, dogs, coneys, and divers other creatures. These here conceiv'd to be spirits, and if there be no such thing but an elaborate practice to deceive, they do most impudently betray the truth; for one of this knight's sons and another Galloway gentleman affirmed unto me that all the footsteps have been put out and buried in sand overnight, and have been observed to be renewed next morning. This cave hath many narrow passages and doors, galleries also, and a closet with many rooms hewed with mighty labour out of an hard limestone roek." It is generally so with the remarkable features of scenery visited by the traveller—they are surrounded by an atmosphere of superstition, flavoured to his English mind with imposture.

Let us next find how our traveller fared in Glasgow, a place of mark even at that early period:—

“About one hour we came to the city of Glasgoaw, which is thirty-six miles from Edenburgh, eighteen from Failkirke. This is an archbishop's seat, an ancient university, one only college consisting of about one hundred and twenty students, wherein are four schools, one principal, four regents. There are about six or seven thousand communicants, and about twenty thousand persons in the town, which is famous for the church, which is fairest and stateliest in Scotland, for the tollbooth and bridge.

“This church I viewed this day, and found it a brave and ancient piece. It was said, in this church

this day, that there was a contribution throughout Europe (even Rome itself contributed) towards the building hereof. There is a great partition or wall 'twixt the body of the church and the chancel. There is no use of the body of the church, only divine service and sermon is used and performed in the quire or chancel, which is built and framed churchwise; and under this quire there is also another church, which carries the same proportion under this, wherein also there is two sermons every Lord's Day. Three places or rooms one above another, round and uniformed, like unto chapter-houses, which are complete buildings and rooms.

“The telebooth, which is placed in the middle of the town, and near unto the cross and market-place, is a very fair and high-built house, from the top whereof, being leaded, you may take a full view and prospect of the whole city. In one of these rooms or chambers sits the council of this city; in other of the rooms or chambers preparation is made for the lords of the council to meet in—these stately rooms. Herein is a closet lined with iron—walls, top, bottom, floor, and door iron—wherein are kept the evidences and records of the city: this made to prevent the danger of fire. This telebooth said to be the fairest in this kingdom. The revenues belonging to this city are about £1000 per annum. This town is built: two streets, which are built like a cross, in the middle of both which the cross is placed, which looks four ways into four streets, though indeed they be but two straight streets—the one reaching from the church to the bridge, a mile long; the other, which crosseth that, is much shorter.”¹

¹ Brereton's Travels, 114, 115.

Here the Englishman came across a feature social and political, familiar enough to him in England, but soon to become alien to Scotland. He went to the archiepiscopal palace, "and going into the hall, which is a poor and mean place, the archbishop's daughter, an handsome and well-bred proper gentlewoman, entertained me with much civil respect, and would not suffer me to depart until I had drunk Scotch ale, which was the best I had tasted in Scotland."¹

A few years afterwards, and during the Protectorate, Glasgow received a visit from another Englishman, named Richard Frank. He wrote a book of considerable bulk, already referred to, called 'Northern Memoirs, calculated for the Meridian of Scotland.' He followed a hyperbolical style just coming into fashion, and manages, with a vast abundance of words, to say wonderfully little. The serious business of life to him was fly-fishing, and experienced anglers have said that his book proves him to have been a highly-accomplished adept in this art. He proceeds "to discourse this eminent Glasgow, which is a city girded about with a strong stone wall, within whose flourishing arms the industrious inhabitant cultivates art to the utmost":—

"Here it is you may observe good, large, fair streets, modelled, as it were, into a spacious quadrant, in the centre whereof their market-place is fixed; near unto which stands a stately tolbooth, a very sumptuous, regulated, uniform fabric, large and lofty, most industriously and artificially carved from the very foundation to the superstructure, to the great admiration of strangers and travellers. But this state-house or tolbooth is their western prodigy, infinitely excelling the

¹ Breerton's Travels, 117.

model and usual built of town-halls, and is without exception the paragon of beauty in the west."

After much digression he returns "to consider the merchants and traders in this eminent Glasgow, whose storehouses and warehouses are stuffed with merchandise, as their shops swell big with foreign commodities and returns from France and other remote parts." He finds that "they generally exceed in good French wines, as they naturally superabound with flesh and fowl." Before he departs he pays Glasgow the highest compliment at his disposal: "What to say of this eminent Glasgow I know not, except to fancy a smell of my native country. The very prospect of this flourishing city reminds me of the beautiful fabrics and the florid fields of England." And again: "The linen, I also observed, was very neatly lapped up, and, to their praise be it spoken, was lavender-proof; besides, the people were decently dressed, and such an exact decorum in every society represents it to my apprehension an emblem of England, though in some measure under a deeper die."¹

The morality of a country is no doubt the most essential chapter in its social history; but it is perhaps better to leave it to come forth in the narrative of events, than to offer a summary of its condition. There are many barriers in the way of such an attempt. In the quarrels of the age all moral conditions were exaggerated. The opposite sides not only maligned each other, but sometimes maligned themselves. With the Cavalier party there was the spirit put by Scott into the mouth of the tipsy butler, who explained that a Cavalier serving-man must drink and swear according

¹ Northern Memoirs, 104-107.

to his degree, lest he be mistaken for a Puritanical Roundhead. In some instances, too, where the Covenanting party in the Church have summed up the sins of the land as a testimony to their own inefficiency in restraining them, there is a tendency to aggravate their enormity; and this tendency is flavoured by a propensity to seek for parallels in the denunciations of the prophets of old, who had often to address themselves to such brutalised conditions as we cannot suppose to have existed in any part of Britain.

In the manifesto of 1651, published at greater length in 1653, called 'The Causes of the Lord's Wrath against Scotland, manifested in His sad late Dispensations,' one might expect some account of the current matters of the day; but it is little to the purpose to find, along with texts hinting at worse evils, such standard pulpit denunciations as the "Woe to them that rise up early in the morning to drink strong drink!" &c. ; or, "There dwelt men of Tyre also therein, which bought fish and all manner of ware, which they sold to the children of Judah and Jerusalem on the Sabbath."

In the golden age of the Melville supremacy we have found the ecclesiastical authorities issuing their stringent instructions to their executive to enforce the rule of righteousness, immediately accompanied by accusations tending, if not intended, to prove the futility of their corrective organisation. When they recovered their powers with the Covenant, the old efforts, and bewailings of their insufficiency, were repeated in the old form, as if it were a precedent for a ceremonial routine.¹

¹ The Synod of Fife, for instance, in the year 1650, established a powerful social police under a rule "that every parish be divided into

If we are to take the intellectual triumphs of a people—their accomplishments in literature, science, and art—as marking the highest development of their social existence, we come at the other end to the superstitions that degrade and enslave the intellect. They are together the light and the shade, the day and the night, of the intellectual circle. The prevalent superstitions of Scotland had a growth assimilated to the character of the country, as a land rugged and barren, swept by stormy winds, penetrated by long, wild stretches of sea-lochs, and cut by rapid torrents. Among a people trained in such physical conditions the pallid spectre of the English churchyard was of little account as an object of fireside terror, nor were the household imps familiar in old English village life of much moment. In place of these, Ffiam stalked with his torn-up tree over the ridge of the misty mountain; he was the optical delusion produced by magnified reflection on the mist, and was of kin to the renowned spectre of the Broken. There was the kelpie who strangled the traveller in the stream, or swelled it into a flood to sweep him down to destruction; and in many

several quarters, and each elder his own quarter, over which he is to have special inspection, and that every elder visit his quarter once every month at least.” They are to “take notice of all disorderly walkers, especially neglecters of God’s worship in their families, swearers, haunTERS of ale-houses, especially at unseasonable hours, and long sitters there and drinkers of healths, and that they delate these to the session.”

Soon afterwards they enacted a day of humiliation for the sins of the land. Among these they specify “the great and general contempt of the grace of the Gospel, the conversation of many of the professors being not as becometh the Gospel;” and “the many abominable sins, as contempt and mocking of piety, gross uncleanness, intemperance, breach of Sabbath, swearing, injustice, murmuring against God abound- ing while we are under the Lord’s afflicting hand.”—Selections from the Minutes of the Synod of Fife, 168-175.

other shapes the casualties fatal to life in a country full of dangers were connected with supernatural agencies as cause and effect. The picturesque prophetic superstition of the "second sight" was the exclusive possession of natives of the farthest Highlands, who had a world of supernatural beings and agencies peculiar to themselves. But there was one superstition overshadowing all others in the extent of its horrible influence, as spreading suspicion and terror through the community, and driving it to acts of ferocity and cruelty. As the pursuit of the Witch rapidly increased in frequency over Europe after the Reformation, the ingenious theory has been suggested, that a certain amount of superstition is an intellectual necessary of life to mankind according to their condition in culture, and if it is not supplied to them they will take it. Hence, not having it in the decorous and pompous ceremonials in which it was administered to them by the Church of Rome, they took it as supplied by their own degraded and unguided fancies. But another explanation of this superstition suggests itself. Through much investigation into certain phenomena, a laborious classification of the results, and a deduction of general laws from that classification, a sort of science had been found for the operations of witchcraft. The Church took the command of this as a portion of philosophical knowledge especially its own. The collection of treatises known to erratic readers as the 'Malleus Maleficarum,' or Hammer of Witches, received the sanction of the Church, and became the standard of doctrine to which all who discoursed on the important science of witchcraft appealed. Great students, admitted also to be great teachers, pre-eminent

among whom was the illustrious Delrio, discoursed on the doctrines of this science as adepts now discourse on astronomy and geology. The whole affair is a humiliating instance of what human science may become, but it is of interest here from the following considerations:—

The facts brought forth in a great body of trials for witchcraft in Scotland supply apt illustrations of the doctrines of the authorities on witchcraft—illustrations just as apt as the clinical student finds in the wards of a hospital to the doctrines laid down in the leading practical authorities of the day. We have the negotiations and treaties with the Evil One, ending in the transference of the claim on salvation for certain gifts at his disposal. There are the great Sabbaths or assemblies for his worship immortalised in the Walpurgis night. The loathsome doctrine of the incubus and succuba is exemplified with horrible minuteness. Some phenomena coming down to the scientific authorities from the Greek and Latin classics are repeated with equal fidelity, as the metamorphosis from human creature to beast, the two animals chiefly resorted to by the restless being the cat and the wolf. Another feature of classic descent is the vicarious torture or slaughter by symbolical infliction on a waxen image. The necromantic use of the remains of the dead is a doctrine of the sages amply exemplified in Scottish practice, and so are the aerial journeys of the servants of Satan to attend the great gatherings ordered by their master in distant regions. Even the minor agencies—through toads, snakes, and other creatures odious or venomous—are according to precedent. The shapes, too, in which the victims are

afflicted through these agencies, conform to the established doctrine of the authorities.

In its own day the coincidence was natural and satisfactory, as a fitting together of fact and doctrine. In the present day it leaves room for none but a very horrible conclusion, too well supported by the facts. Towards those who came under the suspicion of diabolical dealing there was no pity left in the human heart. True, the doctrine that suspicion was not proof existed nominally for this as for other accusations, but nominally only. Where the suspicion alighted it carried belief with it, so as to render this chapter in the history of human wrongs perhaps the very darkest and saddest of them all. It followed from all this, that torture was applied in inexhaustible abundance to the accused. It was applied in the presence of sages learned in the doctrines of witchcraft. They knew, indeed, the things that ought to be confessed, just as the expert physician knows the symptoms that his patient ought to describe to him. So under the infliction of torture the wretches admitted whatever was charged against them, and their wonderful confessions were duly recorded.

In Scotland the approved doctrines of witchcraft had the sanction of the highest authority. King James himself was one of the sages of the science, as the author of the 'Dæmonologie' in three books. He had wonderful practical experience, too, to guide him. There was a strong muster of the Satanic world to interrupt his return home from Scandinavia with his bride, and the interest and value of the phenomenon was increased by a co-operative body of witches on the Scandinavian side, the two affording a crucial ex-

periment on the laws of demonology. The forms of witchcraft developed in Scotland had the grand picturesqueness which recommended them to the purposes of Shakespeare; and of all the supernatural escapades admitted by them in their confessions, none are more richly endowed with the grotesque, the fanciful, and the horrible, than those which were confessed in the presence of King James himself, as appertaining to designs entertained and attempted by the powers of darkness against his own sacred person.¹

With these, his own peculiar people, the prince of darkness was at home. They had proffered their services and become the covenanted slaves of his will.

¹ For special information on the phenomena of witchcraft in Scotland, the inquirer may be referred to Chambers's 'Domestic Annals of Scotland,' Pitcairn's 'Criminal Trials,' Sir John Dalzell's 'Darker Superstitions of Scotland,' Kirkpatrick Sharpe's introduction to 'Law's Memorials,' the Miscellany of the Spalding Club, and a 'Diurnal of Occurrents in Scotland,' in the Miscellany of the Spottiswood Society.

The tenacity of a belief in witchcraft among educated people in Scotland is signally exemplified in the methodical treatment of the crime and its symptoms in a law-book of the driest professional character — 'The Institutes of the Law of Scotland,' published in 1730, "by William Forbes, advocate, professor of law in the University of Glasgow": "Witchcraft is that black art whereby strange and wonderful things are wrought by a power derived from the devil" (p. 32). He excuses himself for declining to follow the example of the English commentators, who touch the matter as if it was an obsolete belief: "Nothing seems plainer to me than that there may be and have been witches, and that perhaps such are now actually existing; which I intend, God willing, to clear in a larger work concerning the criminal law" (p. 371). When the penal laws against witchcraft were repealed in 1736, the religious community, professing to be the representative of the Church in the days of its purity under the Melvilles, lifted a vehement testimony against the repeal as "contrary to the express law of God; for which a holy God may be provoked in a way of righteous judgment to leave those who are already ensnared to be hardened more and more, and to permit Satan to tempt and seduce others to the same wicked and dangerous snare."

But his power over these once established in firm belief, there was a tendency to extend it, as an easy and rational solution of moral difficulties. It was thus followed into regions where its action was more subtle and treacherous. It could establish itself within the moral nature of those who had not offered themselves as victims—who were seeking another master—who had even found him and entered the circle of the elect people of God. Here, looking at the phenomenon from without, there might be seen established within the new Church, what was virtually equivalent to one of the scandals of the old, a licence to sin admitted by man in favour of his neighbour. Demoniacal possession served amply the purpose of indulgence. Without comparing with each other the merits of the two Churches, we have the fact that in both there were people endowed with a small morsel of religion and a large share of wickedness, who desired to make such religion as they could command minister to their vices. In this way absolute demoniacal possession was a plenary indulgence obtained without payment of a price. This is one of the moral phenomena calculated to teach us how in all feuds, civil and religious, however far the men of the two factions draw off from each other, they are still the men of the period, subject to the like passions and affections; and it has been an evil thing for truth that the writers about such periods should think it their duty to paint the one side as angelic and the other as diabolical.

It was perhaps from this sense of enslavement to the power of evil, that men who had trodden in a peculiarly strict path of life, when they lapsed into wickedness, not only confessed their crimes with

broad distinctness, but drew them in their darkest colours, sometimes even in the spirit of exaggeration, as if the deeper the atrocity of the crime the clearer was it that the responsibility was removed from the perpetrator to the Power of evil. Thus John Kello, a minister of the most rigid class, murdered his wife and made full confession of his crime. He had no motive for his crime, he said, "but the continual suggestions of the wicked spirit to advance myself further and further in the world." "These were the glistening promises wherewith Satan, after his accustomed manner, clouded my senses, and prevailed so in my corrupted mind that the space of forty days together I did await only upon the opportunity of time to put my wicked desire in execution." As if to exaggerate his crime, he said he loved his victim tenderly; and she was eminently worthy of all love—so devoted to him, that when, "pressed forward by the temptation of the enemy," he was doing the deed, she "in the very death could not believe I bore her any evil-will, but was glad, as she then said, to depart, if her death could do me either vantage or pleasure."¹

This articulate individualising of the powers of good and evil, and the severing of the two into opposite armies set in material hostility with each other, had a terrible and brutalising influence on the polemical and superstitious passions. The tendencies that soften their hard logic—charity, sympathy, compassion—were all excluded. There could be none of these for the great enemy. Admit that Satan himself was the being to be fought with or punished, there could be no quarter. Any suggestion of compromise, any admis-

¹ Bannatyne's Memorials, 53 *et seq.*

sion that he might be spared or pitied, was arrant blasphemy. Hence the relentless cruelties inflicted by a people not cruel by nature upon those who fell under the blight of witchcraft. And something of the same feeling crept into religious controversy, and gave it the tone of intolerance that so ill becomes those who are counted among the champions of free thought in Scotland. If the inspiration of the Sectaries and the Malignants were but the manifestation of the power of evil—and there was ever a suspicion that it was—then, indeed, the toleration of it was a crime of the darkest hue. We may perhaps have opportunity of seeing the influence of this spirit on the history of the dismal period now approaching.

CHAPTER LXXVII.

Restoration Settlement.

ARRIVAL OF THE KING IN LONDON—THE REJOICINGS IN SCOTLAND—RESUMPTION OF COMMITTEE OF ESTATES—THE ENGLISH NAVIGATION ACT, AND END OF FREE-TRADE—THE TESTIMONY OF THE REMONSTRANT PARTY—THEIR CONDITION AND INFLUENCE—PROSPECTS OF RELIGION—AMBASSADORS AT COURT FOR THE MODERATE PARTY OF THE CHURCH—HISTORY OF THE NEGOTIATIONS OF JAMES SHARP—SENT TO PLEAD FOR THE PRESBYTERIAN CAUSE, AND RETURNS AS ARCHBISHOP OF ST ANDREWS—THE REGALIA PRESERVED—LOSS OF RECORDS—THE FORTRESSES—MEETING OF ESTATES—MIDDLETON AS COMMISSIONER—THE EQUIVOCAL PROMISES ABOUT THE CHURCH—THE ACT RESCISSORY—ESTABLISHMENT OF EPISCOPAL HIERARCHY—VICTIMS—ARGYLE—GUTHRIE—WARRISTON.

As soon as the news of the 29th of May 1660 could reach Scotland, it became known that Charles II. had arrived in England, and was there received with a sort of delirious joy.¹ The active part of “the

¹ Perhaps the spirit of the time is sufficiently expressed in a contemporary account of the rejoicings in Edinburgh on the coronation-day—a scene much in contrast with anything that had been known in Scotland for a generation: “Sermon ended, the Lord Commissioner returned to the royal palace attended by great numbers of nobility, knights, and gentry; and all feasted at one time, and at several tables, in a most splendid and magnificent manner. And that nothing might be wanting to complete the solemnity, the Lord Commissioner’s lady, with her daughters, at the same time, in another room, entertained many ladies of quality with all the rarities and delicacies imaginable, and with such admirable concerts of music as hardly could be expected from a nation

Restoration belongs to the history of England, or of Britain generally; it is only in its consequences that there arise facts sufficient in their distinct importance to keep up the thread of separate national history in

so depressed. Towards the middle of dinner his majesty's health begun by the Lord Commissioner, a sign given from the terrace, the canons of the castle began to thunder, which was answered from the citadel at Leith with the like roaring; and the great pyramid of coals and tar-barrels which was in the out-court of the palace was likewise given fire to, which for its greatness was extraordinary; and if it had been on the top of a hill in the night-time, for two miles about it would have shown light to have sung *Te Deums* in the smallest print, and put into a sweat any that had been frozen with the greatest fit of a cold, and at the same distance too. After dinner the young lords and ladies came out and danced all sorts of country dances and reels; and none busyer than the young Lord Clermont, son of the Lord Commissioner, who was so ravished with joy that if he had not been restrained he had thrown rings, chains, jewels, and all that was precious about him, into the fire.

“Now let us take a little notice of the great signs of joy manifested by our ancient and good town of Edinburg. After the Lord Provost, Sir Robert Murray, with the bailies, common council, and other magistrates, had turned up their spiritual thanks to heaven for so blessed an occasion, then they went altogether to a place appointed for the purpose, and in a most magnificent manner regaled themselves with those human lawful refreshment which is allowable for the grandeur of so eminent a blessing. By that time their feast was finished, the bonfire bells alarmed them to mind the carrying on of the work of the night. The Lord provost, with the magistrates—each of them with a white baton in their hands—and the rest of the council, appeared at the cross, which was disposed in a most hospitable piece of pageant—viz., a splendid representation of a vineyard with all the cognisances of Bacchus, and under a large wine-tree of swelling and bushy clusters did that same god of frolics bestride a hog-head of the most gracious claret. He was accompanied with his uncle Silenus and some half-a-score of most lovely and wanton Bacchides; this same grave and spongy moderator by proclamation gave most ample permission to all mankind, for the space of twelve hours by the clock, to be as mad with mirth as their imaginations could fancy. The indulgence was no sooner pronounced but streams of claret gushed from the conduits; trumpets, flutes, and all sorts of carousing instrument which might screw up the passions, did forthwith sound a charge; the breaking of glasses and tumbling of conduits among the commonalty made a greater noise than the clashing of Xerxes' armies' armour did at a narrow pass when they were upon a rout.”—Edinburgh's Joy for his Majesty's Coronation in England.

Scotland. It was again religion and the Church that was to stir into activity the materials of history. But on this occasion the power roused by religious fervour in Scotland did not, as in the days of the Covenant, shake England also. The events, too, were not to open to the zealous a brilliant and triumphant career. The predominant features in the new epoch were to be defeats and sufferings, and they were to be borne by Scotland alone, with no aid and scant sympathy from without.

A convenient arrangement had been bequeathed from the days before the Commonwealth for the immediate administration of business. It was put into the hands of the Committee of Estates, as it was constituted at the time when Charles II. was crowned at Scone. It was a body that had been originally created in defiance of and to thwart the Crown, but in the present juncture of loyalty it could be trusted until the king sent a commissioner to preside over a meeting of the Estates.

The convention Parliament of England had been assembled, and was sitting for the transaction of business when the king arrived. One of the earliest Acts of this Parliament affected Scotland, and it therefore happens that the civil history of Scotland at the juncture of the Restoration begins in Westminster. The "Act for the encouraging and increasing of shipping and navigation," commonly called "the Navigation Act," has just as much direct reference to Russia as it has to Scotland, and yet it was to the Scottish people a sudden calamity followed by a long train of disastrous consequences. The leading rule of that Act—a rule long held in reverence as the legislative

guardian of English trade—is in these words: “No goods or commodities whatsoever shall be imported into or exported out of any lands, islands, plantations, or territories to his majesty belonging, &c., in Asia, Africa, or America, in any other ship or ships, vessel or vessels, whatsoever, but in such ships or vessels as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales, or town of Berwick-upon-Tweed,” or of some English settlement. Further, there was provision that merchandise should not be imported from abroad into England except in English vessels, or the vessels of the place where the goods were produced. In brief, there could be no trade with the English colonies but in English vessels, and no goods could be imported into England from any place abroad by ships that did not belong either to England or the place whence the goods were brought. Thus no vessel belonging to Scotland, Holland, or France, could trade in the produce of the English colonies, or between Spain or any other country and England. To such goods as came through the narrowed channel of trade from foreign countries, alien duties were attached for the encouragement of English trade. That the bearing of this Act on Scotland was kept in full view when it was prepared, is shown by a curious clause of exemption, by which alien duties are not to apply to “any corn of the growth of Scotland, or to any salt made in Scotland, nor to any fish caught, saved, and cured by the people of Scotland, and imported directly from Scotland in Scotch-built ships, and whereof the master and three-fourths of the mariners are of his majesty’s subjects; nor to any seal-oil of Russia imported from

thence into England, Ireland, Wales, or town of Berwick-upon-Tweed, in shipping *bona fide* to any of the said places belonging, and whereof the master and three-fourths of the mariners at least are English.”¹

By this Act the free commerce between Scotland and England, which had lasted for six years, was at once suppressed, and the infant progress of Scotland in wealth and enterprise was blighted. The Navigation Act was the foundation of that great, complicated, and laborious system of restrictive and prohibitory commercial legislation which has now been swept from the statute-book. The navigation laws were an invention of the Republic for the purpose of ruining the Dutch, who threatened to engross the shipping and commerce of the whole world. The Restoration Government saw that it was good, and immediately preserved it in a legitimate Act of Parliament. Those statesmen of times not long past who had least sympathy with the Commonwealth, admitted that its statesmen did one wise thing when they laid the foundation of the restrictive and prohibitory commercial system. The economic policy of the present age utterly condemns the system; but that condemnation does not reverse the view, that as part of a system in which the island of Britain was one country, it was eminently advantageous to the Scots. To them the trade of England was worth the trade of the rest of the world many times over. This just rendered it all the more necessary that they should no longer retain it. The navigation laws were one of those great acts of homage to the trade jealousy which was growing in strength and casting its unamiable shadow over

¹ Act 12, ch. ii. ch. 18.

England. The Scots, like the English an energetic, industrious, commercial nation, were more dangerous than the French or the Spanish, because they were close at hand. When the Scots afterwards attempted to rival the English monopoly, and to trade and colonise on their own account, the English merchants pursued and ruined them. The efforts of Scotland and the jealousy of England both culminated in the renowned Darien expedition. The result of that was, that either there must be toleration and interchange of trading privileges, or Scotland would have a separate sovereignty for itself, and fight, as of old, its own cause; and the consequence of this emergency was the Union of 1707. Such was the legacy of events left by a piece of statesmanship belonging to that useful but uneventful class which history shuns. It is not wonderful, indeed, that in the many incidents, tragic or otherwise, of the period, such a matter as the Navigation Act should be passed by. It is necessary that we now turn to the scene of these events so different in character, and they again drive us into the thick of ecclesiastical squabbles.

A small body of clergymen and elders desired their brethren of the Church to unite with them in a dutiful address or "supplication" to his majesty. The clergy at large, not liking the names of those who so appealed to them, held aloof; and the promoters met to prepare their appeal in the house of Robert Simpson, a citizen of Edinburgh, on the 23d of August 1660. The supplication resolved itself into something more like a demand than those of twenty years earlier. They addressed the king as one of themselves—a Covenanted monarch. They reminded him of the

fact thus : “ We hope that your majesty will not take offence if we be the Lord’s remembrancers to you that you were pleased, a little before your coming into this kingdom, and afterwards at the time of your coronation, to assure and declare by your solemn oath under your hand and seal in the presence of Almighty God, the searcher of hearts, your allowance and approbation of the National Covenant, and of the Solemn League and Covenant, faithfully obliging yourself to prosecute the ends thereof in your station and calling.”

That he may be fully informed as to the nature of the obligations so undertaken, they utter their expectations thus : “ That you would employ your royal power unto the preservation of the Reformed religion in the Church of Scotland in doctrine, worship, discipline, and government ; and in the reformation of religion in the kingdoms of England and Ireland in doctrine, worship, discipline, and government ; and in the carrying on the work of uniformity in religion in the Churches of God in the three kingdoms, in one confession of faith, form of Church government, directory for worship, and catechising ; and to the extirpation of Popery, Prelacy, superstition, heresy, schism, profaneness, and whatsoever shall be found contrary to sound doctrine and the power of godliness ; and that all places of power and trust under your majesty may be filled with such as have taken the Covenant, and are of approved integrity and known affection in the cause of God.”

They know that there are designs to overthrow the “ blessed work,” and “ to reintroduce Prelacy and the ceremonies and the Service-book, and all those cor-

ruptions which were formerly east out." But should these projects be successful, they "cannot, without horror of heart and astonishment of spirit, think of what dreadful guiltiness kings, princes, ministers, and people shall be involved into, and what fearful wrath shall attend them from the face of an angry and jealous God."

They admit that they would be no less apprehensive were there a chance of the restoration "of the spirit of error that possesseth sectaries in these nations, which as it did at first promote the practice of a vast toleration in things religious, and afterwards proceeded to the framing of the mischief thereof into a law;" and they know that there are some who are prepared to renew this licence "under the specious pretence of liberty for tender consciences." They conclude their supplication, of which these extracts are but a small part, with something like an invoeation: "It is the desire of our souls that your majesty may be like unto David, according to God's own heart; like unto Solomon, of an understanding heart to judge the Lord's people, and to discern betwixt good and bad; like unto Jehoshaphat, whose heart was lifted up in the ways of the Lord; like unto Hezekiah, eminent for goodness and integrity; like unto Josias, who was of a tender heart, and did humble himself before God," &c.¹ If these parallels ever found their way into the ante-chambers at Whitehall, it is easy to imagine them creating much merriment.

This supplication was never presented. The Committee of Estates, calling the meeting "a conventicle

¹ "The Ministers' [designed] Supplication" will be found in full in Wodrow, i. 68 *et seq.*

and private meeting of some remonstrating and protesting ministers," sent a warrant committing them to the Castle of Edinburgh.

As it is proper to keep in view the peculiar tenor of this document, it is also proper to note who its adherents were. They were the remnant of the Remonstrants of the west. The past ten years had been unpropitious to their growth in numbers and strength. The Protectorate kept their enemies from persecuting them, and in some measure favoured them for the one virtue of their disliking the house of Stewart. Their sole grievance was, that they were not permitted to assail the large portion of the human race who were heretics from their own centre of truth. If their existence might be likened to physical or mental disturbance in the body politic of Scotland, the effect of the political treatment administered by the Protectorate might be likened to that of soporifics and rest on the excited patient. The more they raved, indeed, the less sympathy did the great bulk of the community give them; and there can be no greater mistake than to suppose, as some people have from what afterwards befell, that these men represented the prevailing feeling of the Scots at the juncture of the Restoration. Whatever remnant of the old frenzy remained with these zealots of the west, the country at large, Presbyterian and Episcopalian, had little sympathy in it. The country was never in a more tolerant or moderate temper. Of those who, like Baillie, were not Remonstrants, yet had seen the Covenant work its way over the land as if led by the finger of God, and who expected to see the restoration of Zion, the number was small, and they

were old, with little practical influence. Their doctrine, that all the three kingdoms must become Covenanted, would have been dealt with as a mere obsolete form of speech in which the men of former things were entitled to indulge, had the good spirit that was alive in the people been cultivated and caressed. Without venturing to decide whether or not the nation might have assented to a moderate Episcopacy, it was heartily tired of things past, and ready for moderation in some form or other. One powerful element of the old resistance was gone. With the zealous Covenanters the landowners had now no common cause. A quarter of a century had passed since the climax of their terror, that the Church property gathered by them during the previous seventy-five years would be torn from them. A new generation now held these lands; and the rapid succession of convulsions since the settlement of 1633, when tithes were commuted, had driven out of recollection a matter so little before the world—so completely each man's private affair—as the fear that the settlement was only a first step towards the restoration of all the old ecclesiastical property to the Church. It needed the conjunction of two spirits so peculiar as those of Charles I. and Laud to rouse such an apprehension; and such a conjunction was one of the rare things which men do not expect every day, and only feel when they are really seen to be approaching. On the other hand, they had more recent recollections of the hard discipline exercised over their life and conversation by the Presbyterian clergy, and were in no humour to submit to their yoke.

The clergy themselves were weary of the bondage of "the sectaries," and in the bulk thoroughly loyal.

A zealous Covenanting historian, speaking out of the spirit driven into his community by the events that were to come, said of his countrymen of the Restoration period: "Meantime the king's character stood so high in the opinion and the idolatrous affections of the miserable people of Scotland, that a man might more safely have blasphemed Jesus Christ than derogate in the least from the glory of his perfections; people would never believe he was to introduce bishops till they were settled in their seat."¹

Whatever earnestness there was in Charles II.'s nature seems to have turned against the Covenant and that religion which, as Burnet makes him say, was "not a religion for a gentleman." He knew what it was, not from theological study, but bitter experience. In the days of his misfortune he had been subject to brief periods of danger and privation; but in general he led an easy, rakish, and luxurious life, with much in it to satisfy the desires of his nature. Through its pleasant vistas his dreary abode at Scone seems to have come like some nightmare vision of horrors. Yet the few who were alike zealous in loyalty and in Covenanting faith seem to have thought that with this odious burden on his memory, even when triumphant in the homage of the reactionary zeal of England, he was to come forward and accept all the humiliating tests endured by him at Scone. It is strange to find how well one who had expected to find in him a Covenanting king, and was disappointed, could describe the motives likely to turn a king like Charles towards Episcopacy rather than the Covenant: "He knew well bishops would never be

¹ Kirkton, 132.

reprovers of the Court, and the first article of their catechism was Non-resistance. They were men of that discretion as to dissemble great men's faults, and not so severe as the Presbyterians. They were the best tools for tyranny in the world; for do a king what he would, their daily instruction was kings could do no wrong, and that none might put forth a hand against the Lord's anointed and be innocent. The king knew also he should be sure of their vote in Parliament desire what he would, and that they would plant a sort of ministers which might instil principles of loyalty into the people till they turned them first slaves and then beggars." ¹

When the Court reached London, it found there two ambassadors sent to plead the cause of a Presbyterian Establishment for Scotland. The natural conclusion to be anticipated from the conflicting powers was a compromise. If there were on the one hand the king and his favourites eager for a courtly hierarchy, there was on the other extreme the wild remnant in the west. The moderate men, if driven to extremities, must make common cause with them; and that inferred an effort, with the aid of the English remnant, to re-establish the Covenant over the three kingdoms. From such an alliance and crusade the moderate party recoiled with tremors. To avoid it they would have given up much. Then it would not, after all, be a courtly Prelacy that Scotland would possess, unless the attempts on the old Church lands were renewed, and that was not in the calculation of chances. The Scots prelates, whose incomes were shaped in the curious disputes which we have seen in King James's

¹ Kirkton, 131, 132.

reign, would be poor men beside the Lords Bishops of England. It was noticed that the revenues of the see of Winchester were worth more than those of all the Scots sees collectively.¹ The result of these conflicting forces, had they been left to free action, can only be matter of calculation, for the end was otherwise decided. The Scots Presbyterians were represented by a traitor who abandoned all. James Sharp was sent to London as an ambassador in the cause of a Presbyterian polity, and he returned as the selected Archbishop of St Andrews. This is one of the simple, and to a certain extent satisfactory, occasions in which it is hopeless to plead honest conviction.

Sharp went to London as the ambassador of the Broad or Resolution party in the Church; he was to treat with Monk and with whatever party he might find in power. He had, as we have seen, represented this party at the Court of the Protectorate, where it was thought that the Remonstrants were unduly favoured, and had gained a character among the public men of the age as one endowed with tact and good practical sense. His instructions bear date 6th February 1660. They refer in some measure to practical details, such as "a commission for settling and augmenting of ministers' stipends." His primary instruction was: "You are to use your utmost endeavours that the Kirk of Scotland may, without interruption or encroachment, enjoy the freedom and privileges of her established judicatories ratified by the laws of the land." Of the subsidiary instructions, one, when read by the events preceding and those following on it, is suggestive of reflection: "Whereas, by the lax toleration which

¹ Wodrow, i. 235.

is established, a door is opened to a very many gross errors and loose practices in this Church; you shall therefore use all lawful and provident means to represent the sinfulness and offensiveness thereof, that it may be timeously remedied.”¹ This one direction Sharp may be said to have followed to the letter, but scarcely in the spirit intended by his instructors.

Robert Douglas was appointed his colleague, to join him in London if necessary; but Sharp found that the essential parts of the business had better be conducted by himself alone. By Monk's suggestion he went to the Court at Breda, and had interviews with the new king before he crossed the Channel. His correspondence at the time, especially that with Douglas, has been preserved. It is a bulky collection, and it would be difficult to find letters with fewer ostensible attractions; but when we read them by the light of after-events, it is interesting to trace through them some faint vestiges of the workings on the emissary's mind. The first distinct utterance is a caution not to demand too much—not to attempt to force the Covenant on England and Ireland: “Presbyterians here are few, and all are Englishmen, and these will not endure us to do anything that may carry a resemblance in pressing uniformity. I shall not be accessory to anything prejudicial to the Presbyterian government; but to appear for it in any other way than is within my sphere is inconvenient, and may do harm and not good.” Again: “For me to press uniformity for discipline and government upon the king and others, I find, would be a most disgusting employment and successful; for although the

¹ Wodrow, i. 5.

king could be induced to be for it, it were not in his power to effectuate it, the two Houses of Parliament and body of this nation being against it; and if I speak what I know and can demonstrate to you, 'tis already past remedying."

All this carries an air of sense and modesty. Taking by deduction from the event an evil view of it, it might seem a modification of his claim in order that the remainder might be bought up. The man taking his stand on the Covenant as absolute righteousness, which all the three kingdoms must profess, presents a more formidable obstacle to the seducer than he who merely claims for himself and his friends an exemption from the general rule. But on the other hand it might be said, that if he then had the design of making the Covenant odious in England, arrogant and excessive demands were the way to accomplish his end.

On his return to London we find him from time to time disturbed in spirit by symptoms of the prevalence of Episcopacy: "A knowing minister told me this day that if a synod should be called by the plurality of incumbents, they would infallibly carry Episcopacy. There are many nominal, few real, Presbyterians. The cassock-men do swarm here, and such as seemed before for Presbytery would be content of a moderate Episcopacy. We must leave this in the Lord's hand, who may be pleased to preserve to us what He hath wrought for us." Again: "I pray the Lord keep them from the Service-book and Prelacy. If the king should be determined in matters of religion by the advice of the two Houses, 'tis feared that Covenant engagements shall not be much regarded. All sober men depend more upon the king's moderation and

condescension than what can be expected from others. The Episcopalians drive so furiously that all lovers of religion are awakened to look about them, and to endeavour the stemming of that feared impetuosity of these men. All that is hoped is to bring them to some moderation and closure with an Episcopacy of a new make." "I see generally the cassock-men appearing everywhere boldly, the Liturgy in many places setting up. The service in the chapel at Whitehall is to be set up with organs and choristers, as formerly." Was all this to prepare people for a coming phenomenon—a torrent of Prelacy so powerful that, unable to resist it, he is soon carried away by it?

As he writes, the torrent gains strength: "The course of Prelacy is carrying on without opposition, so that they who were for the moderation thereof apprehend they have lost their game. No man knows what the overdriving will come to. The Parliament complain of his majesty's moderation, and that he does not press the settling all *sicut ante*. God only knows what temptations and trials are abiding us. I have made such use of your papers as is possible. You stand exonerated as to any compliance with the times, or betraying the common cause by your silence, in the judgment of all to whom I have communicate what you have ordered me to do. Our task is to wait upon God, who hath done great things we looked not for, and can make these mountains plains."

One thing evidently disturbed him personally during this ruin to the cause. Douglas spoke of coming to help him. That must be prevented. He wrote that he was "tossed in his thoughts about it." In one light it might do good; but, on the other hand,

when he reflects what a jealous eye the Prelatical party, who bear him no goodwill, will have on him and his carriage, he is recommended to forbear. "I know," he says, "you are not capable of being tickled by the desire of seeing the grandeur of a court, and you would soon tire were you here; and the toil and charge of coming hither and returning in so short a time—it being necessary you be at home against the sitting of the Parliament—will be, in my apprehension, much more than any good can be done at this time." No—on the whole, he had better not come at present; but he is told that "when matters come to a greater ripeness two or three months hence, your coming may be of more use and satisfaction to yourself and advantage to the public." Sharp was threatened with a still more formidable visitation. A committee of his most zealous and able brethren proposed to join him. He met this boldly. The king did not desire to see them then in the pressure of his English affairs, and their coming would prejudice the cause—when his majesty desired their attendance he would send for them.

The next quotation touches on perilous ground: "Our noblemen and others here keep yet in a fair way of seeming accord; but I find a high, loose spirit appearing in some of them, and I hear they talk of bringing in Episcopacy into Scotland, which I trust they shall never be able to effect. I am much saddened and wearied out with what I hear and see. Some leading Presbyterians tell me they must resolve to close in with what they call moderate Episcopacy, else open profanity will upon the one hand overwhelm them; or Erastianism—which may be the design of some statesmen—on the other."

This is early in June 1660. On the 16th he comes again on the impolicy of pressing the Covenant on England, and turns into little windings of thought and argument, such as a mind conscious of treachery might follow: "Under correction I apprehend our doing of that which may savour of meddling or interposing in those matters here will exceedingly prejudice us, both as to our civil liberty and settlement of religion. It is obvious how much the manner of settling religion here may influence the disturbing and endangering of our Establishment; yet, Providence having included us under a moral impossibility of preventing this evil—if upon a remote fear of hazard to our religious interests we shall do that which will provoke and exasperate those who wait for an opportunity of a pretext to overturn what the Lord hath built amongst us, who knows what sad effects it may have? The present posture of affairs looks like a ship foundered with the waves from all corners, so that it is not known what course will be steered. But discerning men see that the gale is like to blow for the Prelatic party; and those who are sober will yield to a liturgy and moderate Episcopacy—which they phrase to be effectual Presbytery—and by this salvo they think they guard against breach of Covenant. I know this purpose is not pleasing to you, neither to me." He maintains, somewhat circuitously and dubiously, that while abstaining from interference with English affairs, he has been very careful to avoid committing himself or his brethren to their tenor, or to anything that might imply a doubt on their "firm adherence to the Covenant." He announces that the king has fixed a day for considering the affairs of

Scotland, and moralises on the occasion : "The Lord fit us for future trials, and establish us in His way." On the 19th he imparts, though with a touch of hesitation, hopes which he knew to be false : "I hope this week to have his majesty's letter signifying his resolution to preserve the established doctrine, worship, discipline, and government of our Kirk, and that we shall have a General Assembly—and then I shall come home with your leave."

A memorable passage in a State paper, of which Sharp was the bearer, afterwards gave significance to the words used by him on this occasion. In expressing his hopes about the tenor of the king's letter, he did not say it was to ratify the Presbyterian Kirk government by General Assemblies, synods, and presbyteries, though he took care to make it be believed that such was his own personal hope. His carefully-chosen words of anticipation were to "preserve the established worship, discipline, and government." This letter was dated on the 19th of June. The State paper by which it came afterwards to be interpreted was dated on the 10th of August. He continues in the same letter : "If we knew how little our interests are regarded by the most part here, we would not much concern ourselves in theirs. If we cannot prevent the course taken here, we are to trust God with the preservation of what He hath wrought to us." "Although we want not our fears, let us procure what is wanting by prayer, and not dwell too much on fear lest we sour our spirits." He would rather that his brethren worked by prayer than by another of their functions. That things disagreeable were said in sermons may be inferred from this hint : "If the accounts here of expressions min-

isters use in their pulpits be true, I wish ministers would moderate their passions at such a time."

While all these things were written, Sharp was virtually Primate of Scotland and Archbishop of St Andrews. It was believed, indeed, that the bargain was struck at once when he arrived at Breda. Enough, perhaps, has been drawn out of his perfidious correspondence; but it may complete this self-drawn picture of duplicity to add that one passage from his letters that would have been the most likely to excite suspicion: "I engage in no party while I am here, that I may see how the wheels move. There is a necessity I get and keep acquaintance with the Episcopal party as well as Presbyterians, and with those about Court who manage the king's affairs, though they be no friends to Presbyterians, though I be hereby exposed to the construction of men. I am confident the king hath no purpose to wrong our Church in her settlement; my greatest fear is their introducing Erastianism."

Douglas, his colleague, though believed to be a great clerical statesman, suspected nothing. On the occasion when Sharp afterwards went up to London for ordination—"that the Presbyterian stamp might be abolished and a new Prelatical stamp taken on"—Douglas tells us, with a natural bitterness: "Sharp came to me before he went to London, and I told him the curse of God would be on him for his treacherous dealing; and that I may speak my heart of this man, I profess I did no more suspect him in reference to Prelacy than I did myself."¹

¹ Wodrow, i. 228. Douglas is the minister formerly mentioned as the reputed grandson of Queen Mary. Wodrow preserved for his own

Sharp returned to Scotland with a royal letter to his constituents, commending "his good services," and his faithful account of the state of the Church and the loyalty and good carriage of his ministers. It intimated the royal resolution "to discountenance pro-

private use the following memorandum about him: He "was, as I hear, a minister in Gustavus Adolphus' army, and then he got the most part of all the Bible in his memory, having almost no other book to read; so that he was a man mighty in the Scriptures. He was a man of great authority and boldness. There was a godly learned minister—viz., Mr Tullidaff—said to me he could never look to Mr Robert Douglas but he really stood in awe of him; and he said so of worthy Mr Robert Blair, that he thought there was a great majesty and authority appearing in both these men's faces, that he could not take a look of them but he really stood in awe of them. It's reported that Gustavus said of Mr Douglas, when he was going to leave him, 'There [is] a man who, for wisdom and prudence, might be a counsellor to any king in Europe; he might be a moderator to any Assembly in the world; and he might be a general to conduct my army, for his skill in military affairs.' When some were speaking to him about the ceremonies of England, Mr Douglas said that 'the bishop was the greatest ceremony of them all.' If he would have complied, there would no man been Archbishop of St Andrews before Mr Douglas. They report that he said to Mr Sharp, 'If my conscience had been as yours, I could have been Archbishop of St Andrews before you.' It's said, when a great person was pressing him to be Primate of Scotland, to put him off effectually he answered, 'I will never be Archbishop of St Andrews unless I be Chancellor of Scotland also, as some were before me,' which made the great man speak no more to him about that affair. There was a minister said to me that Mr Douglas was a great State preacher—one of the greatest we had in Scotland—for he feared no man to declare the mind of God to him; yet he was very accessible, and easy to be conversed with. Unless a man were for God, he had no value for him, let him be never so great or noble."—*Analecta*, iii. 82, 83.

Burnet says: "There appeared an air of greatness in him, that made all that saw him inclined enough to believe he was of no ordinary descent. He was a reserved man. He had the Scriptures by heart to the exactness of a Jew, for he was as a concordance. He was too calm and too grave for the furious men, but yet he was much depended on for his prudence. I knew him in his old age, and saw plainly he was a slave to his popularity, and durst not own the free thoughts he had of some things for fear of offending the people."—*Summary of Affairs before the Restoration*.

fanity and all contemners and opposers of the ordinances of the Gospel." Then follows a memorable passage, drawn with a subtle purpose: "We do also resolve to protect and preserve the government of the Church of Scotland as it is settled by law without violation; and to countenance in the due exercise of their functions all such ministers who shall behave themselves dutifully and peaceably, as becomes men of their calling."¹ The coincidence of this with Sharp's anticipation has not its full significance until an inner meaning afterwards comes forth.

Of his brief sojourn in his native land, under the scrutiny of keen eyes gradually becoming suspicious, he has left ample traces in his own letters. For a key to these we must forecast the man's nature as it afterwards came out in his political life. It was that of a dexterous experienced man of affairs; but also of a man of desperate resolutions, endowed with a wary, subtle intellect for their execution, and all supported by a daring and determined temperament. In the thick of the dangerous political contest which he courted he had often to fight alone, with no counsel or support save from his own politic brain. Such was the man who set himself to write long letters to his brethren of the clergy—letters that read like the weariful wailings of a disappointed man who pours into any ear that will receive it the story of his wrongs and woes, and bitterness of spirit, and determination to abandon the world with its vanities and deceptions, and find solace in obscurity and solitude. Then he is bereft of all sympathy in his distress; yea—keener suffering still—he is absolutely suspected. He sees,

¹ Wodrow, i. 80.

with all others, that the calamity he has done his best to defeat is coming; but instead of an object of suspicion, he should be an object of special compassion; for is not he the greatest sufferer of all, since by giving his services to the common cause he had made it especially his own? The whole of his lamentation, too, is amply seasoned with ejaculations of piety, a weakness from which Burnet tells us that Sharp, in his communications with the companions of his Prelatic life, was peculiarly exempt.

A man of mere ordinary selfish temperament, yielding to the pressure of fortune, and preparing himself to accept the winning side in such a contest, does not take this tone. His resource is generally a surly silence; and if he is active, it is in preparing the way for desertion by gradually letting it come forth that he has got new lights, and found reason to doubt whether the cause hitherto maintained by him is the right one. But it is clear that Sharp had not to take the mere passive attitude of yielding to events. He had to give material help in shaping them. The project on hand was perilous. Its success depended on dexterous and dangerous tactics which might any moment be overturned; for Charles II. was not a man like his father, on whom a servant such as Laud could place absolute reliance. In short, it was the case of a leader betraying his camp into the hands of the enemy, who, to conceal his purpose from his brethren, required all his power of dexterity and cunning. It is observable that in these communings he reserves what might be considered a point of refuge, whence he could possibly maintain a plea for consistency; but it was one so far out of the question on hand that it might escape

observation. He ever speaks of himself as in the hands of the king, and bound without reserve implicitly to obey the command so laid upon him. In giving effect to this spirit he holds by Lauderdale as his immediate leader and "very good lord," in whose fortunes his were embarked. This conjunction will find a special significance when Lauderdale reveals to us his own policy. Meanwhile, he who was believed to rule the king's mind in Scots affairs, was a Covenanter who had undergone sufferings for the cause.

On the 12th of January 1661, among the earliest of these vindicatory and supplicatory epistles, he says: "If I stand right in my noble and dearest lord's opinion, in which I trust my integrity shall preserve me, I shall make small reckoning of the blasting from the tongues which folly and perverseness have and do still design against me. You know I have been alone upon the stage, and therefore cannot escape the conversings of persons as they are variously affected and interested. My surest fence is in God, who knoweth that my regard to the interest of my country and this Kirk doth prejudice my selfish considerations."

On the 26th he introduces his grief with a touch of decorous modesty: "I do not inquire of business—when I am asked I tell my judgment. Once a-day I go to the abbey, officiate at my Lord Commissioner his table, which I have done upon his invitation, as I wrote to you formerly; he uses me civilly. By anything I can yet perceive amongst them, I can find no design to alter our Church government; and though they had it, I do not see how it can be effectuate. Some discontented, and others who have nothing else

to do but to frame conjectures and spread them, talk and write what they fancy. No man nor action escapes their teasing tongues. I want not my own share of that happiness. Whether my preferment to be the only minister who attends the Court doth make me the subject of people's talk, the object of envy from others, I know not ; but I am sure my employment nor fate are not very pleasant to me."

On the 31st he becomes more energetic about the malice, folly, and calumny of which he is the victim : "I see no fence for me but patience under the hand of God, who sees it fit to put me to such an afflicting exercise ; and contempt against what the ill-minded and factious can do against me, which the Lord, I bless Him, is pleased in some measure to vouchsafe upon me. And I think I could not have that patience and untroubledness if my conscience did accuse me of what malicious folly would fix upon me. I have been formerly represented as if I had engaged while I was in London to introduce Episcopacy into this Church, and now I am reputed to be an apostate Covenanter. Sure the next will be that I am turned fanatic and enemy to the king."

The next two passages are extracted from a long letter dated on the 19th of March : "I had no designs but the service of others more than myself. I thank God disturbing hopes and fears do not discompose me, nor is my judgment perverted by affection or interest. I do chain my affection and desire to that stream of Providence which may make it be well with the king and your master, my lord. I am no fanatic, nor a lover of their way under whatsoever refined form ; yet of late I have received a different light as to the king's

judgment as to our Church than I found when I parted from Whitehall. This may be a riddle to you, but to open more in this way I cannot. I tell you it is, and hath struck me with amazement—our evil is from those with you. I cannot exempt some among ourselves, of whom I am not one. The only wise God knoweth what; but for anything yet appearing to me, I cannot see how this current shall be stemmed, and this Church kept upon the bottom it stands. Although you like not my desire to retire now, yet pardon me to differ from you in my resolution not to meddle any more in these stormy and bespattering entanglements. If men will not regard my credit and peace, I must look to myself. The severity of the sentence of a crashed credit and prostituted conscience I do not fear from men of credit and conscience. I have not stepped awry; my uprightness will answer for me when this dust of jealousies, disappointments, fiddlings, and clamourings is over.

“God help us when we see that the concernments of the Gospel of the Church and ministry must be hurled at the heels of the interests of men designing nothing but greatness, and taking advantage from the divisions, unstableness, insignificance of ministers. For my part, if, after long contest with men of which it is time to be wearied, I cannot have leave to retire among my books, and bewail the evils which the folly and self-seeking of men are bringing upon my country, I must think *de mutando solo*, and breathing of an air where I may be without the reach of the noise and pressure of the confusions coming, which I had rather hear of than be witness to, and for the preventing of which I have not been wanting in the using of those

means which to the best of my understanding seemed probable.”

The next is a short but expressive passage from a letter of the 15th of April, when he is drawing nearer to his reward, and also his relief from his laborious game, for that it was laborious the enormous length of his letters shows us: “I do appeal to the continued tenor of my actions, which witness for me in the judgment of all impartial and unbiassed observers; and I can with patience and hope commit myself, my credit, conscience, and what else is expressed that doth concern, into the hands of my faithful Creator, who knows my way, and will bring my integrity to light.”¹

This feat of turpitude has a finish and completeness often to be found in hostile accusations, but rarely exemplified in real life. It is a tale not to have been accepted on any authority but for the support afforded by the man himself. If it be asked why he should have strewed around him these vestiges of bad repute, the answer is, that he did so to secure something in his esteem far more valuable than an honest name.

Among men inclined to moderate views there has been a disinclination to believe in Sharp’s perfidy, because it makes one of the picturesque sketches in Burnet’s History. But in this instance Burnet’s brief

¹ These passages are from the Lauderdale manuscripts in the British Museum, the contents of which were made easily accessible to the author through a transcript kindly put at his disposal by Mr Douglas, the editor of the ‘North British Review.’ The letters, on their own individual merits, either as morsels of literature or as a general reflection of the times, would be pronounced valueless, and even repulsive, but for the interpretation they afford of things beyond their own tenor. To have been collected and carefully preserved by such a man as Lauderdale, they must have been considered of consequence as State papers.

estimate appears to me to give with as much accuracy as animation the spirit slumbering in the bulky correspondence here referred to. Burnet's words are : "As he had observed very carefully Monk's solemn protestations against the king and for the Commonwealth, it seems he was so pleased with the original that he resolved to copy after it, without letting himself be diverted from it by scruples ; for he stuck neither at solemn protestations, both by word of mouth and by letters (of which I have seen many proofs), nor of appeals to God of his sincerity in acting for Presbytery, both in prayers and on other occasions, joining with these many dreadful imprecations on himself if he did prevaricate. He was all the while maintained by the Presbyterians as their agent, and continued to give them a constant account of the progress of his negotiation in their service, while he was indeed undermining it. This piece of craft was so visible, he having repeated his protestations to as many persons as then grew jealous of him, that when he threw off the mask about a year after this, it laid a foundation of such a character of him that nothing could ever bring people to any tolerable thoughts of a man whose dissimulation and treachery were so well known, and of which so many proofs were to be seen under his own hand."¹

¹ It is but fair to the memory of Sharp to say that the man who, by his position as a Churchman, and by his services to ecclesiastical history, has the best title to represent the Church of Scotland—the Church wounded by the event which was prosperous to Sharp—has deliberately, and after a full view of the evidence, declined to press the charge of deliberate turpitude. He thinks that Sharp was merely a self-seeking man, who took the winning side when it was offered to him, concluding: "He laboured, as it appears to us, honestly for its establishment at the Restoration so long as there was any hope of its being established. He

The Estates of Parliament were to meet on the first day of the year 1661. It had been for a short time doubtful whether the meeting might not be subject to a sense of degradation, from the absence of certain decorations appropriate to the supreme legislature of Scotland. They were merely valuable chattels, yet were objects of deep national homage. Immediately on the Restoration came a question,—What had become of the Honours of Scotland—of the crown, the sceptre, and the sword? It was naturally supposed that they had been removed to London. They were not there; had they, then, been destroyed, as part of the plan for obliterating the traditions of Scottish nationality? Another rumour was that they had been taken abroad; but, to the infinite delight of the people, it was announced that they were safe at home. But their escape had been narrow. They had been in the official custody of the Earl Marischal, who was lord of Dunnottar, one of the strongest fortresses in Scotland. Thither they were taken on Cromwell's invasion. But as one strength fell after another, and Dumbarton and Dunnottar only remained untaken, it was as absolutely certain as human events can be, that Dunnottar would not long hold against Cromwell's cannon. Two women—the wives, one of the commander, the other of the minister of the neighbouring parish of Kinneff—formed and effected a plan for concealing the honours. Mrs Granger, the minister's wife, carried them out through the besieging army. The crown lay in her lap; she only abandoned the cause when it was hopeless. This was not the part of a magnanimous man—it was not even the part of a sensitively honourable or scrupulous man, considering the part that he had acted.”—*North British Review*, vii. 455.

sword and sceptre seem to have made a sort of distaff for a mass of lint which, like a thrifty Scottish matron, she was busily spinning into thread. The minister buried them at night under the flags of his church, and in that remote quiet parish church they remained in entire concealment. As it was necessary to keep the secret from friends as well as enemies, the public had a pleasant surprise when it was revealed.¹

Scotland was less fortunate in the fate of another piece of property, according to modern notions far more valuable. A considerable mass of the national records had been removed to London during the Protectorate. It was observed that after the arrival of the king they were still detained; and this was coupled with an unpleasant rumour, that Clarendon had recommended the king to keep up the forts built by Cromwell in Scotland, with their garrisons. That these chiefly consisted of Englishmen made them offensive in Scotland; and, as Roundheads, it is difficult to suppose them a valuable acquisition to the new Government. Yet it was not until after a strong remonstrance from his servants in Scotland that the king consented to disband them and dismantle the fortresses. It is said that the reason for detaining the records was to discover and destroy the Covenant signed by the king if it could be found. They were shipped for Scotland before the end of the year 1661, but were lost on the way by shipwreck.

By the recovery of the Regalia, the Estates were thus enabled to assemble with all proper pomp and ceremony. The commissioner was not selected, according to former practice, from the heads of great

¹ Papers relative to the Regalia of Scotland, Bannatyne Club, 1829.

houses ; nor was he, like Chancellor Hyde in England, a learned lawyer and sagacious statesman, who might be counted on for a policy prudent and far-sighted. The new Lord High Commissioner was John Middleton, a soldier of fortune, created Earl of Middleton for the occasion. He had literally risen from the ranks. Even in the courteous announcements of the peerages it is told that he “was a pikeman in Hepburn’s regiment in France.”¹ He has on several occasions passed before us—lastly, and most conspicuously, in “Glencairn’s expedition.” Along with his commission to represent the sovereign in the Estates, he was invested with duties more appropriate to his career as a dashing soldier, in the command of the forces and the government of Edinburgh Castle. Perhaps it was a good selection, since the work to be done in that Parliament required one accustomed rather to the word of command than the transaction of business in committee.

The great achievement of the session was the “Act Rescissory.” It “rescinded” or cut off from the body of the law all the statutes passed in the Parliament of 1640 and subsequently.² This withdrew from the statute-book all legislation later than the year 1633, for the Parliament of 1639 passed no statutes. Certainly no Act of the Scots Estates had ever accomplished so much as this. The Estates had been unusually busy in these cancelled Parliaments, and gave forth a mighty bulk of legislation, in which the Acts affecting the large questions in civil and ecclesiastical

¹ Douglas, by Wood, ii. 231.

² Act rescinding and annulling the pretended Parliaments in the years 1640, 1641, &c.

politics were but of small bulk; but it was thought well to seize the opportunity and cast away the whole, leaving it to the diligence of succeeding Parliaments to restore all that related to the administration of civil and criminal justice, to commercial legislation, taxation, coinage, social institutions, and all the complex elements of the legislation of the seventeenth century. It was a partial realisation of the wish imagined by Wordsworth for Rob Roy the outlaw—"Burn all the statutes and their shelves." It is a short Act, and yet in its brevity a piece of slovenly legislative work. The Acts thrown away are neither admitted to be valid Acts of Parliament which should be repealed, nor are they declared to be null as having been illegally passed; but they are spoken of as invalid, and yet are repealed. We have evidence of the hurried preparation and passing of the measure. The practice of passing Acts of Parliament in this reign was not to bring in bills and pass them amended or otherwise, but to leave the Lord Clerk Register to put the Act in shape after its substance was adopted. That high officer, indeed, had the chief work of every measure, and could expedite or retard it as he chose. We find Middleton writing to Primrose, who was then Clerk Register: "The Act that is now before you is of the greatest consequence imaginable, and is like to meet with many difficulties if not speedily gone about. Petitions are preparing, and if the thing were done it would dash all these bustling oppositions." Then after promises of substantial gratitude if it is done: "Now I am more concerned in this than I was ever in a particular. The speedy doing is the thing I propose as the great advantage, if it be possible to prepare it

to be presented to-morrow by ten o'clock in the forenoon to the Articles, that it may be brought into the Parliament to-morrow in the afternoon. The reason of this haste shall be made known to you at meeting."¹ Burnet mentions a feature of the times felicitous to such rapid operations: "It was a mad roaring time, full of extravagance; and no wonder it was so, when the men of affairs were almost perpetually drunk."

The Act Rescissory was immediately followed by "an Act concerning religion and Church government." After some preliminaries of pious thankfulness for his majesty's preservation and restoration, there follow assurances "that his majesty will be careful to promote the power of godliness, to encourage the exercises of religion, both public and private, and to suppress all profaneness and disorderly walking." There is no legislation in the statute—that is for the future; and it is announced, that "as to the government of the Church, his majesty will make it his care to settle and secure the same in such a frame as shall be most agreeable to the Word of God, most suitable to monarchical government, and most complying with the public peace and quiet of the kingdom." There was a hint of what was coming, in an arrangement "in the mean time" to "allow the present administration by sessions, presbyteries, and synods," "and that notwithstanding of the preceding Act Rescissory of all pretended Parliaments since the year 1633."² Thus the existing arrangements were a temporary expedient, and the basis on which the permanent organisation was to stand was the system of Church government existing in 1633.

The plot is now completed. Sharp had announced

¹ Baillie's Letters, iii. 586.

² Act. Parl., vii. 88.

the prospect of a proclamation, assuring his friends of the preservation "of the established worship, discipline, and government" of their Church. He brings down such a proclamation. Suddenly, as in one of the revolutions of a pantomime, the whole apparatus of the Presbyterian polity is swept from the stage, and Prelacy stands in its place as the established "discipline and government." Is anything necessary to complete the evidence that Sharp's hand was in this feat? If so, it is at hand in a letter to Middleton, in which he takes credit as the inventor of the whole. Describing an audience with the king, he says: "He spoke to me of the method to be used for bringing about our Church settlement, and bade me give my opinion of a present expedient, which, when I had offered, he was pleased to approve; so did the Bishops of London and Worcester; and after consultation with our lords, it was agreed that Lauderdale and I should draw a proclamation from the king, to be sent to your grace, with which I trust you will be satisfied; and, with submission to your grace's opinion, I should think the time for our settling will be more seasonable and proper after that your grace hath come hither, and so ordered the way of it as that the perfecting of the work may be upon your hand, from whom it had its beginning, and under whose countenance and protection it must thrive and take rooting. Your grace knoweth the work is of great consequence, and will not want its difficulties, which can only be overcome by your prudence and resolution. Many things are previous to the ordering and signing of it; and till they be moulded, the proclamation will suffice to the dispos-

ing of minds to acquiescence to the king's pleasure, which your grace will be able to put into execution with fewer inconveniences than if the king should presently declare." ¹

The field was now cleared for an "Act for the restitution and re-establishment of the ancient government of the Church by archbishops and bishops." This was passed on the 27th of May, just two days before the anniversary of the Restoration. An Act had been passed for keeping that day holy. Many were prepared to evade the provision, and some to give overt evidence of its offensiveness. Besides the established objection to holidays as idolatrous, it was held, by an ingenious logic, that although the 29th of May happened to be the day of the restoration of a worthy prince, it might also happen to be the anniversary of some atrocity or calamity. Of course the Act coming so close on its first celebration only aggravated the hostility. This in its turn enraged the Court, and excited them to a measure which has some interest as the first of a countless succession for harassing the Presbyterian clergy. The offenders were denounced as "such who pretend to a greater measure of zeal and piety, and no less loyalty, than others, but who, under that pretext, always have been and are incorrigible enemies to the present ancient and laudable government of Church and State;" and it was decreed that they should be incapable of holding any benefice in the Church.²

The hierarchy was in existence before the Act for

¹ Letter from original in British Museum; *Trans. Ant. Soc. Scot.*, ii. 104.

² *Act. Parl.*, vii. 376.

the restoration of Episcopacy was passed. Only one of the old bishops remained, and the rest had to go to England for consecration. Those of them who had not been ordained episcopally had to accept a second ordination. Among these Sharp was one. Even to his brazen nature there seems to have come a touch of shame at this solemn avowal that his sacred office as a minister, and the institution whence he drew it, were both impostors. He reasoned against the double ordination, but in vain; and as he was not the stuff that martyrs are made of, he had to accept of it. Another ceremony of interest to religious parties in Scotland came off at the same time—the Covenant was solemnly burned by the hands of the common hangman.

The Government had meanwhile taken measures for strengthening its hands; and it is curious to note how closely they sometimes followed the precedent of the Parliamentary government of twelve years earlier. A Privy Council was erected, with powers unknown to the old Secret Council. It was virtually to continue the supreme powers of the Estates in the intervals between the sessions. It was thus a copy from the old "Committee of Estates," with this difference, that it was created by the Crown, not by the Estates themselves. The creation of a standing army was begun in a life-guard, consisting, like the French musketeers, of men above the rank of common pikemen. To the old kings of Scotland the formation of a standing army was so far beyond the range of possibility that it was never attempted. It was with difficulty that any one of them obtained in time of emergency a permanent force—that is, an army which could at any time be taken from him,

but was allowed to remain in his hands. When Queen Mary's mother attempted to create a guard such as she was familiar with in France, she brought a political crisis. When James VI. was permitted to keep forty gentlemen for his defence from outrage, it was deemed a great concession. But the Covenanters had found out how to levy and keep embodied armies exceeding twenty thousand men. The new Government could not but learn some lesson from such an example. They had organised a system of taxation, too, for the support of their troops. In the Act Re-scissory, among other hard things, it is said of them that "they laid new exactions on the people, which in one month did far exceed whatever by the king's authority had been levied in a whole year." The machinery used for raising these funds was at hand, to be employed by new masters in the collection of the cess or tax.

While the Estates were yet transacting business, some tragedies began to be enacted, bringing both gloom and terror into the reign which had opened with so much joviality.

In England the Parliament was speedily, after the king's arrival, engaged with an Act of Indemnity for the protection of the large class of persons who had done acts capable any day of bringing them within the letter of the laws of treason. The Indemnity Act was the completion of discussions which were virtually a treaty with Charles II. before he was permitted to land in England. No doubt those who arranged matters with him spoke as if his sacred majesty were already their king; but they made him understand that the theory of his divine right would have no

chance of realisation if England was likely to become a political shambles. It has been maintained that the treaty was ill kept on the Royalist side.¹ For Scotland there was no treaty. One cause of this omission might be that the regicides and their abettors were looked at as the leading objects of vengeance, and they belonged to England. In Scotland the indemnity awaited the meeting of the Estates. Before that event a few victims had been selected; and it was determined that of these Argyle, as he was the chief, should also be the first. His trial was an affair of statesmanship rather than of the administration of the criminal law. The blow was to be struck rather for what he might and could do, than for what he had done. To strike him, of all men, was spoken of as a deed of base ingratitude, since he had put the crown upon the king's head; but the very power that enabled him to do that might enable him to take it off again. If the possession of a power dangerous to such a Government as that of Charles II. was to be, is a justification for putting the powerful man to death, it existed here. While the king could only bring into the field such an army as the great landowners might consent to supply him with, here was one of them whose personal following was estimated at five thousand men. But that was not nearly all. Past history taught that in a quarrel with the king on the old question of twenty years ago, that would be but a fragment of the forces at Argyle's disposal. There was a mere shade of difference between the powers exercised by him on his Highland territory and the powers of an absolute sovereign. It was exceptional

¹ See Hallam's Constitutional History, ii. 214.

from all other parts of Scotland in this, that its lord possessed a Justiciary. This is a supreme court competent to the infliction of all punishments, from death downwards. In other courts, such as "regalities" and "sheriffships," other great landowners held in their hands the issues of life and death; but these were always in name, and generally in reality, subsidiary to the royal power. But the "justiciary of Argyle" was supreme as that of the King of Scotland in the other parts of the realm.¹ We have already seen a practical attestation of his great power in the treaty in which he and the English Republic were the high contracting parties.

There was something offensive to good feeling, if not absolutely treacherous, in the method of his capture. He could only have been taken out of Inverary at the end of a successful war against him. He went up to London in full reliance on his safety, to pay his court to the new sovereign. The king was so far candid as to refuse him an audience. He was seized, committed to the Tower, and sent in all convenient speed in a ship of war to Edinburgh. He was guarded in Edinburgh Castle. On the 13th of February articles of high treason were laid against him before the Estates, which had just assembled. The record of his trial has disappeared, but probably the loss to history is not serious. Acts which could be interpreted through the law into treason against the Crown could be proved against him in superfluous abundance; and if we had the indictment and plead-

¹ As a testimony to its supremacy down to the abolition of the heritable jurisdictions in 1748, the records of the old "justiciary of Argyle" are still preserved in Inverary, the capital of the territory.

ings, they would probably furnish us with nothing better than confused material for a distorted history of the times.¹ He was beheaded on the High Street of Edinburgh on the 27th of May. He met his end with firmness and calm dignity, and the narratives relating it have found a high place in the traditions of Scottish heroism.

Another selected victim was Warriston. Like his leader Argyle, and many others of the day, if, as a political question, the decision was that he should die, it was easy to bring him within the grasp of the law of treason. Against one who had been so actively at work through those wild times, an accusation is interesting chiefly for the selection which his enemies may make from the several passages of his life. One charge was "his constant and malicious opposition to the authority and commands of his majesty's royal father of ever-blessed memory, ever since the beginning of these troubles in the year 1637." This accusation could have applied to so comprehensive a body

¹ Burnet tells us, that on the question whether his "compliance with the usurpers" was voluntary or inevitable, "while it was very doubtful how it would have gone, Monk, by an inexcusable baseness, had searched among his letters, and found some that were written by Argyle to himself that were hearty and zealous on their side. These he sent down to Scotland; and after they were read in Parliament it could not be pretended that his compliance was feigned and extorted from him." By a curious fatality the "baseness" of such an act has been indorsed by Monk's vindicators in an indignant denial that it was committed by him. After much distinguished controversy, the question was settled by a practising lawyer in Edinburgh, who, in search of authorities on a point of penal practice, found that Sir George Mackenzie, who held a law office at the time, in his 'Laws and Customs of Scotland in Matters criminal,' cites the production and use of the papers sent by Monk as an important precedent. The controversy will be found in Fox's 'Reign of James,' Sir George Rose's 'Observations' on that book, Mr Heywood's 'Vindication' of it, and the 'Edinburgh Review' for July 1809 and August 1811.

of his countrymen, that one would think it scarce worth stating when there were others peculiar to himself, like the following: That "he did give his aid and assistance to those who murdered his majesty's royal father;" "and that by sitting and acting in the years 1657, 1658, 1659, upon ane call from the murderer and usurper, or his son, as ane of the peers of England in ane pretended House of Lords newly set up by the usurper; and by his sitting and acting as president of a pretended Committee of Safety set up by the murderer and usurpers." This charge gives a glimpse of the contradictory variety of acts that might have brought any of the actors in the business of the day within the treason-law if his life were wanted. Warriston's intercommuning with the secretaries was woefully bemoaned as a backslide by his brethren of the Remonstrance. Yet that he adhered to that testimony, and was a party to the bitter utterance of its creed, called 'The Causes of the Lord's Wrath,' were among the items of his treason.¹

When Warriston heard that he was to be attacked, he removed or "fled" to the Continent. He was condemned in his absence. This was a step onward in the doctrine that Parliamentary trials are bound by no law or precedent. Forfeiture and outlawry for not appearing to answer an accusation were forms much abused; but this is the first occasion in which witnesses were examined and condemnation awarded in absence of the accused. Wandering from country to country, he was hunted down in France and sent to Edinburgh for execution. There is a story of the time, that when brought before the Council to be

¹ See the charge in the Scots Acts, vii. appendix 70.

identified, he crouched and fawned and drivelled after a fashion not to be expected in one who had passed a life in dangerous political warfare. But his later life of physical hardship might have unnerved him; and it was said that he had been treacherously treated by a hostile physician. He received his sentence with decorous courage. Lauderdale, who was present, says: "When the sentence was pronounced, his carriage pleaded much better than anything I could have expected; for he received the sentence to be hanged, and to have his head affixed, with much more composedness of spirit than I did expect. He sat on his knees, according to the custom, and then prayed God to bless the king, to bless the Parliament, to keep every one from his condition; and again he prayed for the king, for the Church, and for the kingdom, and, without one word for himself, he went out."¹

It was determined to have another representative victim, and to take him from the Church. James Guthrie was the selected victim and martyr. He was the most vehement, active, and implacable of all the Remonstrants, and uttered his testimony in the strongest language, in multitudinous shapes, and on countless occasions. The last was fresh in memory—he was of the little group who had addressed the offensive "supplication" to Charles himself. The indictment against him, in its very formalities, carries an impression of his restless energy. It is among the charges against him, that "he did contrive, complot, counsel, consult, draw up, frame, invent, spread abroad, or disperse—speak, preach, declaim, or utter—divers and sundry vile seditions and treason-

¹ Letter to Sir Robert Murray, Lauderdale Papers.

able remonstrances, declarations, petitions, instructions, letters, speeches, preachings, declamations, and other expressions tending to the vilifying and contemning, slander and reproach, of his majesty, his progenitors, his person, majesty, dignity, authority, prerogative royal, and government.”¹

He was the actual author both of the Remonstrance itself and of ‘The Causes of the Lord’s Wrath;’ and in such authorship he did, as his indictment says, “utter and belch forth a great many damnable and execrable leasings, slanders, and reproaches against his majesty’s dearest father of eternal memory, and others his majesty’s noble progenitors, their persons, majesty, dignity, authority, and government.”

Burnet says that at his trial, “when his lawyers offered him legal defences, he would not be advised by them, but resolved to take his own way. He confessed and justified all that he had done as agreeing to the principles and practices of the Kirk.” Between his trial and his execution on the 1st of June every word that dropped from his lips was carefully treasured as a relic precious beyond price. A scene following on the tragedy must be told in the words of the historian of the sufferings:—

“After he was taken down his head was severed from his body with an axe. It was observed there was a vast effusion of blood that flowed from his body, which was presently put into a coffin, and carried into the Old Kirk aisle, where it was dressed by a number of ladies of good quality. Some of them took their napkins and dipped them in the blood; and when Sir Archibald Primrose, the Register, challenged one

¹ Scots Acts, v. appendix 74.

of them—viz., Mrs Janet Erskine, married after to Sir Thomas Burnett, doctor of medicine—for so doing, saying ‘it was a piece of the superstition and idolatry of the Romish Church to reserve the relics of the saints,’ it was answered, they intended not to abuse it unto superstition or idolatry, but to hold up the bloody napkin to heaven in their addresses, that the Lord might remember the innocent blood that was spilt. In the time that the body was a-dressing there came in a pleasant young gentleman and poured out a bottle of rich ointment on the body, which filled the whole church with a noble perfume. One of the ladies says, ‘God bless you, sir, for this labour of love which you have shown to the slain body of a servant of Jesus Christ!’ He, without speaking to any, giving them a bow, removed, not loving to be discovered.”¹

His head was set up on the Nether Bow port; and it was a story believed at the time, and long afterwards, that as Middleton was driving through the gateway some drops fell from that head upon his coach, which could not be obliterated by all the chemical art that Edinburgh could afford. As this is characteristic of the times, it may also be mentioned as characteristic, that a few months before his martyrdom, Guthrie, in one of his vehement testimonies, had denounced toleration as one of the sins and dangers of the age.²

It was believed that Guthrie would have had a

¹ Wodrow *Analecta*, i. 109.

² ‘Some Considerations contributing unto the Discoverie of the Dangers that threaten Religion and the Work of Reformation in the Church of Scotland. By James Guthrie, minister of the Gospel at Stirling. 1660.’ Consideration third—“From the toleration and protection that is pleaded for and allowed to many gross errors and heresies.”

companion in martyrdom through the designs against Samuel Rutherford; "but," as the faithful Wodrow says, "he had a higher tribunal to appear before, where his judge was his friend. Mr Rutherford died in March this year, the very day before the Act Re-scissory was passed in the Parliament. This eminent saint and faithful servant of Jesus Christ lamented when near his end that he was withheld from bearing witness to the work of reformation since the year 1638, and giving his public testimony against the evil courses of the present time."¹

It was naturally believed that had he lived it would have been for martyrdom, since a book written by him called 'Lex, Rex,' was in solemn judgment burned by the hangman at the cross of Edinburgh and at the gate of the University of St Andrews, where Rutherford had been professor of divinity.

This book was published in 1644, and in the present day its aspect would not excite any alarm that it would achieve a permanent popularity productive of pernicious influence on the public mind. It would rather be anticipated, that for all the notoriety given to it by the conflagration, the vulgar would find it a tough literary morsel. No doubt a principle may be extracted from it by much labour—the principle that kings are responsible to their people for their righteous dealing. There is a corollary to this, that the clergy of the true Church are the judges of right and wrong; and the final inference is, that these gentlemen are the rulers of the world. But Rutherford, though he wrote the letters which have acquired such a wide reputation, did not take up a question of such gravity as

¹ Sufferings, i. 206.

this in the method of a wild declaimer. He was the last of that race of Scottish clergy who were vehement Presbyterians and great scholars. His dense quarto pages are strewed with Latin, Greek, and Hebrew. There are countless quotations, not only from well-known names, as Tertullian, Cyprian, Chrysostom, and Augustin, but from such remoter authorities as Arniseus, Pirerius, Toletus, and Bodinus. Upwards of four hundred pages of general discussion have to be toiled through before we are brought to the practical and dangerous conclusion of the inquiry, in the exhausting of the question "whether the King of Scotland be an absolute prince, having prerogatives against Parliament and laws." But had the Court known all, they would have found little to fear even here. The precedents are taken from that race of shadowy monarchs who have now vanished into thin air, and the chief value and interest attaching to the 'Lex, Rex,' is its testimony to the permanent influence of the services to which Buchanan and his followers put the fictitious history of early Scotland.¹ It is another testimony to this, that a proclamation was issued against a translation of "an old seditious pamphlet called 'De Jure Regni apud Scotos,' whereof Mr George Buchanan was the author."²

¹ Thus: "The Parliament rejected the lawful son of Cerbredus, the twentieth king, because he was young, created Dardanus, the son of Metellanus, king, which is a great argument of the power of the Scottish Parliament."—P. 449. "Conarus, twenty-fourth king, was cast in prison by the Parliament because he did the weightier business that concerned the kingdom by private advice without the judicial ordinance of Parliament."—'Lex, Rex: The Law and the Prince. A Dispute for the just Prerogative of King and People.—London, 1644.'

² Wodrow, i. 416.

CHAPTER LXXVIII.

Charles II.

THE INDEMNITY—THE EXCEPTIONS—THE DRUNKEN PARLIAMENT—THE GREAT EJECTION OF THE PRESBYTERIAN MINISTERS—COURT OF HIGH COMMISSION—MILE ACT—THE REVOLUTION AT COURT—LAUDERDALE'S POSITION—CONTEST WITH MIDDLETON—VICTORY—CONSTITUTIONAL REVELATIONS OF THE CONTEST—ROTHES AS COMMISSIONER—GOVERNMENT OF LAUDERDALE—ITS MYSTERIOUS POLICY—THE PERSECUTION—QUARTERING OF SOLDIERS—IRRITATION—GATHERING OF AN INSURRECTION—MARCH FROM THE WESTERN MOORS TO THE PENTLAND HILLS—DEFEATED AT RULLION GREEN—GENERAL DALZIEL—TREATMENT OF THE CAPTIVES—LAUDERDALE COMMISSIONER—HIS COURT—THE FIRST INDULGENCE—TREATMENT OF RECUSANTS—LAWBURROWS—INTERCOMMUNING—THE COURTS OF LAW—SECESSION OF THE BAR—ARCHBISHOP SHARP—HIS ISOLATED POSITION—ATTEMPT ON HIS LIFE—HIS DISCOVERY OF ITS AUTHOR—PROJECT AGAINST THE SHERIFF OF FIFE—THE ARCHBISHOP COMES IN HIS STEAD—THE MURDER—THE ESCAPE OF THE MURDERERS.

UNDER a Government so little to be trusted, the promised indemnity was waited for very anxiously by the large body of men who might be brought within the letter of the law of treason. It was not adjusted until the autumn of 1662. Part of the adjustment was a levy of fines, as the condition of exemption or pardon. The number of persons fined amounted to

between seven and eight hundred. The object of levying the fines was said in the Act to be for the reparation of the losses of many good subjects who "have been under great sufferings and liable to great loss for their affection and loyalty to his majesty."¹ Whether intended in the scheme of the Acts, or discovered afterwards, this adjustment gave cruel powers to the Government against the persons fined. They were not pardoned, leaving the fines as a debt which the Government might recover. If the fine were not paid, the indemnity dropped. Men who could not afford to pay at all, or to pay promptly, continued liable to all the treason-laws; and when it was thought desirable to retain a strong hold over them, it was also thought desirable that they should fail to pay their fines.

A succession of measures for forcing men not only to adhere to the new order, but to abjure and condemn the old, began in the session of 1662, in an Act demanding a declaration from all persons in public trust. With other abjurations, the declaration says of the Covenant and the National League and Covenant, that they "are of themselves unlawful oaths, and were taken by and imposed upon the subjects of this kingdom against the fundamental laws and liberties of the same." Among those who must take the declaration are not only the ministers of the Crown, the judges and other officers appointed and paid by the Crown,

¹ Act. Parl., viii. 415; "the king's majesty's gracious and free pardon, Act of Indemnity and Oblivion," p. 420; "Act containing some exceptions from the Act of Indemnity," p. 420. The list of persons and fines is given at length, beginning, "The Earl of Lothian in the sum of six thousand pounds Scots."

but members of Parliament, magistrates, and councilors of burghs, and persons having "any other public charge, office, and trust within this kingdom."

As there were several clergymen who since the year 1639 had not been presented by the patrons of their benefices, a law was passed to eject them from the ministry unless they obtained formal presentation, and also accepted of Episcopal collation. At the same time, all clergymen who had merely received Presbyterian ordination were required to accept of Episcopal collation. The clergymen who complied with these rules became unpopular, and their flocks sought spiritual nourishment elsewhere. Hence, even before the Church was broken up, assemblies began to be held, which were denounced in Parliament as "unlawful meetings and conventicles, the nurseries of sedition" "kept in private houses."¹

As yet the law scolded rather than struck. The ministers who failed to obtain Episcopal collation were not driven forth, and there was no direct penalty on those who frequented conventicles. Following the principle that there should be a remedy for every wrong, the Privy Council, under their powers as representing the Estates between sessions, passed an Act on 1st October 1662, where, on the narrative that certain clergymen who have not obeyed the injunction to obtain Episcopal collation continue to discharge their ministerial duties, these ministers are prohibited "to exercise any part of the function of the ministry at their respective churches in time coming, which are hereby declared to be vacant; and that none of their parishioners who are liable in any

¹ Act concerning masters of universities, ministers, &c.

part of their stipends make payment to them of this instant crop and year of God 1662, or in time coming, as having no right thereunto, and that they do not acknowledge them for their lawful pastors in repairing to their sermons." The recusant ministers were required "to remove themselves and their families out of their parishes" before the 1st of November—that is, within a month from the date of the Act.¹

This Act was adopted in Glasgow. The historian of the sufferings tells us that the citizens of that town called the meeting of Council where it was passed "The Drunken Parliament," on account of the condition of the councillors present at it. An earlier writer says: "The report was, being convened in Glasgow, there was never a man among them but he was drunk at the time, except only Lee"—Lockhart of Lee—who said "that proclamation would only lay the country desolate, and increase the hatred to bishops and confusion among the people."²

The abruptness of this Act was seen to be a mistake. The Council afterwards gave time and opportunity for conforming. The end, however, was, that three hundred and fifty ministers abandoned their benefices. As the bulk of their congregations followed them, or at least abandoned the Church when their successors were appointed, an Act was passed for the impracticable purpose of compelling people to attend their parish churches. It denounced "all and every such persons as shall hereafter ordinarily and wilfully withdraw and absent themselves from the ordinary meetings for divine worship in their own parish churches on the Lord's Day." Penalties were laid according

¹ Wodrow, i. 283.

² Kirkton, 150.

to rank on these absentees. They were fixed at a maximum so large as to give enormous power to those who exacted them. Thus the yeoman farmer's fine was to be a sum "not exceeding" a fourth of his means; and the burgess's was to be the same, and the forfeiture of his privilege of trading.¹ This Act was popularly styled the bishops' "Drag-net." There was found to be a serious imperfection in it, as persons of the male sex did not form the entire congregations, or even the greater part of them, and it was necessary that husbands be made responsible for the absence of their wives.

The penal regulations of this period were completed by an Act of Council called "The Mile Act." It was an aggravation of the English "Five-Mile Act" against the Nonjurors. It required that no recusant minister should reside within twenty miles of his old parish, six miles of Edinburgh or any cathedral town, or three miles of any royal burgh; and the punishment for breaking this rule was in general terms made the same as the punishment for sedition.²

As this legislative war for the extirpation of the prevalent religion greatly increased the work of the Privy Council, the Court of Justiciary, and the humbler tribunals of the country, aid was sought to them, and was obtained in the erection of a new tribunal, to deal especially with ecclesiastical offences. It was the restoration of the Court of High Commission—that institution abhorred and dreaded both in England and Scotland. Intended to attack the Covenanters, it opened, as if by a cynical pleasantry, against the Papists.

¹ Act against separation and disobedience to ecclesiastical authority.

² The Act is in Wodrow, i. 341.

Nothing can better express its comprehensive powers of molestation and infliction than the terms—not chargeable with indistinctness or ambiguity—of the commission itself. The court were authorised “to summon and call before them, at whatsoever place and time they shall appoint, all Popish traffickers, intercommuners with and resettlers of Jesuits and seminary priests; all who say or hear mass; all obstinate contemners of the discipline of the Church, or for that cause suspended, deprived, or excommunicated; all keepers of conventicles; all ministers who, contrary to the laws and Acts of Parliament or Council, remain or intrude themselves on the function of the ministry in these parishes and bounds inhibited by these Acts; all such who preach in private houses or elsewhere without licence from the bishop of the diocese; all such persons who keep meetings at fasts, and the administration of the sacrament of the Lord’s Supper, which are not approved by authority; all who speak, preach, write, or print to the scandal, reproach, or detriment of the estate or government of the Church or kingdom as now established; all who contemn, molest, or injure the ministers who are obedient to the laws; all who do not orderly attend divine worship, administration of the Word, and sacraments performed in their respective parish churches by ministers legally settled for taking care of these parishes in which those persons are inhabitants; all such who without any lawful calling, as busy-bodies, go about houses and places for corrupting and disaffecting people from their allegiance, respect, and obedience to the laws; and in general, without prejudice to the particulars above mentioned, all who express their disaffection to his

majesty's authority, by contravening Acts of Parliament or Council in relation to Church affairs." ¹

It was in the midst of all this that there came a revolution at Court, which had no sensible influence on its policy of harshness, though those who looked to the tenor of the past had a right to expect in the change of men a change of policy. There was a struggle between Lauderdale and Middleton; and Lauderdale, the sagacious politician, deep in a knowledge of practical business and the nature of the men he had to deal with, vanquished the prompt soldier, whose notions of politics were limited to command and obedience. As we shall see, Lauderdale's nature and purposes were a riddle not easily read; but he had done enough to countenance any charge of partiality for the Presbyterian polity, and this was ever odious at Court. One who had opportunities for much knowledge, but was apt, as a practical statesman, to colour his accounts with an object—Sir George Mackenzie, the wit and lawyer—gives a scene at Court, where Middleton, Lauderdale, and some other Scots statesmen discussed the policy to be pursued towards the Church with the king and Clarendon. Middleton took up the policy to follow on the Act Rescissory: "Presbytery is after a long usurpation now at last rescinded; the Covenant whereby men thought they were obliged to it is now declared to have been unlawful, and the Acts of Parliament whereby it is fenced are now removed;—so that it is arbitrary to your majesty to choose what government you will fix there." And he proposed that at once it

¹ The commission will be found at length in Wodrow's *Sufferings*, i. 384.

should be Episcopacy. Lauderdale suggested that before a final determination was adopted it might be well to call a General Assembly, or consult the provincial synods. It was answered that this were virtually setting the Presbyterian system in action, in the hope that it might modify or even destroy itself; and the result, according to the narrator, was the harsh rapid policy adopted, and a serious weakening of Lauderdale's influence: "Now Lauderdale was brought so low that his majesty would close the door upon him when he brought in Tarbet. He was undervalued by his enemies and deserted by his friends; and if prosperity—which, like all ripe things, does soon corrupt—had not betrayed Middleton and his friends to too much arbitrariness and want of circumspection, Lauderdale had fallen under the weight of his own misfortunes."¹

One of Middleton's acts destitute of circumspection was an attempt to deal a final blow against Lauderdale. He still held office as Secretary of State, attending on the king in London. It was proposed to take a vote of the Estates for disqualifying for public office persons specifically named, as, on account of their political history, not to be trusted. It was proposed to take the vote on the occasion by ballot. This in Parliament would at the present day be held a gross violation of the rights of the public, and especially of the constituents, to know how each representative votes. But in that day the ballot was favoured in legislative voting for the reason that it is at present favoured for constituent voting—that the voter may be free from corrupting or intimidating influences.

¹ Sir George Mackenzie's Memoirs, 73.

As it was said on this occasion, "None would dare openly to vote the removal of any present officer, being still jealous of the event, and sure of their resentment;" "and as to the interest of the people, it was most advantageous, because it obliged public ministers to be afraid of disobliging the Parliament and their native country; and it did allow to every man a free liberty to vote according to his judgment and conscience." But for such reasons it was favoured by the democrats of the day; and to use it for the purposes of Charles II.'s reign would require far more dexterity than a man like Middleton had at command.¹ It summoned up all the array of classical denunciations of ostracism. As a precedent it frightened the English statesmen, and Hyde especially shuddered at the idea of incurring such an ordeal.

The method of taking the ballot, as told by Mackenzie, was an amusing scene of trickery: "This way was by the Articles prescribed for ordering that affair: First, every member of Parliament was to write with a borrowed hand the names of twelve persons, and these were to be given in to the register, who was to hold a bag at the foot of the throne, wherein these billets were to be thrown; after which the bag was to be sealed and to be carried up to the Exchequer chamber, where they were to be compared, and after the number was agreed upon the billets were to be burned, and the names of such as were billeted to be concealed upon oath, which form was thereafter punctually observed—only the register, having a rooted

¹ The following title of a popular pamphlet of that day has a tone as if it belonged to the present: 'The Benefit of the Ballot, with the Nature and Use thereof,' reprinted in 'State Tracts' of the reign of Charles II.

quarrel against Southesk, did mark his billet with a nip when he received it, and thereby discovered his vote."

The register did other more important services than this; for we find Middleton taking him up to Court along with the statutes of the session, "upon design to be rewarded for his pains in drawing the Acts so advantageously for his majesty's interest." This pointed to the laxity of the Scots practice in the omission of a precaution adopted and always adhered to in England—that every project of law should be voted in the express words in which it was to become an Act, and that no word should afterwards be altered in any paper that had been adopted by the House. Of the imperfect arrangements for proper Parliamentary action Middleton himself gave this account in his contest with Lauderdale: "The Parliaments of Scotland continuing only but eight days, the first day of the Parliament's meeting was taken up in constituting the House and choosing the Lords of the Articles; then did the Parliament adjourn. The Lords of the Articles went about the drawing up and preparing such Acts as were to be passed in that Parliament. That being done, the Parliament had its second and last meeting, in which day all Acts were read, debated, voted, and passed."

The commissioner, when the business of the session of 1662 was over, went up to Court in all the exultation of success, for Lauderdale was one of the ostracised. But for that very reason Middleton never returned to Scotland to be commissioner, or hold any other office. Lauderdale was in waiting for him, prepared to put their quarrel to a final issue. He put into the king's hands a written statement of the views he had expressed in

Parliament on various points in Middleton's administration. He handled the balloting as an interference with the royal prerogative, and a tyrannical interference. There was another interference still more serious. The commissioner had given his assent to measures without receiving the king's special authority to do so. There were two legitimate courses—either that he should be instructed to give his authority to Acts for certain purposes, or if an Act was passed by the Estates not within any such powers, he should send it to the king for his instructions before giving it the sanction of the royal assent. It was in showing that such a course was impracticable that Middleton gave the account just cited of the practice of the Scots Estates. It is observable that in the contest neither disputant touches the old doctrine maintained by the Estates, that the touching with the sceptre was a mere act of courtesy, and that the Acts of the Scots Estates were effective without the royal assent. Lauderdale's attack was famous in its day as a great State paper; but Middleton's defence, whether prepared by himself or not, is a work beyond the ability of such a man as he has been generally described by historians. There was a charge against him yet more serious than the other two. The king, by Lauderdale's advice, as it was said, had deferred the day for receiving payment of the fines imposed on recusants—an act of partial clemency; and Middleton had found reason for suppressing the suspension and enforcing the fines, believing, as it would seem, that these reasons would exempt him, and secure him in an indemnity.¹ Be-

¹ Mackenzie's *Memoirs of the Affairs of Scotland from the Restoration*, 52 *et seq.*

sides this—the mere external history of the event—there are other incidents connected with this affair of the billeting carrying an important bearing on the constitutional tendencies of the Government of Scotland at that time. The Act was new and unusual. It was not a law for general use and practice through the country, but for the guidance of the Court. Among the ostracised were two men in office besides Lauderdale—Lord Crawford, and Sir Robert Murray, who had so much influence in Court that he became afterwards what might be termed the resident minister for Scotch business in London; he is still more worthily known as the reputed founder of the Royal Society. The method of dealing with this peculiar Act of Parliament was to put it into the king's hands in a sealed packet, presented to him, with the other Acts, by three officers of State. Burnet tells us that while these made their solemn progress, although the known ways to London were watched to stop any news anticipating their business, yet it was managed through by-ways to send to Lauderdale the warning which enabled him to act.

We are told that when the State messengers attended at Court with the statutes, the king “threw the Act of billeting into his cabinet, declaring that he would not follow their advice, nor would he disclose their secret.”¹

The king afterwards sent a message to the Estates, with a “commission for trying of the contrivance and carrying on of the Act of billeting.” It spoke of “that strange Act for incapacitating twelve transmitted to his majesty sealed, and which his majesty has so

¹ Mackenzie's *Memoirs*, 77.

ordered that it shall never more come to light.”¹ Several witnesses were examined on the secret history of the affair.² The professed result of the investigation was to bring home an act of double-dealing to Middleton. He had made the king believe that the Parliament desired the proscription, and made the Parliament believe that the king desired it. In the end the Parliament ratified the king’s suppression of their two Acts for effecting the ostracism, in a shape as novel as the Acts themselves. They were declared to be “now and in all time coming void and null;” and ordained “to be expunged and razed out of the records—likeas, accordingly, the said principal Acts, being called for and presented in Parliament, were publicly razed and destroyed.”³

Here the king suppressed a measure which, whatever were its demerits or the trickery at its root, had formally passed the Estates and received the touch of the sceptre from his commissioner. Those who have noticed how it was from time to time contended that even the touch of the sceptre was unnecessary—that it was a mere courtesy, and that the Acts passed by the Estates were law without it—will recognise how far the old spirit of that haughty body had departed. We find the ruling spirit employed in working out this change

¹ Act. Parl., vii. 450.

² Their testimony, or an abstract of it, is in the Lauderdale Papers. Among those who speak most clearly to the point is the rough soldier Sir James Turner. He had been taken aside by Middleton, who had some mysterious conversation with him about a warrant for incapacitating certain persons: “The Earl of Middleton asked the deponent what he would think if the person who wrote the warrant should be one of the number; and thereupon the deponent asking if he meant the Earl of Lauderdale, he answered ‘Yes.’ To which the deponent said, ‘God forbid!’”

³ Act. Parl., vii. 472.

expressing his exultation in his peculiar tone of frolic humour. The Act of erasure was passed on the 9th of September. Lauderdale addressed a letter to the king on the "10th of September, being the day after St Billeting's Day." He begins by some remarks spun round the text of "that which I am ravished with, that you govern this poor kingdom yourself." Then: "By yesterday's Act you will see that billeting is dead, buried, and descended; and that the Act is exactly as you directed." There are things referred to in this letter touching a matter of interest to the king—the marriage of his son Monmouth to the heiress of Buccleuch. But it is evidently in reference to his backing of the king's suppression of an Act of the Estates that he alludes in this remarkable concluding passage: "Be pleased to weigh the whole, and command what you please, and I need not tell you you shall be punctually obeyed. We durst not move what was so positively illegal without a clear order. But if it be your will, you shall see we know no law but obedience."¹ Perhaps it was of use to Lauderdale in his great mysterious scheme of policy, that he should have the king as his accomplice in an Act "positively illegal." We may perhaps follow up some of the practical action of that policy before again stopping to ask whether there is any available key to its mysteries.

There appear to have been some slight suspicions that Middleton would not receive sentence of ruin with the meekness of the lamb. Besides any political influence he might have established, he was governor of Edinburgh Castle, and had the general command of

¹ Lauderdale Papers.

the forces; and he was resolute, unscrupulous, and rash. Though he was superseded as commissioner in the Parliament opened on the 18th of June 1663, it was not until the 5th of January 1664 that he signed a resignation of his military offices.¹

As Lauderdale's was the hand that had pulled down the enemy, it was perhaps scarcely decorous that he should be sent to succeed him as commissioner. That dignity fell to Rothes, while his master remained at Court to direct him.

It is now necessary to continue the narrative of local events, which ran in the old current, unbrightened by the change. There was now a potent legislative machinery for harassment and punishment in force. To give it the more effect military parties were sent to aid the civil authorities in the most conspicuously offending districts. The result was what always will be the result of putting the enforcement of the civil law into the hands of the soldier—licence, oppression, and insult. To the south-western districts—the centre of Remonstrantism—where the opposition had its stronghold, a rough unscrupulous soldier,

¹ The resignation is in the Lauderdale Papers. There is something peculiar in dismissal not being thought sufficient, and a resignation being required. These Papers contain some notices of trifles personal to the two enemies,—how Lauderdale met him “in the street—a very narrow one”—and they had to exchange stiff courtesies. Then a scene at Court, described also by Lauderdale: “When the gentleman-usher went in to give his majesty notice supper was come, Earls Middleton and Newburgh stepped to him just as he was coming out at the bedchamber-door. Earl Middleton stopped his way, clapped briskly down on his knee, and taking (I say taking) his majesty by the hand, kissed it, and so did Newburgh after him without one word spoken. The king passed without farther looking after them, passed to the presence, and then home. This now was a feat of war I had not seen before—having spoke to the king at his first arrival without kissing his hand, and to do it thus by a sort of surprise.”

Sir James Turner, was sent to command the troops. How terrible a curse he must have been to the people can be better understood from the dry detail of an official report than from all the vehement and eloquent denunciations that have been heaped on him by the sufferers and their sympathisers. When, several years afterwards, there came a change of influence, the Privy Council made an investigation into his conduct at this period, and among other things done reported these:—

“1^{mo}. Quartering of soldiers for levying of fines and impositions. 2^{do}. Exacting cess or quartering-money for more soldiers than were actually present, sometimes for double the number or more; and that besides free quarters for those present, sometimes eightpence, sometimes twelpence, sometimes sixteenpence, and sometimes more, for each man. 3^{tio}. Cess exacted for divers days, sometimes eight, ten, or more, before the party did actually appear. 4^{to}. Imposing of fines and quartering before any previous citation or hearing of parties. 5^{to}. Fining without due information from ministers. 6^{to}. Fining such as lived orderly, as appears by ministers’ certificates. 7^{mo}. Fining and censing for causes for which there are no warrants from Acts of Parliament or Council (as, 1^{mo}. Baptising of children by outed ministers; 2^{do}. Baptising by neighbouring ministers when the parish church was vacant; 3^{tio}. Marrying by outed ministers; 4^{to}. For keeping of conventicles). 8^{vo}. Fining for whole years preceding his coming to the country, and that after they had begun to live orderly. 9^{mo}. Fining fathers for their daughters baptising their children with outed ministers, though forisfami-
liate six months before, and living in another parish.

10^{mo}. Fining, without proportioning the sum with the fault. 11^{mo}. Fining in whole parishes promiseously, as well those that lived orderly as those that did not. 12^{mo}. Fining whole parishes where there was no incumbent minister. 13^{tio}. Fining one that lay a year bedfast. 14^{to}. Forcing bonds from the innocent. 15^{to}. Cessing people who were not fined. 16^{to}. Taking away cattle. All those aetings are illegal.”¹

Harassments and oppressions such as these at last drove the people of the west to insurrection. The physiology of the origin and growth of a mob or an insurrectionary movement is not easily obtained, and valuable when it is. We owe it to the researches of the historian of the sufferings that we have an account of the germ and growth of this affair, which has a strong appearance of truth: “Upon Tuesday, November 13th, 1666, four countrymen, after great hardships and long fasting, in their wanderings came to the small country village of Dalry, in Galloway, to get a little refreshment. Upon the highway a little from that place they accidentally met with three or four soldiers driving before them a company of people, neighbours to a poor old man in that place who had fled from his own house himself.” The object for which the soldiers were driving the people was “in order to oblige them to thrash out the poor man’s corns, that of them they might make money to satisfy for his Church fines, as they were now termed. This troubled the four honest men very much, yet they passed by the soldiers and came to the house they designed.” While taking their refreshment there,

¹ Wodrow’s Sufferings, i. 102.

some one ran to tell them that the old man himself was caught, and that the soldiers were going to torture or ill-use him. The four "honest men" went to the spot. There was arguing and at last a scuffle, in which one of the "honest men" fired a pistol and wounded a soldier. "This quickly made the rest yield, and the countrymen disarmed them and made them prisoners, and the poor old man is happily delivered." Taking consultation on their position, the four "honest men" took the view—probably correct—that there was no chance for life if they were taken, "and therefore resolve to go through with it, and stand to their own defence the best way they might." There were twelve soldiers at a post near by. Having got a few neighbours to join them, they seized these twelve. They had now done something to be heard of over the country. Sir James Turner was posted at Dumfries. The question now lay between taking him or being taken by him. A country gentleman, the Laird of Bascube, threw in his lot with them. The little group enlarged, and when there were fifty horsemen and a considerable party of unmounted peasants it was determined to seize Sir James. This was accomplished easily. It would appear that he had in his possession a considerable sum of money collected as fines or cess. It is uncertain what became of this store; but as it is difficult to see how the rapidly gathering body of insurgents could have been victualled without it, we must suppose that they took it for public purposes.

They increased rapidly, and it is even said that their numbers rose to three thousand. They conceived the bold notion of marching to Edinburgh, and came

within five miles of the city, where they caused much consternation and rapid preparations for defence. They seem to have expected recruits on the east coast, who did not join them. It is observable that their march lay through mountain and moorland, with rare patches of vegetation all the way. When they left the Lanarkshire hills, a dreary flat moss lay before them. When they had traversed this and ascended the western shoulder of the Pentland Hills, they must have seen a prospect new and dispiriting. The Lothians—the richest and most fruitful part of Scotland—spread before them; while up from the gardens and fields rose the town of Edinburgh, crowned by its castle. This sight seems to have realised to them their helplessness. It was the middle of November, too, and they had suffered from cold, while provisions failed them. They found that there was nothing for it but to return westward, and they crossed by House of Muir to Rullion Green, on the southern side of the hill. By this time their numbers had rapidly thinned: it is supposed that they counted about nine hundred. They were in wretched condition, with some horses in still worse state. Their leader, Colonel Wallace, appears to have been a good soldier, and to have done the best that could be done for his poor followers. Rullion Green is the name given to the southern end of a valley dividing the Pentland range and forming a natural pass through it, conspicuous as a feature of the range. Here Wallace posted his people on a ridge of hill. General Thomas Dalziel, who had gone as far westward as Lanark to intercept them, found them here at last. He drew his troops through the pass, and found the peasantry so well posted that it was not an

affair of a moment to sweep them before his disciplined troops. At the point first approached a cleft lay between them and him. We are told that two attacks by detachments on the post were failures, and that the general required to bring his whole force cautiously to the ridge where the peasantry were posted before he could break and disperse them.¹ It had become dark when this was accomplished, and thus there were few of the Covenanters killed in the retreat. Some things following on this affair are significant of the condition of religious parties at that time—conditions afterwards changed. It will be remembered that in 1637 Edinburgh was the centre of Covenanting ardour and energy. Yet these “wild western Whigs” were so offensive to the moderate people of the Lothians, that we hear of more sufferings to the remnant of their army from the peasantry around the place of their defeat, than from the victorious enemy, cruel as their general was reputed to be.

The natural result of this affair was to strengthen the hands of the Government, by giving them reason on their side. It contributed to increase that source of power in which they were chiefly deficient—the source generally called the “moral influence.” It might be said that the insurgents were a miserable rabble, driven by religious delusion and cruel treatment to their fate; but the external character of the act was, that they had marched as an army across the country, and that they had threatened and

¹ The site of the battle is supposed to be marked by a monumental stone. Neither the spot itself, however, nor any part of the range of the Pentlands close to it, corresponds with the description of the ground taken by Wallace—a ridge running north and south, and rising abruptly on the north end.

thoroughly frightened the capital. Then if men commit themselves to an armed contest with the Government, they cast their lot for victory or martyrdom, and must stand their fate ; and it is part of this fate that it brings ruin on others as well as themselves. The Government was not the same that had organised the system of oppression in the west, but the system remained while the soldiers and their commanders were there. They had now got a large increase to the licence of their conduct. It had been peace and was now war. They could plead they were in an enemy's country, where the distinction between those in arms and those peaceably disposed was too nice to be drawn by a rough soldier. The commander of these troops was the victor at Pentland, Thomas Dalziel of Binns. He had served abroad ; and of all the foreign adventurers who had brought evil ways from foreign institutions and practices, he had brought home the largest stock of ferocity and rapacity. Others had chiefly served in the centre of Europe and in the Thirty Years' War. They learned enough of evil there ; but Dalziel had been doing the work of the barbarous Muscovite far off at the back of Europe. Of the nature of that work there was only the general notion that it brought the skill of civilised Europe to aid in perpetrating the cruelties and brutalities of the Calmuc. Dalziel was taunted with his foreign service, and could return the taunts in his own way. At the council-table he struck a man under examination on the teeth with the hilt of his sword so as to draw blood. He had provocation enough—he had been called “a Muscovy beast who roasted men.” It did not make him more merciful that he was an

honest and ardent fanatic for royalty. Of this he carried about a perpetual sign in a beard which had grown since the death of his beloved master Charles I.¹

¹ Mr Kirkpatrick Sharpe, in his notes to Kirkton's History, gives this account of Dalziel :—

“The Czar of Muscovy, Alexis Michaelovitch, under whose banner he fought courageously against the Turks and Tartars, for his great bravery and military conduct, promoted him to the rank of general, and on his return to Scotland ordered a testimony of his services, in the most honourable terms, to pass the great seal. ‘He was bred up very hardy from his youth,’ says Captain Creighton, ‘both in diet and clothing. He never wore boots, nor above ane coat, which was close to his body, with close sleeves, like those we call jockey-coats. He never wore a peruke, nor did he shave his beard since the murder of King Charles I. In my time his head was bald, which he covered only with a beaver hat, the brim of which was not above three inches broad. His beard was white and bushy, and yet reached down almost to his girdle. He usually went to London once or twice a-year, and then only to kiss the king’s hand, who had a great esteem for his worth and valour. His unusual dress and figure, when he was in London, never failed to draw after him a great crowd of boys and other young people, who constantly attended at his lodgings, and followed him with huzzas as he went to Court or returned from it. As he was a man of humour, he would always thank them for their civilities when he left them at the door to go into the king, and would let them know exactly at what hour he intended to come out again and return to his lodgings. When the king walked in the park, attended by some of his courtiers, and Dalziel in his company, the same crowds would always be after him, showing their admiration of his beard and dress, so that the king could hardly pass on for the crowd; upon which his majesty bid the devil take Dalziel for bringing such a rabble of boys together, to have their gnts squeezed out, while they gaped at his long beard and antic habit, requesting him at the same time (as Dalziel used to express it) to shave and dress like other Christians, to keep the poor bairns out of danger. All this could never prevail on him to part with his beard; but yet, in compliance to his majesty, he went once to Court in the very height of the fashion; but as soon as the king and those about him had laughed sufficiently at the strange figure he made, he reassumed his usual habit, to the great joy of the boys, who had not discovered him in his fashionable dress.’” On closing this quotation from the *Memoirs of a Cavalier*, the editor of Kirkton continues: “The accusation of being a witch Dalziel shared with almost all the active loyalists of his time, whom, however, if we can trust the author of ‘*God’s Judgments*,’ he so far exceeded in ‘devilish sophistry that he sometimes beguiled the devil, or rather his master suffered himself to be outwitted by him.’”—Kirkton’s History, 226, 227.

The trials that followed the affair of Pentland Hills were the first to become infamous by the free use of torture. The question of torture had been in use both in England and Scotland, but in both countries it was very odious. Two instruments were chiefly in use in Scotland—one was the boot, an iron cylinder in which the leg was placed, the infliction being by the hammering in of wooden wedges to the required point of injury and suffering. The other was the thumbkin, which held the thumb tight while thin screws were run into the joint—an ingenious device for producing the greatest amount of suffering with the smallest instrument and the least labour.

The criminal courts were overworked with the business now brought into them. Part of it was drawn off by the appointment of a separate judiciary in the west. The pressure suggested a method of facilitating business, taken from the precedent set by the Estates when they convicted Warriston in his absence. There seems to be something infectious in any relaxation of rigid forms by courts of law, especially in the administration of criminal justice. The supreme legislature both in England and Scotland claimed the privilege to be above restraints. The grand testimony to this was the power of impeachment, where it was not, as in the humbler courts of law, that the charge to be tried must infer a breach of established law. In the impeachment the law and its application might be voted together. There must be somewhere a power to strike the public enemy, who may be all the more dangerous that the ordinary laws do not reach him—and that power exists in the supreme court of Parliament. All this was fully examined and

settled in the impeachment of Strafford. The Scots Estates went a step further, and found that they could try and convict a man who was not present to defend himself. The Court of Justiciary, overwhelmed with business, found that it would be convenient to follow this precedent: it would facilitate conviction, and so abbreviate proceedings—the persons condemned, if afterwards caught, could be punished without further ceremony. The court professed to deliberate carefully before adopting this alternative. They consulted their brethren of the Court of Session, who gave them encouragement and support. The plan was adopted; but fortunately it became rather a beacon to be avoided than a precedent to be followed.

Some twenty men were hanged in Edinburgh, and many in other places. The authorities were becoming tired of their cruel work, while yet there was a crowd of prisoners to be disposed of. Some were shipped off to the plantations; others released on finding security for their conduct. A relenting or a more cautious and considerate spirit had found its way into the administration. Scotland was affected at that juncture by English politics. The Court was disheartened by the disgraces of the war with Holland, and the Prelatic party in Scotland lost a friend in the fall of Clarendon. It was found at last to be fitting that the army of the west should be withdrawn. Perhaps the difficulty of finding means for its support may have had more to do with this result than any other motive.

When the soldier was removed the assistance of the lawyer was required. It was asked whether some self-acting organisation could be devised for keeping order among the Remonstrant Covenanters in the west,

and the lawyers said they had found such a plan in the project known as "the bonds of lawburrows." We have already seen on several occasions how it crops out as a peculiarity in the history of Scotland, that such battles as are elsewhere fought out between conflicting prerogatives, or "prerogative and privilege," have been tried as questions between one man and another in the courts of law. Much of the harassing of the west country was now done in this way: From Dalziel downwards through a crowd of rapacious officers of the local courts, men held gifts of forfeitures or of fines which it was their interest to exact by form of law. It was a sort of licence to pillage the enemy in the courts of law. These things took their course according to settled precedent, but the device of the bonds of lawburrows was so far beyond them as to be a work of genius. The term is from the old Saxon word, which means surety—when one became bail for another, he was his surety, burrow, or broch.¹ The bond of lawburrows is of everyday practice in Scotland. If one can show that he has been threatened with violence by one likely to follow up his threat, a court of law will protect him by requiring the threatener to find security for his peaceable conduct or go to prison. It is the process that in England is called finding security to keep the peace. By the bonds of lawburrows, then, the Crown bound over the subject to keep the peace. The project was effected by an Act of the Privy Council. The country was divided into districts, for each of which certain men of local position were named as commissioners. They were to take bonds for keeping the peace from

¹ See above, chap. xvii.

each landholder in each district. The landholder in his turn was to exact a bond from each of his vassals or tenants. In each instance, if the bond were broken in a breach of the peace, a penalty became due; but the character of these penalties could only be shown through much technical detail. When the arrangement, as devised in the Privy Council, came into practical effect, a new question arose, which also had to be settled by technical law. The bond on its face only held those who signed it to be orderly and obey the laws. Did this infer that they were bound over to the new Prelatical hierarchy, and that they were to abjure the Covenant? To clear this difficulty the old form of the protestation again came in use. The persons who signed the bonds protested that they were not held bound by them to the support of Prelacy or the abjuration of the Covenant; and there is so much evidence of the intention of those who took the bonds so to accept the obligation that a form for doing so has been preserved.¹ The lawburrows were renewed with more formality after the disbanding of the Highland host to be presently brought up.

We now find a curious wavering between tolerance and intolerance. What is called "the first indulgence" was issued from Whitehall in June 1669, on the sign-manual, countersigned by Lauderdale, and addressed to the Scots Privy Council. It began with something resembling a censure on the past: "Whereas by the Act of Council and proclamation at Glasgow in the year 1662 a considerable number of ministers were at once turned out, and so debarred from preaching of the Gospel and exercise of the ministry." The Council

¹ See Wodrow, ii. 94, 95.

were therefore authorised "to appoint so many of the outed ministers as have lived peaceably and orderly in the places where they have resided, to return and preach and exercise other functions of their ministry in the parish churches where they formerly resided and served, provided they be vacant." They were not to have the stipend—only the manse and glebe. The Council were to collect the stipend, and when they issued a licence of indulgence, to allow the indulged minister a yearly "maintenance" out of the stipend. In the warrant for the indulgence there was so much consideration for the "outed" ministers, that instruction was given to find maintenance for those whose places had been filled. This "indulgence" has to be interpreted, by whoever can make the interpretation, with an Act of the Estates passed little more than a year afterwards, called an "Act against conventicles." It lays heavy penalties on all concerned in "conventicles," or in any arrangements for worship according to the Presbyterian form unless through the indulgence. A climax is reached in the clause, "that whosoever, without licence or authority foresaid, shall preach, expound Scripture, or pray at any of these meetings in the field, or in any house where there be more persons than the house contains, so as some of them be without doors—which is hereby declared to be a field conventicle—or who shall convocate any number of people to these meetings, shall be punished with death and confiscation of their goods."

Many of the ejected ministers took the indulgence as an announcement that the Government wished to find a decorous exit from its position, and trusted to the sensible portion of them for help. They took

what was offered, hoping for a final restoration to all their privileges and emoluments as parish ministers. To the many who felt with the seceders, and had been tossed by doubts whether they should remain or go forth, the indulgence was an undoubted blessing, by reconciling them to their position.

The indulgence was from time to time revised and enlarged; and if one should give the history of the "indulged" Church without looking around, he might describe a moderate, serious, comfortable community living at peace with all men, and worshipping God after their own fashion. But the policy which Lauderdale's Government rather seemed to drift towards than deliberately adopt, was that of balancing every act of mercy and grace to those who accepted the conditions set down, with additional machinery of repression and cruelty directed against recusants.

Roths and Lauderdale were rewarded each with a dukedom for his services. It made no change on the governing influence that in 1669 Lauderdale was made Lord High Commissioner. This strange man was a scholar and a great reader, with a full command of the intellectual stores thus at his disposal. But both in the spirit and the flesh he was an uncouth and unlovable figure. A Covenanter, he could scatter profane jests, and lived a profligate life. His figure was large and full, with a broad bloated face. Its unmistakable sensuality was relieved by touches of the ferocious and the sarcastic. His wife was nearly as conspicuous a figure as himself. She was Countess of Dysart in her own right—the daughter of that Murray of the bed-chamber who had acted the spy to the Covenanters. She was a pupil of the moral school of Lady Castle-

maine and the Duchess of Portsmouth; and marvellous stories are told of her extravagance and rapacity, with the influence exercised by her on the fines and forfeitures of the period. The polished profligacy of Louis XIV.'s Court was vulgarised when it passed on to St James's; but when it migrated to Holyrood, its contact with the rough way of the Scots made it more hideous still. There have been many attempts—none of them quite successful—to solve the problem of this statesman's conscience and intentions. Burnet would make it a subtle policy, but distinct: "I thought he was acting the Earl of Traquair's part, giving way to all the follies of the bishops on design to ruin them. He upon that ran out into a great deal of freedom with me, and told me many passages of Sharp's past life. He was persuaded he would ruin all; but he said he was resolved to give him line, for he had not credit enough to stop him, nor would he oppose anything that he proposed unless it were very extravagant. He saw that the Earl of Glencairn and he would be in perpetual war, and it was indifferent to him how matters might go between them; things would run to a height, and then the king would put a stop to their career, for the king said he was not priest-ridden."

There is another possible theory of his policy, and if it be otherwise tenable, it will be found to fit neatly into and explain some points in the letters of his coadjutor or accomplice Sharp, when he talks of the king's will as the supreme rule of his conduct and his adherence to the guidance of Lauderdale. Was it that Lauderdale thought the fervent and intolerant spirit of loyalty possessing the nation at the Restora-

tion might be turned to a purpose, and that on its wings he might sweep into any absolute authority he might choose to wield in the king's name? The method by which, as a Presbyterian and a Covenanter, he could do so, would be by setting the king's will above the Covenant and everything else. We have seen him already, in something like a spirit of exultation, following the king in an act called by himself "positively illegal." It is possible in his correspondence to find that his Presbyterianism will not stand in the way when loyalty may be pleaded for taking another direction. On the 13th of July 1663 he is attending the Estates, and writes to the king. He approaches a story he has to tell with a sketch of the pleasures of a mind at ease: "A good master, a good conscience, and a clear above-board conduct in your service, does abundantly secure and quiet me against all base whisperings." He had been working through the Estates the completion of the new polity—the "Act against reparation and disobedience to ecclesiastical authority." His enemies had been scattering foul rumours that his old affection for the Covenant would damp the zeal of his loyalty. That "calumny of my opposition to your declared pleasure in Church government did stick with divers; so that I thought it fit for me, and in some measure necessary for your service, that I should make once a public declaration. I choosed this as the first and most natural occasion for it. So after I had endeavoured in debate to clear all that was objected against this Act, before it went to a vote I rose up and told the Parliament, that seeing your commands had kept me from concurring in these good laws made in the former

session of Parliament—for your majesty had commanded my attendance in London—I thought it my duty not to rest satisfied with giving a bare ‘ay’ to this Act, which ratifies the former Acts relating to the Church. Then I repeated shortly all the Acts passed for your prerogative, for restoring the Church, and particularly the Act Rescissory, and declared my hearty consent to them all. In the next place, I took notice of that part of the Act wherein your majesty’s care is held forth to preserve Church government as now it is settled by law. And because I had the happiness to have more with you on that subject, and to have heard very often from yourself how much you are concerned in this settlement of the Church, I thought it my duty to declare, not only to the Parliament, but, as far as I was able, to the whole kingdom, that these expressions of the Act relating to your majesty are not matters of form, but that you do and will concern yourself as much in preserving this government in the Church as in any other prerogative of your crown. I touched gently what reason you had so to do from former miscarriages; and having, as fully as I was able, expressed your majesty’s zeal in this particular, I told the Parliament I needed no other argument to convince them of my hearty concurrence in and obedience to those laws than that it was your so express pleasure; for as I counted it my greatest honour to be your servant, and as I had in everything carried myself as a servant, and faithful servant—notwithstanding of what had been said to the contrary—so in this and everything else I was resolved to serve you faithfully in your own way. Then I earnestly urged the great obligations this kingdom

owed to your majesty; for had you not by your glorious restoration redeemed them from the basest slavery, and restored them to their liberties, their ancient government, and their laws, but also put the greatest mark of confidence on them by removing of the English garrisons? And as this was an eminent mark of your own goodness against much opposition, so I pressed it to be the duty of this kingdom, both as good subjects and good Scotsmen, to witness their obedience to your majesty in Church matters, in which you do so much concern yourself. In the last place, I told the Parliament that the first thing I did in this Parliament was the subscribing the declaration concerning the Covenant. That though I thought not fit to say anything then, but to sign it cheerfully, so now I thought it my duty to make known that I knew well what I signed. The first part of that declaration, the affirming the unlawfulness of taking arms against the king, had lain heaviest on me when I thought myself nearest to giving my great account. So having confessed it, and craved pardon of it from God and from the king, I thought it my duty here also to confess it. And to the second part, I declared myself clearly concerning the unlawfulness of the Covenants, and of the petitions, protestations, and councils in pursuance of it; and therefore I need not enlarge that from these oaths no obligation lies to endeavouring alterations of the settled form of government. But this, I said, is only a negative. It is my duty to go farther; and for a conclusion I declared it to be my duty not only not to oppose but to maintain and defend those laws, and heartily concur in prosecution of them. This is a short and true account of what was spoke. If I had

a copy I should send it, but truly I have no time to make set speeches; on this subject my heart was so full that I could not fail in speaking, nor now in repeating the sense of what I spoke. And I did it so freely and so clearly that all the bishops came in a body to give solemn thanks. And as the trust your majesty was pleased to repose in me in this particular obliged me to this declaration, so now to give generally this hasty account of it—one thing I am sure I have got by it, that I have rooted out any confidence that any other party could have in me; and if any shall hereafter slander me as an opposer of bishops, they must at the same time declare me a very fool.”

In his confidential communings with Sir Robert Murray, his representative in London, he gives his reason for the earnestness of these protestations. He mentions how, through Middleton's influence, it had been put into people's heads that he was “disaffected to the Church government establishment,” and opposed to those who had been sufferers for the king's father. In referring to the final measure for the settlement of the Church, he says an expressive word about a feature in it that might possibly give displeasure to some at Court: “You will see the penalties calculated for our western dissenters (though the word Papist be put in, of course, to bear them company), and it is hoped the penalties will be stronger arguments to move them to outward conformity than any divines could use.”

Lauderdale, when he had got his power well consolidated, set himself to sketch a scheme of government, the leading feature in which was to rid the king of that troublesome body the Estates. He says to Sir Robert Murray: “You shall humbly present it for

his majesty's consideration, how fit it is that when public business are despatched—which it is hoped may be ready soon after the return of this express—that this Parliament be concluded and dissolved, and that this kingdom return to the good old form of government by his majesty's Privy Council.”¹

There are several reasons given at length for this bold suggestion: “Long Parliaments are more unfit for Scotland than for any other place, for public business being done. They can only serve here for creating division by carrying on private interests.” They are costly to the members, but “the most heavy burden lies on the king.” But the end of all is a happy prospect, whatever direction the eye may take: “For if the king's service should require a Parliament, there is no manner of doubt but the next Parliament would be as entirely at his majesty's devotion as he can desire. For the lords spiritual and temporal are the same, and they sitting in the same House, the king knows what influence they have. Besides, the power which the officers of State and noblemen have in election of commissioners for shires and boroughs may secure his majesty of the new elections, especially seeing the declaration concerning the Covenant keeps out those who are averse to the Church government established. And the great consideration which puts it past all apprehension of danger is, that not only hath the king in Scotland his negative vote, but, God be thanked, by this constitution of the Articles, hath the affirmative vote also. For nothing can come to Parliament but through the Articles, and nothing can

¹ After the Restoration we find the general use of the term “Privy Council” substituted for “Secret Council.”

pass in Articles but what is warranted by his majesty, so that the king is absolute master in Parliament both of the negative and affirmative.”¹

Yet even to so obsequious a body as this it was better not to commit the government of the realm. The mischievous laws had been swept from the statute-book, and the power of the Crown and the hierarchy had been finally settled. The one great necessity which drove unwilling sovereigns to trust themselves in the hands of Parliament was happily removed from Scotland. In the full tide of their loyalty the Estates had endowed the Crown with a permanent revenue of forty thousand pounds a-year of sterling money—a large revenue to be paid by Scotland in that day.

Personally Lauderdale is found true to his new creed in politics. Implicit obedience is the key-note of the traces left on his personal conduct. He not only will not disobey, but he will not thwart or harass by persuasions. The king's will is a tower of strength against all assaults. When besought to say a word for his old leader Warriston, he would not venture to molest the king on the matter—nor would he permit any others to do so. Never was Eastern despot blessed with a minister of his will more obedient, docile, and sedulous. If we are to find a political philosophy in the man's past and present, it comes to this: In the natural man he was the Presbyterian—the enemy of Prelacy—the champion of the Covenant. But the king wills it otherwise, and the king's will be done. It is evident that for the easy working of such a philosophy much depends on the character of the king to be set up as its idol. With a man of business and

¹ These extracts are from the Lauderdale Papers.

thorough knowledge of affairs like Louis XIV., it inferred hard and sometimes disagreeable work. With an indolent, easy man like Charles II., the task was easier and pleasanter, and the servant could often divine the nature of the command before the master himself knew it. Accidents of various kinds favoured Lauderdale and his follower Rothes in the absolute disposal of the king's inclinations. They were both instrumental in an affair of much personal interest to their master—the marriage of his son Monmouth to the heiress of the house of Buccleuch. She was niece to Rothes, and the adjustment of the business connected with the alliance brought both him and Lauderdale in personal communings of great length with the king.

Before we embark again on the great sea of religious troubles, it has to be told that from 1667 to 1670 two commissions were professedly occupied in endeavouring to adjust an incorporating union between England and Scotland. The matter is of less moment for anything actually transacted than for the spirit in which the question was raised. It came from the bitter representations on the part of the Scots of the ruin of their commerce by the English Navigation Act. They represent that they had “enjoyed a free-trade here in England, and in all the dominions and plantations belonging to the kingdom of England, more than fifty-and-six years, without any considerable obstructions all that time.” But now they are treated as aliens and enemies, and even the inhabitants of Ireland have privileges denied to those of his majesty's ancient kingdom.¹ This was the first symp-

¹ Bruce's Report, Appendix No. xxxi. ; Mackenzie's Memoirs, 137 *et seq.*

tom of that national discontent which, raised not out of political or religious differences, but on the solid foundation of pecuniary claims and losses, grew in strength until it brought, as a political necessity, the final union.

We return to the indulgence, only to find that a disease had been wrought into the public mind far too deep and rancorous to be cured either by palliatives or stimulants. The small insignificant party that had come together in the west at the Mauchline Testimony, became the centre of a great community, who drew off absolutely, not only from the Prelatic party, but from the indulged Presbyterians. On these, indeed, they looked with more disdain and hatred than on their natural enemies. They were deserters professing to be within the camp. The indulgence was a treacherous snare, and these brethren, both weak and wicked, had fallen into it. These extreme men would acknowledge no brotherhood with any who did not go their own way. We may count them unreasonable, but their conduct was a fact—the Government had made it, and had now to deal with it.

When the indulgence was at its best in 1676, it was accompanied by a new writ of harassment, called "Letters of Intercommuning." The term does not explain itself, for the writ prohibited intercommuning, or holding intercourse with persons who had broken the laws against conventicles. This, like many other Acts of the period, was a usurpation by the executive of the powers proper to the Legislature. In earlier reigns the Estates would not have permitted the Secret Council to take such work out of their hands. There were old laws against "intercommuning" with English enemies. By an Act passed immediately after

the deposition of Queen Mary, for the purpose of suppressing "the theft, reif, and oppression" committed on the Border "by thieves, traitors, and other ungodly persons," and finding that they are materially supported "in their troubles by resettlers, fortifiers, and maintainers,"—all such "intercommuning" with them is counted as accession to their crimes, and so punished. Any act of Christian charity—clothing the naked, feeding the starving, hiding the pursued—was an "intercommuning." Spalding briefly describes Highland reivers under letters of intercommuning: "As they were lawless, so made friendless, and might not bide together." A proclamation of intercommuning against the Earl of Argyle when under charge of treason, renders it accession to his crime "to furnish him meat, drink, house, harbouring, or any other thing necessary or comfortable to him." Such were the precedents about "intercommuning." Heavy penalties were laid on the intercommuners with the conventiclers, and tempting rewards were offered to informers against them.¹

Two years after the proclamation against intercommuners—in 1678—there occurs a curious diversion from the ordinary gloomy tenor of the harassing laws. We have already seen that a scandal attached to the employment in warfare of the Highlanders and the Irish as persons who would not adopt, and indeed could not understand, the courtesies of war. In the celebrated "Highland host" the Government added a scandal in this shape to the many rated

¹ The proclamation itself will be found in Wodrow, ii. 318. The statute cited is in the Scots Acts, iii. 31. The other passages cited will be found, along with much instructive matter, under the head "Intercommuning," in Jamieson's Dictionary and its Supplement.

against them. The landed gentry of the counties of Ayr and Renfrew had been desired by the Council to take measures for the suppression of conventicles and other "insolencies" in their respective counties. They made answer that they found it "not within the compass of their power" to do as they were desired, and they recommended a toleration of the Presbyterians as the best means of pacifying the districts. The reply to this virtually was, that since they could not keep order, others should be found to keep it for them. An Irish force was collected at Belfast, and an English force was brought to the Border. It was found, however, that the Highlanders were sufficient for the purpose without these auxiliaries. The district to be infested by them was extended beyond the two counties; and besides powers more conformable to the usual authorities for enforcing the laws, they were "to take effectual course for reducing them to due obedience," "by taking free quarters from those who are disaffected, and by disarming all you shall find necessary, and securing all horses above such a value as ye shall think fit." This was in the instruction to the Privy Council, and it was reiterated in the commissions to the heads of clans, who are to march "wherever they shall be ordered; on which march we hereby authorise them to take free quarter, according as our Privy Council and their committee shall think fit to order, and if need be to seize on horses for carrying their sick men, ammunition, and other provisions. And for their encouragement we hereby indemnify them against all pursuits, civil and criminal, which may at any time hereafter be intended against them for anything they shall do in our ser-

vice by killing, wounding, apprehending, or imprisoning such as shall make opposition to our authority, or by seizing such as they have reason to suspect, the same being always done by the Privy Council, their committee, or of the superior officer.”¹

With these powers there were assembled at Stirling what Wodrow terms “such a number of Highlanders—a barbarous, savage people, accustomed to rapine and spoil—as might overrun and depopulate the western shires.”² In Ayrshire the landed gentlemen remonstrated against the “sending among them so inhuman and barbarous a crew.” They stated that the people were orderly and loyal; but admitted that “albeit their people were indeed addicted to conventicles, and thought they had principle and solid reason for so being, yet this was only in those parishes which were denied the benefit of the indulgence.”

Fifeshire was at first included in the hunting-ground of the Highland host. There were in that county some very resolute Covenanters and haunters of conventicles, but—at least among the gentry—they were in a minority. Meetings of the landowners were held, who resolved to come under any endurable obligation as an alternative of exemption from the operations of the Highland host. They offered to the Council a bond engaging to avoid conventicles and to restrain their tenants and other dependants from them. This did not suffice, however, without the addition of a clause that “we or they shall not reset, supply, or commune with forfeited persons, intercommuned ministers, or vagrant preachers, but do our utmost to apprehend their persons.”³ On this the county of

¹ Wodrow, ii. 379.

² *Ibid.*, 375.

³ *Ibid.*, 382.

Fife was exempt from the scourge. In the proclaimed districts of the west all were to endure it who had not a special protection from the Council, and such protection was only granted when a bond of the kind adopted in Fifeshire was taken.

A body of gentlemen prepared to go to the Court in London, and there appeal or remonstrate against the outhounding of the Highland host. By an Act of Council, savouring of curiously perverse tyranny, they were prohibited from crossing the Border. The host of marauders so let loose has been estimated in numbers varying from six to eight thousand. Looking back to the history of the Highlanders and Lowlanders, and adjusting all it tells us with the exasperating conditions of the period, the result to be expected from such a contact of antagonistic elements would have been a bloody contest of extirpation; but it was not so. Whatever was in the minds of the people of the west, they endured the infliction with wonderful equanimity. We only hear of one Highlander of the host killed by the country people. Among the Lowlanders they went to, there were some who, having obtained protections, were to be spared, and others who were at their mercy. It is said, however, that this was a distinction too nice for their comprehension, and that they were so impartial in their marauding that the best friends of the Government saw the necessity of becoming rid of them.

Wodrow's account of their return homeward so naturally adjusts itself to the character and practice of the Highlander at that time that we can easily believe in it: "When the Highlanders went back, one would have thought they had been at the sacking of

some besieged town by their baggage and luggage. They were loaded with spoil. They carried away a great many horses, and no small quantity of goods out of merchants' shops, whole webs of linen and woollen cloth, some silver plate bearing the names and arms of gentlemen. You would have seen them with loads of bed-clothes, carpets, men and women's wearing clothes, pots, pans, gridirons, shoes, and other furniture, whereof they had pillaged the country."¹

The tests and other exacted obligations of Conformity in which this age was so prolific, are at first sight a curious object of study; but they become tiresome in their reiteration, and even in their variations, since these were but the devices of cunning lawyers to rectify technical defects and tighten the chains set on freedom of opinion. When it was either necessary or expedient to defend these things by argument or example, this was ready at hand in the Covenant. Had not that document, with all its intricacies, been forced upon the people whether they believed in it or not—whether they understood it or not? That the Restoration Government had taken a lesson from the Covenanters was so obvious that Wodrow had in some measure to admit it, along with a palliation not likely to pass current with all men, in saying: "It is not my province now to compare the matter of the one with the other here. The difference there is prodigiously great, there being evidently in the Covenants nothing but what was agreeable to the moral law, and what people were really bound to, whether they had sworn them or not."²

Apart, however, from questions of conscience and

¹ Vol. ii. 413.

² *Ibid.*, 390.

of justice, there was a mighty difference in the character and amount of secular pressure administered by the two systems, arising out of a small and subtle difference. No man made money by tendering the Covenant. Temporal concerns did sometimes ally themselves with it, and we have seen that a social and pecuniary pressure might sometimes bear on its enemies. But the tests of the Reformation Government were connected with a system of trade and revenue. The forfeitures and fines became so lucrative to those who laid hands on them, that the discovery of recusants was more desirable than the obtaining of Conformists. Thus, while the Covenant swept over like a popular storm, the bonding and testing system hounded out upon their neighbours an army of greedy informers and lawyers. The man who was worth harassing had set down at his door some keen and greedy man of office or of law, whose interest it was to keep him and his affairs in continued remembrance until the exaction of the last available coin. Even though not gifted away, as in many instances it was, the property realised by fines and forfeitures had a propensity to adhere to those concerned in their exaction, though by law the property of the Crown. Occasionally it is seen that an available source of revenue is thus lost, and a general attack is made to compel the collectors to disburse their gains. System by degrees got possession of the field, superseding this general scramble; and the penalties exacted from recusants became a revenue burdened with a heavy percentage to its collectors.

A course of arbitrary action, leaving a stigma on this reign both in England and Scotland—a tamper-

ing with the municipal corporations — appears in Scotland about the year 1678. It began with a vague bullying. Persons must be selected who were loyal and acceptable to the Government, otherwise the town would suffer as a disaffected place. The interference gradually increased.¹ In England the device of the *Quo Warranto*—the inquiry into the original charter of constitution which could not be produced, or when produced was found defective—afforded a method of destruction both technical and efficacious. Under its powers Jeffreys, in the words of a contemporary, “made all the charters like the walls of Jericho fall down before him, and returned laden with surrenders—the spoils of towns.”² The Scots Government could not see the Crown so effectually served in England without a sense of jealous rivalry; and, not so fortunate in discovering a technical form of attack, fell upon the corporations by assault, declaring their selections of officers to be contrary to the will of the sovereign, and supplying others of their own choice.

The only event of any moment in the secular politics of this period arose out of an affair bringing scandal on Lauderdale, as tampering with the administration of justice in the furtherance of his own personal interests. There was a litigation in the Court of Session between the Lords Dunfermline and Callendar, and he had reasons for wishing the decision to be for

¹ As to some burgesses in the western towns who would not take the bond at the time of the Highland host, the Council report that they ordained them “to have their burgess-tickets cancelled and destroyed, debarring them from all trade and commerce, considering that such who would not receive your peace ought not to enjoy such large privileges by your free bounty.”—Wodrow, iii. 414.

² North's Examen, 626.

the Lord Dunfermline. When the case came on for judgment, he slipped into the court and sat on the bench. He was in law entitled to act and vote there, since he was an "extraordinary Lord of Session," a title conferred on certain persons of high rank, who were understood to wear it as a mere distinction, and were not expected to take in hand the drudgery of the ordinary business of the court. It was further charged against Lauderdale, that he got the case brought up out of its proper order, and carried his point by dropping in his own vote and taking the court by surprise. The party defeated on the occasion made an appeal to Parliament. It was said that any reference from the Court of Session to the Estates of Parliament was illogical, because the court was created to do the judicial business of the country which had been done by the Estates at large. The Court of Session, thus representing the Estates, had their whole power, and a reference from the court to the Estates was logically equivalent to a reference from the Estates to themselves. But it could be said that the Estates did their judicial business through committees.¹ The Court of Session, therefore, only took up the powers of these committees, and the whole House could of course review the work either of the one or the other. But however the logic might be, Lockhart and Cuninghame, the advocates for the appellants, were determined to put the case at the disposal of the Estates of Parliament. For this they were suspended from the exercise of their profession. The suspension was taken as an injury and insult to the bar as a body, and they were joined by a secession of fifty members of the Faculty of

¹ See above, chap. xxxix.

Advocates—a number that, if not the whole bar, must have been nearly so. The contest lasted for two years, ending in 1676. It brought forth some features of spirit and resolution in the Scottish bar of that period, but its end partook of the nature of a compromise.¹

In many features it will be apparent that the troubles of this period ranked in heroic dignity far below those of the original Covenant. Then it was the old enemy of England, with Laud as representative of the policy founded by Edward I. Now, though the hierarchy and ecclesiastical institutions forced on Scotland were parallel to those of England, the national instinct devised that the selfish harassment and cruelty did not come from England—they were of home growth. Nay, all modifications and relaxations appeared to come from England. The culminating crime attributed by common repute to Sharp was the suppression of a warrant of mercy that had been sent from Whitehall. The people in Scotland felt it a natural thing that the English should look on Scotland as belonging to the same Episcopal hierarchy with themselves, and therefore the indulgences were in some measure dealt with as a good-natured blunder, founded on the English ignorance of a nature that in religious matters was not content with toleration, but must have dominion, and that so absolute that toleration was not admitted with its conceptions.

The facility for continuing to do duty under the “indulgence,” with the denunciation of death to those who ministered otherwise, was a challenge to some of

¹ The fullest account of this affair will be found in Sir George Mackenzie's *Memoirs*, p. 267 *et seq.*

the fiery spirits among the western Remonstrants to court martyrdom. On the other hand, those clergymen who were Presbyterians merely in doctrine and form of worship, had nothing to abandon, whether they had submitted to Episcopal collation or were accepted in the indulgence. No "Service-book" was forced on them; nothing was exacted that could excuse the old terror of Popery and idolatry. There was no change in the form of service appointed by the Westminster Assembly's Directory. "We had no ceremonies, surplice, altars, cross in baptism, nor the meanest of those things which would be allowed in England by the Dissenters in way of accommodation," is a remark by a Scots statesman of the day who disliked the Presbyterians.¹ The author of this tells us, speaking of the church where he attended: "The way of worship in our church differed nothing from what the Presbyterians themselves practised, except only that we used the Doxology, the Lord's Prayer, and in baptism the Creed." For this the old "Book of Common Order" was not required. It does not appear that either this book or the English Prayer-book was at this time used in Scotland; and thus we are driven to the antithesis, that the Covenanters of 1638 had a liturgy, and the Episcopalians of Charles II.'s reign had none.

But in fact religion, whether expressed in formularies or creeds, was not the object either of the Court or the hierarchy. In this, as in other things, the bitter contest disorganising the country was a sorry contrast to the mighty ecclesiastical struggle which began the civil war. We may object as we will to Laud's re-

¹ Sir George Mackenzie's Vindication of King Charles II.'s Government; Works, ii. 343.

ligious tendencies—we may sneer at his political projects as a wild dream which any statesman who knew the times would have laughed to scorn; but still there was a grandeur in his mission. The pomps and ceremonies, the costly and gorgeous decorations of the churches, the symbolical ritualism, were all designed—though many will say they did not truly tend—to lift man above that which is of the earth earthy. But from its commander, Archbishop Sharp, down to the humblest parish curate, the present crusade was material and self-seeking. We have seen that it was the policy of the Government, and in some measure in conformity with the habit of the people as addicted to legal procedure, that inflictions for recusancy should be left to personal greed and spite. The newly-established parochial clergy were too conspicuously and actively engaged in this contest. It was to them that the civil authorities chiefly trusted for authentic lists of recusants. Perhaps in rendering these they were incited by a strenuous zeal for their own Church; but the occupation was an unseemly one for a spiritual pastor. Looking higher up, we find Sharp himself the hardest worker at the council-table, and generally claiming the right of presiding there. He had got back for the bishops the old power in the selection of the Committee on the Articles, which made the hierarchy lords of the Parliament. The bishops chose the eight lords temporal who were to sit on the Articles, these in their turn chose eight bishops, and the sixteen together chose eight lesser barons and eight burgesses. He was so indefatigable a meddler with every affair of civil government, that he became intolerable to the civil officers of the Crown, and at one time was directed

by the king to abide within his diocese. The extent of hatred borne towards him by the people is not easily to be realised. It was mixed with fear, and this fear was of two kinds—the one was a material fear of the man's relentless nature, the other was a superstitious horror of him, as one who had made a compact with the spirit of evil. The historian of the sufferings heard stories about him which he did not venture to set forth in his History, though he felt so much interest in them as to consign them to his private note-book. He was, for instance, sitting in Council in Edinburgh, arranging the articles of prosecution against the Pentland rebels, when he desired a paper left behind him in his cabinet at St Andrews. A messenger was sent for it, who left Edinburgh at ten of the morning and arrived at St Andrews at four in the afternoon. Entering the study where he was to find the paper, he saw the archbishop sitting there. Somewhat astonished and frightened, he ran down-stairs and asked the chamberlain when and how his grace had come. He had not come—he was in Edinburgh still. "So they come both up-stairs; but before they were fully up they both saw the bishop standing upon the stair-head, staring upon them with an angry look, which affrighted them in earnest." When the messenger returned with the paper, he found the archbishop as he had left him. We are told how, presiding at a witch-trial, he was confounded and showed symptoms of terror when the victim asked him who was with him in his closet "on Saturday night last betwixt twelve and one o'clock?" He confessed to Rothes, who was inquisitive on the matter, that it was "the muckle black devil."¹

¹ Wodrow *Analecta*, i. 104, 105.

With all his faults one cannot help admiring the courage and resolution of the man. He stood alone in the midst of all this hatred; for his coadjutors were beginning to feel that the land was troubled, and they exposed to labours and perils, all for the advancement of this ambitious priest. He was already Judas to his enemies, and it seemed to be in question whether he was to be dealt with as a Jonah by his allies. In the summer of 1668 a man had fired at him as he stepped from his coach in the High Street, but missing him, shattered the arm of the Bishop of Orkney.

Few of the citizens of Edinburgh belonged to that fierce class of fanatics to be found abundantly in the west, and in some measure in Fifeshire. When these were brought as prisoners through the streets of the capital, they were generally ridiculed by the mob. Yet there was so little partiality among them for Sharp, that the man who had fired on him in the open street by daylight went off untaken and untraced. Just at this time, in his loneliness and his danger, he was an object of compassion. Burnet thought it decent to call on him on the occasion and express his sympathy. This was returning good for evil, for the two were at enmity; and, by Burnet's account, he had been bullied by the primate, and threatened with excommunication. But his visit was received after another spirit: "He was much touched with it, and put on a show of devotion upon it. He said, with a very serious look, 'My times are wholly in Thy hand, O Thou God of my life.'" Burnet's commentary on these words is,—“This was the single expression savouring of piety that ever fell from him in all the conversation that passed between him and

me." Burnet says further, that "on this occasion it was thought proper that he should be called to Court and have some marks of the king's favour put upon him. He promised to make many good motions; and he talked for a while like a changed man, and went out of his way, as he was going to Court, to visit me at my parsonage house."

The impression made by this incident naturally faded from other minds, but not from Sharp's own. He was left to fight his battle in shapes that could only increase the hatred of his enemies and did not tend to assure his friends. The question was ever before him,—How was he to discover those whose enmity to him was zealous even to slaying? If he could find the man who fired the shot, a clue might be got to the others, and he might rid himself of all who were dangerous. No one helped him in this, however. No trace of the man could be got. If any had noted his personal aspect, they would not betray their knowledge. One person only kept that man's image in remembrance—Sharp himself. He afterwards gave in evidence that, on the firing of the shot, "he had a view of him passing from the coach and crossing the street."¹ As his busy days passed over him he kept on the watch for that face and figure, but they did not cross his path. Even in his retentive memory the vision must have become weak, when at the end of six years from the event he was haunted by a face. It was that of a man who professed to keep a small shop near the door of the archiepiscopal residence in Edinburgh. There was something sinister associated with him. At length a light dawned on Sharp. He thought it was the man

¹ State Trials, vi. 1257.

who had fired on him. But before any public or official step was taken it was desirable to have a closer inspection of the man. To effect this, Sharp's brother, Sir William, with the assistance of some of his people, seized the man. Sharp was now certain that he was the same who had fired the shot. It made the capture the more significant that he was found in possession of two loaded pistols, and the captive was handed over to the authorities.

He would confess nothing, and no evidence could be obtained in support of Sharp's assurance that he was the guilty man. It is an old rule in Scots law that no one can be convicted of a crime on the testimony of one witness. This, like other and more potent technical protections to innocence, could be evaded in oppressive times. If there was but one material witness to the absolute fact, others could be produced whose testimony might be held to corroborate his, though in reality it bore on facts which could only by a tortuous ingenuity be connected with the crime. But in reality it was not so much the life of one poor wretch that was wanted, as a revelation making Sharp and his comrades acquainted with a group of their bitterest enemies, and showing where to strike. He was first questioned by the Privy Council. As their clerk justly observed, however, "it would be a strange force of eloquence to persuade a man to confess and be hanged." It was therefore necessary to give him an assurance of his life. On this he gave a confession utterly useless for the chief purposes of his questioners. It stands on record that he "did freely confess he was the person who shot the pistol at the Archbishop of St Andrews when the Bishop of

Orkney was hurt thereby in the year 1668, and depones upon oath that no living creature did persuade him to it, or was upon the knowledge of it.”¹

He was detained a captive; but months and years passed, yet no additional ray of light fell on the mystery. It was at last resolved to bring him to trial. The shot had been fired in 1668, the examination before the Privy Council was in 1674, and the trial in 1677. Burnet tells us that as he entered the court, one of the judges “who hated Sharp” said to him, “Confess nothing unless you are sure of your limbs as well as of your life.” But such a precaution was scarcely necessary; unless there was an intention to do him some evil, there could be no occasion for taking his confession a second time. At all events he would not repeat it in the Court of Justiciary. On this the Privy Council revoked the promise of protection. Even if there had been other evidence than his own confession sufficient for a conviction, the transaction would have been an ugly one. But there was no other evidence. The confession uttered by him on a promise of safety was laid before the court, and on that he was convicted. When the promise of safety was pleaded, the court found that they could not look at it.

There was much forensic ceremonial and discussion at this trial. In some respects it looked like a very solemn and deliberate constitutional proceeding. Counsel spoke at great length on both sides. Illustrious persons had to appear in the witness-box and give testimony — as, for instance, “John Earl of Rothes, Lord High Chancellor,” “John Duke of Lauderdale,” and “James Archbishop of St Andrews.”

¹ State Trials, vi. 1254.

By what they said there they brought on themselves much deeper degradation than any that other people could have brought on them. Their information was, that the prisoner had made his confession to a committee of the Council, renewing it in the presence of the Council. The report of Lauderdale's evidence is, that "his grace heard no assurance given to him, and that his grace did not give him any assurance, nor give commission to any others to give him any assurance, and could not do it, having no particular warrant from his majesty for that effect." Sharp's evidence is: "His grace saw him at the Council bar, in presence of his majesty's Commissioner and the Council, acknowledge his confession made before the committee, and heard him adhere thereto and renew the same; and there was no assurance of life given him, or any sought by him there."¹

There was in this the kind of crooked prevarication that in the eyes of some is more offensive than a flat falsehood. It was by the committee that the promise was made, and the testimony of these witnesses was that none was given by the Council at large. On the records of the Privy Council it may yet be read how, on the 12th of March 1674, Mitchell did "confess upon his knees he was the person, upon assurance given him by one of the committee as to his life, who had warrant from the Lord Commissioner and Council to give the same; and did thereafter freely confess before all the lords that was upon the said committee, that he shot the said pistol at the said archbishop, and did subscribe his confession in presence of the said committee, which is also subscribed by them."

¹ State Trials, vi. 1257.

This affair was followed by disclosures bringing serious dishonour on the chief men of the Government. The Chancellor Rothes was less distinct in denial than the others. He did not, he said, give the assurance of life — at all events he did not “remember” the giving it. Hatton the treasurer gave also a dubious testimony. He “did not hear the pannel either seek assurance of his life, or any other person offer the same to him.”¹ Now it happened that there was in existence a letter by Hatton to Lord Kincardine telling the whole story of Mitchell’s capture and examination. The essential part of it was in these words: “It was moved by one that the Chancellor might take him apart to see what he would then say; this being done, upon assurance of life he fell upon his knees, and confessed it was he that shot the Bishop of Orkney, and which he aimed at the archbishop. And here is his confession—the double of it signed by him, the Chancellor, and us. His punishment, it is thought, will be the loss of his right hand, and condemned to perpetual imprisonment on the Bass.”

This came out in an accusation or impeachment against Hatton, raised before the Estates in 1681 by William Noble, the member for Dumbartonshire. The charge was dropped, but it left its stain. The offence named in it was perjury, and Hatton’s plea that his conduct came short of perjury was an admission of dishonour. To infer perjury there must be a more absolute untruth, and it must be proved that the witness was conscious at the moment that what he swore to was absolutely untrue.²

¹ State Trials, vi. 1257.

² “It is answered that this accusation is neither relevant nor proven ;

To return to the trial—Mitchell was bravely defended by Sir George Lockhart, the leader of the Opposition bar. The chief plea was, that confession can only be used absolutely when it is made in open court before the jury on the great question of guilty or not guilty. Taken before the Privy Council, the confession was but a private transaction, of which all the conditions must be known ; and it is necessary that the records of the Council be produced that the whole dealing with the prisoner may be seen. There was so far an admission of this plea, that, as we have seen, the most eminent members of the Council had to submit to examination as witnesses. The long record of the trial is valuable, as an instance where the law was permitted to take its course with punctilious preci-

for as to the relevancy, perjury being a high crime, is not to be presumed against any man, much less a person of so high quality and office, except the deeds inferring the perjury were of knowledge and directly contradictory. And to infer perjury must not only be deposition contradicting another deposition which is upon the matter false, because a man may depone an error *bona fide* through forgetfulness ; but perjury must be a false deposition against one's knowledge, and so he must be *sciens et volens*. So that two oaths, after the interval of four years (which is the distance between the letter and deposition), suppose they had contradicted, yet, in charity, a person of entire fame might be excused from perjury ; but where the contradiction is only alleged betwixt a transient missive letter of news and an oath emitted four years after the date of the letter, no rational man can think that, albeit these did contradict, it could infer perjury, but only an error or mistake in the missive letter ; and the writing of a missive upon mistake or design, though it were produced to a party when he is called to depone, if he were convinced that he had been mistaken in his missive, he behoved to depone according to his knowledge and the truth, though that contradicted his letter, which can never infer the least insinuation of perjury, suppose the letter had been obligatory and serious ; whereas this letter was only an overly indigested account of news, and unsubscribed."—Proceedings before the Lords of the Articles, &c., against Charles Maitland of Hatton, Treasurer-Depute, for perjury, in having given a false testimony at the trial of James Mitchell ; State Trials, vi. 1265.

sion ; yet all that precision, instead of protecting the accused, was turned against him.¹

But there were also in that trial externals of a more sinister and revolting kind. The judges are spoken of as “obscuring themselves by putting their hands upon their faces and leaning upon their elbows on the table.” This is said transiently, as if it were an ordinary matter ; but it is apt to recall to the admirers of the open justice of modern days the traditions of the Holy Inquisition and the secret tribunals of the middle ages. The instruments of torture were brought in by the hangman ; and when the prisoner refused to repeat the confession, the president said : “Ye see what is upon the table before you—I shall see if that can cause ye do it.”

The man who caused so much fear and trouble, and brought such heavy scandal on great persons, was in such mental condition as in the present day would give him the title of a “dangerous lunatic.” So he would be at large ; and when restrained and treated for cure and alleviation, he would be a patient, not a criminal. He professed to be a clergyman, though we do not meet his name in connection with clerical politics. It is

¹ The pleadings are in one sense very provoking from their poverty as a record of the practice of the day in Scotland. They are almost a caricature of the classical and civilian character of Scots pleading. Instead of local precedents, we have ample references to Carpzovius, Gothofredus, Mathæus, and Bossius ‘*De confessis per Torturam.*’ As it was maintained that, in being taken by the Privy Council, the confession really was taken in a court of justice, one might have expected some light on the curious constitutional question, how far the “Secret Council” was a permanent established court. But all we get, after much moralising from the civil law, is : “That the confession is then judicial is clear, being taken by authority of the Privy Council, the supreme judicatory of the nation, and where the design was to expiscate the truth.”—*State Trials*, vi. 1242.

not uncommon for the insane to bring into their fantastic world some complete organisation belonging to the rational working world. Mitchell was an instance of this phenomenon, in taking up his position as an enemy of Sharp and the Government. They were at open war—he for the spirit of righteousness, and Sharp for the spirit of evil. In his crazy brain the forces were marshalled against each other with the organisation of opposing armies entitled to claim the courtesies of belligerents. Thus when he had been seized by Sir William Sharp and his followers without a warrant, he considered the act as not unfair between hostile powers, though it might be a questionable transaction between citizen and citizen in time of peace. And he took like privileges to himself; and telling that he was “a declared enemy” to the archbishop, went on, “And he to me in like manner—so I never found myself obliged, either by the law of God or nature, to set a sentry at his door for his safety; but as he was always to take his advantage, as it appeareth, so I of him to take any opportunity offered.”

Mitchell was an instance of the proverbial contiguity of genius to insanity. This will be found in his acceptance of the torture, expressed not only in a fine spirit of heroism, but with a sagacious insight into the great defect in that arrangement for the discovery of truth—namely, that it makes the tortured admit what their tormentors dictate, instead of frankly telling what they know to be the truth. When the president called his attention to the instruments upon the table, he said: “By that torture you may cause me blaspheme God, as Paul did compel the saints. You may by that torture cause me to speak amiss of your

lordships ; to call myself a thief, a murderer, or warlock, and what not, and then pannel me upon it. But if ye shall, my lords, put me to it, I here protest before God and your lordships that nothing extorted from me by torture shall be made use of against me in judgment, nor have any force against me in law, or any other person whomsoever.”¹

All the cost incurred by the Government, not only in hard and disagreeable work, but in dishonour, was wasted on this poor maniac. Whatever he knew of others, and indeed the question whether he did know anything, perished with him, though he was struck in the boot until insensibility relieved him. He was executed in Edinburgh in January 1678.

The gloomy excitement spread abroad by this tragedy had scarce time to subside ere it was overshadowed by another and a greater. On the 3d of May 1679 the rumour passed over Scotland that Sharp himself was murdered. In the more active members of the Government and their agents the event created terror as well as horror. To the nation at large—including those who did not justify the deed—it was the natural end assigned to “the bloody and deceitful man.” This tragedy was the result of a plot long discussed by the people of the district, and at last brought to a distinct bearing ; but the plot was not against the archbishop, it was against another man — that the archbishop should be the victim was the result of an accident, or, as many put it at the time, of a dispensation of Divine Providence.

¹ State Trials, vi. 1228. This is his own account of what he said ; but even if he improved it in writing it out, it was something to have expressed such sentiments.

A certain William Carmichael, called sometimes the sheriff-substitute, sometimes a commissioner from the Council, was the object of antipathy. There is reported a meeting on the 8th of April, attended apparently by peasants of Fifeshire, with Hackston of Rathillet, whose presence was desired as that of a person of superior rank having sympathy with them. "After prayer, and every one pressing another to show the cause of the meeting," it is told how "Rathillet said, 'Ye have sent for me, and I desire to know the cause of your sending for me.' Whereupon Robert Henderson and Alexander Balfour answered, that the cause of sending for him and the calling of the meeting was to consult anent the condition of the shire, the Gospel being quite extinguished out of it, the hearts of many like to wax faint anent the keeping up of the same, through the terror and cruel oppression of William Carmichael." He was charged with the excessive use of a device too common at that time—citing under the offensive laws persons who had not positively broken them, but whose conscience, or perhaps in some measure their pride, would not permit them to appear and vindicate themselves in court. The temptation to follow this course was the penalties incurred by the defaulters; and Carmichael was charged with cruelty and extortion in the exercise of the power so held by him. The steps toward a tragedy so eminent might in fact be called a combination to punish a greedy and tricky bailiff, who in the unhappy penal laws of the time had found some convenient instruments of extortion. It does not appear that his enemies intended to slay him. Their resolution was: "To take some course with Carmichael to scare him from

his cruel courses; and advising how to get him, resolved to wait on him either in his coming or going from St Andrews, or other place in the shire, being to sit in all the judicatories in the shire to take course with the honest party." Yet when there was a suggestion that perhaps the place in which Carmichael might most surely be found would be the archbishop's palace, there were some ideas started by the recollection of Cardinal Beaton's fate, and some hints that, if they were jocular, were a jocularly of the grimmest kind: "Some objected; what if he should be in the prelate's house? what should be done in such a case? Whereupon all present, judged duty to hang both over the port—especially the bishop, it being by many of the Lord's people and ministers judged a duty long since not to suffer such a person to live, who had shed and was shedding so much of the blood of the saints, and knowing that other worthy Christians had used means to get him upon the road before." They had several meetings "for seeking the Lord's mind farther in the matter." At these meetings there was much said towards refreshing and clearness anent the course to be pursued, as when "Alexander Smith, a weaver in the Struther Dyke, a very godly man, after prayer anent their clearness in the matter of Carmichael, desired all to go forward, seeing that God's glory was the only motive that was moving them to offer themselves to act for His broken-down work; and if the Lord saw it meet to deliver Carmichael in their hands, He would bring him in their way, and employ them in some piece of work more honourable to God and them both."

We are further told that "at this meeting it was

appointed that they should keep Thursday the 1st of May for seeking the Lord's counsel and assistance, and that they should be earnest with God through the whole shire for keeping such back which was offering themselves from doing anything that would either dishonour Him or wrong the cause." It was arranged to seek out two determined friends of their cause who were in hiding from previous difficulties—John Balfour of Kinloch, commonly called "Burley" or "Burleigh," and John Henderson. A committee, to consist of ten or twelve, was appointed to put their plan in execution. But ever to the last it was with Carmichael that they were to deal; and their ground of quarrel was the seizure of their goods for failing to appear before tribunals where conscience forbade them to appear. Just before going forth against Carmichael they affixed to the school-room-door a notice or proclamation denouncing vengeance against all who co-operated with Carmichael by purchasing the effects distrained from the recusants and offered for sale by public auction. The placard gave "advertisement to all that should meddle with these spoiled goods, either by assisting, resetting, buying, or any way countenancing the same—however they thought themselves at present guarded by a military force, and these persons spoiled despicable—that they should be looked on as accessory to the robbery, and should meet with a punishment answerable to the villany." So, to the last, the design was to frighten or punish a man who had found in recent legislation an effective instrument of extortion. This business was transacted on Wednesday. An arrangement was then made "to meet on Friday night, for

taking some course with Carmichael on Saturday if he could be gotten." If he were gotten and dealt with according to their intention, which does not seem to have extended to murder, there was a resolution that the friends of the cause "be ready against the Sabbath for keeping of a field conventicle, resolving to resist such as should offer to oppose the meeting." The arrangements for thus celebrating the downfall of Carmichael were so far on that "there was one away for bringing of a minister" to hold this conventicle on the day after the business had been transacted. A committee was appointed—to consist of ten, or a few more if it were found desirable—to find Carmichael and deal with him; and to that end they were to be "mounted presently with horse and armed." Looking at all this preparation with the project for holding a solemn conventicle in defiance of any offer to suppress it, we may hold that they were striving to free Fifeshire from what they counted the oppressive rule of the civil authorities; but it was determined otherwise.

On the night before the day assigned they assembled, in number thirteen, "one of whom they let go, not being clear to reveal to him what was designed." Of the twelve who remained, Hackston of Rathillet was the only one whose social position claimed for him the title of "gentleman." He had been a profligate in his youth; but he had got clearness of his acceptance, and one for whom so much had been done behoved to do much in the way of his Redeemer's cause. Balfour appears to have been a "bonnet laird" or yeoman. The rest were peasants and artisans. They spent the night in the house of

a friend of the honest cause who was out on hiding. While the others prayed and reposed, one of their number went to Cupar to watch Carmichael's motions. He returned at seven o'clock on the morning of the 4th, to tell them that he had seen their man leave Cupar to go to hunt on Tarvit Hill. They now felt sure of him. Some one had told Carmichael, however, that suspicious inquiries had been made about his motions, and he returned to Cupar. After an angry and impatient search, the twelve deliberated on the matter, and found "that it seemed God had remarkably kept them back, and him out of their hands." But they felt that they could not have been called to that spot for no purpose: "John Balfour said he was sure they had something to do; for he, being at his uncle's house, intending towards the Highlands because of the violent rage in Fife, was pressed in spirit to return; and he inquiring the Lord's mind anent it, got this word borne in upon him, 'Go and prosper.' So he, coming from prayer, wondering what it could mean, went again, and got it confirmed by that Scripture, 'Go! have not I sent you?' whereupon he durst no more question, but presently returned."

They met a boy, whom they sent to make some trivial inquiries; and when he returned he said the "goodwife" bade him tell them that the archbishop's coach was approaching. This was astounding news. Was it complete, and was the archbishop in it? One of their number went to make sure. Yes; it was Judas himself in all the guilty state for which he had sold the Church of Christ. Here, indeed, was the mysterious working of His hand made visible. The

paltry subordinate for whom, in the mere pursuance of their human designs, they had laid their plot, had been taken out of their hands, and the arch-traitor had been put in his place. As an object so much greater than they sought had been consigned to their hands, so must their dealing with it be a great deed adequate to the opportunity. They must slay him. It was clear that this was what God required of their hands. They dared not go back from the deed. If they did, the blood of all the Lord's people already slain—of all deaths and sufferings of the righteous that might follow—would be upon their heads. They dared not—they could not—withhold the hand from the work. They consulted about the choice of a leader, and asked Haekston if he would command them. No; he had been concerned in a personal discussion with the archbishop about some pecuniary matter. The carnal man had been stirred within him. He could not feel sure of that utter extinction of mere human motive that must exist in the minds of those worthy of such a deed. But if those around him felt free of any such earthly burden, and had clearness as to the call made to them to act, he would cast his lot in with theirs—he would stand by and see the deed done, taking the temporal consequences of a participator. There was a touch of the chivalrous in this, whatever we may say of its wild fanaticism. The place of leader was taken by the fierce Burley, who had no scruples. He went to the front, and bade them follow him.

In interpreting the scene that followed, it may be well to keep in view that the inhabitants of Fifeshire were the least warlike of the Scots. Isolated by the two firths, and the Ochil Hills as a barrier crossing

the country between them, they were not in the track of armies passing north and south. English invasions, if carried so far north, often swept round by the western side of the Ochil range. They were too far off to be troubled with the Border thieves, who, though they had lost the greater part of their terrors, were still troublesome. They were alike exempt from the scourge of their western and northern neighbours—the predatory descents of the Highlander. They were a people who lived a little by farming, but chiefly by commerce and navigation. The peasantry not being accustomed to warfare, it is likely that the group collected on Magus Moor may have been new to the use of weapons. This seems to be the best way of accounting for some features in the bloody scene just going to begin. It was a time when assassins were expert and prompt, and so far merciful in their work; but here was a sad exception.

The archbishop had his daughter as his travelling companion. There are some little incidents of which she could be the only relater; they are trifling, but everything is of interest at such a moment. He had stopped at the village of Ceres on his way, to take a social pipe with the parson of the parish. The moor at that time stretched over a wide district now planted or under the plough. It had no scenery or culture to vary the desolate gloom of a flat Scotch moor. Some gloomy thoughts seem to have arisen in the hunted man's mind as he crossed the moor, and they seem to have turned more on his child's prospects than his own. As he passed the house of one whom he knew to be hostile, he said, "There lives an ill-natured man—God preserve us, my child!" There

was good reason for alarm when presently a horseman was seen galloping furiously towards the carriage. When he reached it and looked in, his signal brought the rest of the group after him. He then fired into the carriage. There was consternation in those borne by it outside and in, and the obvious alternative was to drive for life. The horsemen came up, firing volley after volley into the carriage. They struck down the attendants, stopped the horses, and still fired. They then turned to depart, in the belief that they had riddled the body of their victim and extinguished life. Some remark made by his daughter, however, brought them back. They found him alive, and, as they convinced themselves, untouched. The case was clear. The Evil One was notoriously known to have power of contracting with the lost souls he dealt in for exemption from the leaden bullet; but his power did not extend to "the edge of the sword," sanctified of old as the avenger of wickedness.

They tried to strike him in the carriage, but without deadly effect; and in their clumsy hacking they hurt his daughter. They demanded that he should come out—"Judas, come forth!"—but he naturally remained with such protection as the heavy intricate coach afforded him, and they found it no easy task to drag him from it. It is odd that among his possessions in that coach were a hanger and a pair of pistols of fine workmanship. It is difficult to account for his possession of such weapons without an intention to use them, and equally difficult to say why he did not use them in his awful peril. Against assailants so clumsy, excited by superstition, and disturbed in nerve by a bloody work they were unaccustomed to, it seems

likely that a resolute man well armed might have held the coach as a sort of fortress for some time. Partly he was dragged and partly he came forth, observing that Hackston was not active among the murderers. He was sitting at some distance, calm and erect, on his horse, with his cloak about his mouth, when the wounded wretch crept to him, saying, "You are a gentleman—you will save my life." Hackston only said, "I will not lay a hand on you." It was said that he pleaded frantically for mercy, making promises of all kinds—he would reward them—he would plead for their lives, forfeited by what they had already done. But if their hearts were open to mercy, the fate of Mitchell was in their remembrance. Some things were said by the assailants in their justification; and though perhaps they be not accurately reported, they are of interest as expressing the spirit by which they felt themselves driven to the deed. James Russel, the teller of the story, says, that on Sharp declaring that "he had never wronged man," he himself "declared before the Lord that it was no particular interest, nor yet for any wrong that he had done to him, but because he had betrayed the Church as Judas, and had wrung his hands these eighteen or nineteen years in the blood of the saints, but especially at Pentland; and Mr Guthrie, and Mr Mitchell, and James Learmonth; and they were sent by God to exercise His vengeance on him this day." "And John Balfour on horseback said: 'Sir, God is our witness that it is not for any wrong thou hast done to me, nor yet for any fear of what thou could do to me, but because thou hast been a murderer of many a poor soul in the Kirk of Scotland, and a betrayer of

the Church, and an open enemy and persecutor of Jesus Christ and His members, whose blood thou hast shed like water on the earth, and therefore thou shalt die.'”

Even when they had him on the bare heath, it was some time ere life was extinguished by their clumsy, cruel hacking. They said they were three-quarters of an hour at work on the deed, and they notice the length of time as peculiarly significant when taken along with other concomitants. The long protraction of the trouble was due to the efforts made by his master Satan to preserve a life so valuable to his cause. On the other hand, a higher power had removed external sources of interference. The group afterwards remarked, with pious awe, that although they were all that time at work on the highroad between the civil and ecclesiastical capital of Scotland—though there were people going and coming all day long, and there were many soldiers parading the district on account of the disorders of the time—though there was noise and confusion among them, and many shots were fired—and all on an elevated open plain,—yet they could not have been more absolutely free of intrusion had they been in the centre of the Great Desert.

Other wonderful indications of a guiding and protecting hand were not completed until afterwards. Hackston, as we have seen, took no share in the murder. Another man occupied himself in keeping back out of harm's way the poor daughter, who was making frantic efforts to reach her father. Now it was noted that these two were the only members of that group who suffered punishment for the day's

work. The shield of protection, stretched over those who were doing the work commanded, did not extend over them. They were actuated by human and sub-lunary sensations—the one by a sense of honour, the other by humanity—and so they were left to the justice or injustice of human tribunals.

There was an immediate search to find some token of his compact with the devil. They found, among other trifles, “some coloured thread, and some yellow coloured thing like to parings of nails which would not burn.” These were probably possessions of the daughter connected with the mysteries of embroidery. Perhaps, also, she might have taken the responsibility on herself of a more ominous object discovered by the murderers: “Upon the opening of his tobacco-box a living humming-bee flew out. This either Rathillet or Balfour called his ‘familiar;’ and some in the company not understanding the term, they explained it to be a devil.” This discovery does not appear to have surprised them. Perhaps they would have been more puzzled had they found nothing that could be connected with the world of darkness. Some such thing as that they found came as naturally to them as a fossil comes to the geologist hammering at the stratum in which he expects to find it. The “familiar” in the shape of a small living being easily disposed of was a belief common to the time. The creature was an agent or ambassador from the prince of the powers of darkness, ever at hand. Hence the German legend of the bottle-imp—a creature lying lethargic when the world is behaving well, but showing animation and activity when any mischief likely to promote its master’s interest is brewing.

This account of the death of Archbishop Sharp has been prepared from the authorities noted below. No one can be sure that he gives with precise accuracy the stages of such an event; but I believe that it is of far more importance to bring out the spirit at work in those concerned, and it fortunately happens that this is revealed by the documents referred to with signal clearness.¹ Surely it may be confidently hoped—let us say it may be at once believed—that at this day no man, sane and intelligent, making himself acquainted with the nature of the deed, would have a word to say in vindication, or even in palliation, of it. In what spirit a large body of the nation accepted the act, we may see through the facts already stated and those that are to follow. A torrent of discussion, carrying away with it the question whether anything could justify a murder, was opened in the phraseology of the proclamations and other documents issued by the Government. They called the crime “sacrilege”

¹ These are—(1) The narrative in Wodrow’s History of the Sufferings, collected from private papers and conversation with persons living at the time. (2) The trial of Hackston of Rathillet, printed, with a body of relative documents, in the tenth volume of the octavo edition of the State Trials, p. 791 *et seq.* (3) The documents appended by Mr Kirkpatrick Sharpe to his edition of Kirkton’s History—especially a narrative by “James Russel in Kettle,” one of the most active of the murderers. It is in one of these documents, written by “two persons who were present,” and no doubt partakers in the business, that the story of the bee in the box is told. The paper is preserved in the handwriting of Wodrow. He was signally susceptible to all the current superstitions of his day, but it is observable that he does not transfer this incident to his History. The dealers with Satan had by that time decayed in rank. Only the poor witches, who were his slaves, had been left. The potent wizard who could command the services of the court of darkness, and who kept one of its members in his custody that he might from time to time promptly communicate his wishes, had disappeared. This was of course the lofty position held by the archbishop in his diplomatic intercourse with the arch-enemy.

as well as murder; and this brought retaliation, in the charges of apostasy, treachery, and cruelty for which the punishment was inflicted. However the law might stand, it was impossible to convince Presbyterians of even the most moderate kind that there was anything about the Right Reverend James Sharp to make him sacred in their eyes, so that violence committed on him would be a worse crime than the same violence committed on the Lord High Commissioner or the Lord Chancellor. How reluctant the Presbyterian mind was to part with the idea of a just judgment we may see in the reflections briefly dropped by Wodrow: "Upon the whole, though the most part of good people in Scotland could not but observe and adore the holy and righteous providence of God in the removal of this violent persecutor and spring of the most part of the former severities at such a juncture when just upon new and violent projects, yet they could not approve of the manner of taking him off, nor would they justify the actors."¹ Such are the words of a clergyman of the Scottish Establishment in the reign of George II.—a man not only fervently religious, but in social repute a gentle, moderate, honest, and kindly man. A word, however, has yet to be said in fairness to all parties at that period. It is usual in history to use the term "assassination" rather than murder on such occasions. The practice is useful, as it separates murder as a private crime, and casual slaughter in times of violence and confusion, from the act by which a public man is put to death as a punishment for his political creed and the means of stopping his political career, the act being done

¹ Vol. iii. 48.

without any form of trial or other judicial procedure. In this sense the death of Sharp is the one act of assassination that can be charged against the Presbyterian cause in Scotland.

The assassins spent the night in a lonely house called "The Teuchits;" and though it was but some three miles from the spot where they had done the deed, and all the neighbourhood, with the military and the civil authorities, must have heard of it, they were left undisturbed to the exorbitant exercise of prayer demanded by such a crisis. According to Russel, they "went to prayers, first together and then each one alone, with great composure of spirit, and enlargement of heart more nor ordinary, blessing the Lord, who had called them out and carried them so courageously through so great a work, and led them by His Holy Spirit in every step that they stepped in that matter."

It was the object of Haekston, Burley, and the greater part of the group, to find their way to the sympathetic west country. Some three or four dropped off and hid themselves, with varying incidents, but all successfully. Before following the main body we may enter into the confidential utterings of one of them, William Daniel. A singular Christian gentlewoman put at his disposal an empty house in a lonely place, where he "stayed alone day and night, except the gentlewoman and her daughters brought him meat in the night-time." After spending some days under conditions well adapted for pleasant reflections on what he had done, he joined his companions; and the one who has given us their history says: "He told them that he had never so much of the presence of the Lord before; for all that eight or nine

days he was in a rapture, and the Lord had confirmed them and approved of all that they had done; and still to the day of his death he was kept in a rapture of joy, and to his death witnessed against the indulgence, and declared that the Lord had let him see that it was hatched in hell for to ruin the Kirk of God."

Hackston and the rest had a perilous journey before them. In Fifeshire there was but a small number of the peculiar people. To get to the west country, where their brethren went about armed, and where they sometimes gathered in numbers, it was necessary to pass through the midland district, where very few sympathised with them, and the Malignants had a great preponderance. Before beginning the journey, which would bring them, fresh upon the rumours of the deed, into the hostile district round Perth, they prayed, that "seeing He had been pleased to honour them to act for Him, and to execute His justice upon that wretch—whom all that loved the welfare of Zion ought to have striven who might have had their hand first on him—He might let it be known by keeping them out of their enemies' hands and straight in His way." Accordingly it was put in the minds of those with whom they mingled that they were troopers on their way from some loyal district to join the musters called on account of threatening rumours from the west. When it came to a closer examination of their destination and object, it was brought in upon the minds of the people that they were one of the armed parties out in pursuit of the murderers. So it was disposed for them, and they had only to humour the metamorphosis. Hackston, a gentleman and a soldier, who had been one of the

worldly, was able to play the Cavalier leader and jolly fellow with good effect. Some perilous jesting thus extracted from him showed that the evils of the times had lost to his country a ready wit as well as a brave heart. When they came to Dunblane they "called for the clerk and for a double gill of brandy." A mob gathered to see the men in pursuit of the murderers; and there was much talk, taking a light jovial turn, as became Cavalier troopers. The question of the personal appearance of the murderers coming up, the clerk in his merriment said, "'You are all of them;'" and said to John Balfour, 'You shot first at him.' Rathillet, laughing, said, 'If all Dunblane had been here they could not have judged so right.'" The clerk found them such excellent company that they must needs take another gill with him. He whispered to them, also, that if he could meet them in private—he did not know who might be in the crowd—he could give them "an account of some Whigs that lived thereabout."

When they got as far west as Kippen, in Stirlingshire, they found themselves among the "honest folk." On Sunday the 18th of May they attended an armed conventicle on a hill called Fintry Craigs. Shots were exchanged, and they did some damage to the assailants; but as to themselves, "the Lord brought them off without the least wrong," "not so much as one in all the meeting were hurt—only one man was shot through the coat, but did not touch his skin." Such was the good fortune of the conventicle sanctified by the presence of these chosen instruments. One was so close on seizure that as he lay in a hollow of a bank some troopers had come within

four or five feet of the hollow, "but were so restrained of the Lord that they got not leave to look in; for the commander cried to him that was going up and down searching, 'Are you seeking hens?'" So in the end "the Lord wonderfully carried them through" "until they joined those who were rising in arms in the west."

Most of these men were conspicuously active in the turbulent affairs following on their act. Their very carelessness, as men who were protected by a higher power, seems to have saved them. For instance, their historian Russel, who was one of the most active in the slaughter, came repeatedly before the world in much prominence. In 1681 he issued a peculiar testimony of his own. He nailed it to the door of the parish church of Kettle, in Fife. His special protest was against the payment, not only of all taxes, but of feuduty or rent-charge on land, and minister's stipend—to this charge in the parish of Kettle he had a peculiar personal objection, as it enriched the minister, "Mr James Barclay, a thief and a robber." On the point of loyalty to the king his views were: "Charles Stewart! a bull of Bashan, and all his associates are bulls and kine of Bashan. What would ye judge to be your duty if there were a wild and mad bull running up and down Scotland, killing and slaying all that were come in his way, man, wife, and bairn? Would you not think it your duty and every one's duty to kill him, according to that Scripture, Exodus xxi. 28, 29?" &c. The Government seem to have thought a wholesome influence might come of making public a document so preposterous and extreme as one of the manifestoes of the Covenanters. It was printed "for

the satisfaction and information of all his majesty's loyal and dutiful subjects," as the production of "one of those bloody and sacrilegious murderers of the late Lord Primate of Scotland his grace." At a meeting of that extreme party of the suffering remnant with whom we have to make farther acquaintance, Russel distinguished himself by going farther than even they would accompany him. While they dismissed from their meeting a man "who had joined with some who paid taxes," Russel, "being a man of hot and fiery spirit, bred strange confusion in the assembly by the strictness of his questioning as to their proceedings, and more particularly if they or their society were free of paying custom at tolls and bridges." We find him at meeting after meeting protesting "with bitterness, untenderness, and reflections." He removes himself apart even from the followers of James Renwick and the excommunicators of the king; and he seems even to have drawn with him a few followers, united under such principles of union as the objection to feuduties, stipend, bridge-duties, and post-duties, along with the principles divulged in "a paper about the names of the days of the week and months of the year, wherein were several unsuitable and unsavoury unchristian expressions."¹ Such were the occupations of one of those men whom the Government were striving with all their might to find.

¹ Appendix to Kirkton, 399; Faithful Contendings displayed.

CHAPTER LXXIX.

House of Stewart to the Revolution.

CONVENTICLES—ARMING OF THE WESTERN PEASANTRY—BATTLE OF DRUMCLOG—JOHN GRAHAM OF CLAVERHOUSE—THE INSURRECTION—DUKE OF MONMOUTH SENT—THE DISPUTES—ROBERT HAMILTON—BATTLE OF BOTHWELL BRIDGE—THE RETRIBUTION—THE SANQUHAR DECLARATION—HACKSTON OF RATHILLET—AIRDS MOSS—THE CAMERONIANS—THE POPISH PLOT—RYEHOUSE AND ASSASSINATION PLOTS—SUCCESSION AND TEST ACTS—THE EXCOMMUNICATION OF THE KING—THE RELIGIOUS PARTIES—THE DUKE OF YORK—THE COMMISSION OF JUSTICIARY AND THE MILITARY EXECUTIONS—CLAVERHOUSE AND JOHN BROWN—THE WIGTOWN MARTYRS—SUCCESSION OF JAMES VII.—MONMOUTH'S REBELLION—ARGYLE'S INSURRECTION—HIS EXECUTION—SIR PATRICK HUME—BAILLIE OF JERVISWOOD—THE INDULGENCES—THE PERSECUTION OF RECUSANTS CONTINUED—THE PROSPECT OF A POPISH RULE—THE REVOLUTION.

LET us now turn to the doings in the west country. Ever since the Protestation and the Mauchline Testimony, now twenty years old, a chosen people standing apart from all others—from Episcopalians, loyal Presbyterians, and every sectarian denomination—had been assembling together and confirming each other in their principles. The district to which they belonged contains the counties of Ayr, Lanark, and Kirkeudbright. In later times, when they were driven to

arm for defence, their haunts were chiefly in the mountain district centring where the counties of Ayr and Lanark meet, and stretching towards Kirkeudbright and Dumfries. It is difficult to imagine ground better suited for the assembling of outlaws or other fugitives. The mountains are high and steep; and they are not, like the Highlands, divided into groups by broad straths, but penetrated by narrow abrupt glens. In this district "armed conventicles" were now frequent. At such a meeting a clergyman attended, and did duty according to the Presbyterian service of the time. Some men were constrained to attend these meetings by religious zeal, others were induced to attend them for the protection of the female members of their families who were zealous attenders. Watches were generally stationed on the hills around, and the men were all prepared to be called from their devotions to meet the enemy.

It was known that there were towards the end of May preparations for a great conventicle, to be attended by an unusual strength of guards. And they found, as suitable for their purpose, a piece of boggy ground on the slope of Loudon Hill, an abrupt eruptive rock in Lanarkshire, near the border of Ayrshire. There was no taint of secret conspiracy in their doings—on the contrary, they announced their defiance in a public testimony or proclamation. They intended to publish it in Glasgow; but finding that town too strongly guarded, they had to be content with such publicity as the town of Rutherglen afforded to them. There a party of eighty horsemen, under the command of Robert Hamilton, brother of the Laird of Preston, whose better acquaintance we shall presently have

to make, affixed to the market-cross of the town 'The Declaration and Testimony of the true Presbyterian Party in Scotland.' This paper, when tested by others following on it, is brief, moderate in language, and distinct in utterance. But there was something curiously provoking in the occasion taken for displaying the testimony. It was the 29th of May, the anniversary of "the happy Restoration," and Rutherglen was in a blaze with the bonfires appropriate to the commemoration. The first act of the armed invaders was to extinguish these fires, and raise a small fire of their own, in which they burned several Acts of Parliament, proclamations, and other papers offensive to their cause. In their Testimony, containing only seven articles, the fifth was "against that presumptuous Act for imposing ane holy anniversary-day, as they call it, to be kept yearly upon the 29th of May as a day of rejoicing and thanksgiving for the king's birth and restoration; whereby the appointers have intruded upon the Lord's prerogative, and the observers have given the glory to the creature that is due to our Lord Redeemer, and rejoiced over the setting up of an usurping power to the destroying the interest of Christ in the land."¹

It was usual with the conventicles, when a large force approached, that their armed guards were content with arrangements for their safe dispersal. In the conventicle to be held near Loudon Hill it was determined to measure swords with the Government. This challenge, as it happened from the local distribution of the forces, was thrown to one who might be counted on accepting it with haughty defiance. John Graham

¹ Wodrow, iii. 67.

of Claverhouse had in the beginning of the previous year been appointed to the command of a troop of the Life Guards, under his kinsman the Marquess of Montrose. His command lay in the district where the conventicle was to be held. He is sometimes spoken of as if he had been at this time notorious and detested as a hunter of conventicles and a persecutor of the faithful. But in reality he was new to the work. He had only meddled with one conventicle near Galashiels: it was unarmed, being attended chiefly by the ladies of the district; and he had only the inglorious task of reporting their names, with that of their minister, to the Council. It is right to remember this inexperience of the service assigned to him, since he was utterly unprepared for what he had to meet near Loudon Hill.

Sunday, or the Sabbath, was the proper day for the great conventicles as for the weekly services of the Church. This conventicle was held on Sunday the 1st of June. The religious service had begun, when it became known that Claverhouse was coming upon them. It was a stimulus to their determination that he had with him a few prisoners, and among them one of their own valued ministers. They had among them some two hundred or more fighting men, forty of them mounted. They were peculiarly fortunate, too, in the presence of a few experienced officers. These were Hall of Haughhead, Burley, Robert Fleming, and, more valuable still, the cool and resolute Hackston of Rathillet. A young soldier destined for distinction was among them—William Cleland the poet, who gained a high military repute after the Revolution by the defence of Dunkeld.

When the watchers came in and told that Claverhouse and the Guards were close at hand, the conventicle congregation, Sunday though it was, was broken up, and the armed men took up their position on the farm of Drumellog, about two miles eastward of Loudon Hill. The ground so occupied is now cultivated so as to produce coarse meadow-grass; but it is even at present surrounded by bogs so deep and difficult that the Covenanting leaders might well have believed themselves safe from the attack of cavalry. Their post was protected by a cleft, where lay the water of a ditch—a “stank,” as it is called in Scotland. From either side of this ditch detachments from the two forces fired on each other and retired. The question came to be, Which party would cross and fight the battle on the other’s ground? Claverhouse would have crossed had he known how. The others, better acquainted with the ground, seem to have at first resolved to keep their post; but their blood getting up, young Cleland rushed with a small party round the stank by a way known to them—others swept round the other end, and both together charged so impetuously that the Guards broke and scattered. Thirty-six of them lay dead, and only three of the Covenanters were killed on the field.¹ We have from the defeated leader this distinct and instructive report of his disaster, in a despatch to the Earl of Linlithgow. The “insolency” at Rutherglen had roused him to activity, and he was sweeping the country in pursuit of those concerned in it:—

“I thought that we might make a little tour to see if we could fall on a conventicle, which we did,

¹ Appendix to Kirkton, 444.

little to our advantage; for when we came in sight of them we found them drawn up in battle upon a most advantageous ground, to which there was no coming but through mosses and lakes. They were not preaching, and had got away all their women and children. They consisted of four battalions of foot, and all well armed with fusils and pitchforks, and three squadrons of horse. We sent—both parties—to skirmish; they of foot, and we of dragoons. They ran for it, and sent down a battalion of foot against them. We sent three score of dragoons, who made them run shamefully. But in end, they perceiving we had the better of them in skirmish, they resolved a general engagement, and immediately advanced with their foot, and horse following. They came through the loch, and the greatest body of all made up against my troop. We kept our fire till they were within ten paces of us. They received our fire and advanced to shock.” Then there were some casualties, “which so discouraged our men that they sustained not the shock, but fell into disorder. Their horse took the occasion of this, and pursued us so hotly that we had no time to rally. I saved the standards, but lost on the place about eight or ten men, besides wounded; but the dragoons lost many more. They are not come easily off on the other side, for I saw several of them fall before we came to the shock.”¹

¹ Napier's Memorials of Dundee, ii. 222. On the surface of the wide boggy moorland still stretching away from Drumclog there are features of recent origin destined speedily to change the aspect of the country. Limestone-quarries have been opened, clay is found for the manufacture of drain-tiles, and a shaft has been sent down to a seam of coal which has been worked for a few years. A somewhat showy monument

There is something curiously and almost carelessly candid in this news of his own defeat rendered by a beaten commander. Graham was then a man who had all his reputation to make; for although, no doubt, he was trained in arms, he had done nothing to secure public notice; and he had held no command sufficiently important to be known to the world, and to reach the ears of his biographers. Few men who have reached his period of life—he was thirty-six years old—begin a career of glory as illustrious captains. Altogether, he was not in a position to take a defeat lightly, unless it were the opening to opportunities which he felt certain he could improve. All this falls in with an accusation of the day, that the Government desired an insurrection that they might make short work with the troublesome people. The last words of the letter are the most curious feature in it: “This may be counted the beginning of the rebellion, in my opinion”—as if the rebellion were a thing expected, and not undesirable.

Claverhouse was correct in his opinion that the affair of Drumclog was the beginning of the rebellion. It gathered like a storm. The people of the west were frantic in their exultation. The hour had now come. The Lord, whose face had been hidden since the days of the Engagement, had again acknowledged His own, and His right arm was bared to smite their persecutors. The men flocked to the little army in such numbers that in a day or two from two hundred

stands on the battle-field, with an inscription: “In commemoration of the victory obtained on this battle-field, on Sabbath the 11th of January 1679, by our Covenanted forefathers over Graham of Claverhouse and his dragoons.”

it rose to count five thousand men. They marched restlessly through the country. By Hamilton they passed on to Glasgow. They could have commanded that city, and done in it any evil they desired; but they contented themselves with collecting and burying the heads and limbs of the sufferers for the cause, then stuck on spikes in conspicuous places. They were a restless and fluctuating body. Some contemporaries say that they may have on occasions numbered ten thousand; but they went and came, and after reaching that height, might next day sink to half the strength. But this very restlessness in some measure exaggerated the formidable character of the rising. It was only known in Edinburgh and London that the whole of the south-west of Scotland was up in rebellion and full of activity.

It was resolved at Court not to leave the suppression of this rising in local hands. The remedy that, as it was the most effective, was at the same time the most humane, was sought in the mustering of an army so powerful as to render resistance hopeless—it was to number fifteen thousand men. It was put under the command of the renowned Duke of Monmouth, who was called Duke of Buccleuch in Scotland, from his marriage with the heiress of that house. It has been said that he was sent in order to render him unpopular in Scotland; but if this really was the policy of the selection, it was a mistake. He created a place for himself in the hearts of the people at large, and among the persecuted he was a relief from their other enemies. The source of the intensity of the bitterness throughout the contest was, that the enemies generally confronting each other were not

two nations, but two opposite parties of the same people, each detesting the other with a hatred stronger than the hatred of national animosity. It was well, when this had come to its climax, that one exempt from the prejudices and hatreds of both parties should be sent as the chastiser and pacificator.

The insurgents had the worst of all enemies among themselves, in the spirit of discord and the incapacity for common action. Who was to be the leader of the really great army now arrayed in the great cause? The practical men who had done so much for them at Drumclog were passed over. Whether they could handle five thousand men as they had two hundred might be doubtful, but among them would certainly have been the best chance of a worthy leader. The command—at least the name of commander-in-chief—fell to one who was the colleague of the military men at Drumclog, but who seems to have been even there of no use among them,—Robert Hamilton. He held his place partly by his own assertion, and partly by the voices of the extreme fanatics, who found that he had reached the farthest extremity in the application of their desperate doctrines, and therefore that he was naturally, or by the power of the Deity who had put these great doctrines into his heart, their proper leader for the destruction of the Amalekites. He had no military experience; but what of that?—it was not on the arm of the flesh that the issues of the contest were to be cast. Never did any fatalist more absolute than Hamilton bend to Allah or Mohammed. The extirpation of the wicked—the sweeping of them from the face of the earth with the edge of the sword—was his doctrine; and his belief was, that the sword

made to effect this righteous purpose was put into his hands. We see him all in the admissions made by him with a grim brevity in the explanations characteristically addressed "to the anti-Popish, anti-Prelatic, anti-Erastian, anti-sectarian, true Presbyterian remnant of the Church of Scotland." He says to them: "As for that accusation they bring against me of killing that poor man, as they call him, at Drumclog, I may easily guess that my accusers cannot be other than some of the house of Saul or Shemei, or some such risen again to espouse that poor gentleman's [Saul's ?] quarrel against honest Samuel for his offering to kill that poor man Agag after the king's giving him quarters. But I, being called to command that day, gave out the word that no quarter should be given; and returning from pursuing Claverhouse, one or two of these fellows were standing in the midst of a company of our friends, and some were debating for quarters, and another against it. None could blame me to decide the controversy, and I bless the Lord for it to this day." He was much perturbed in spirit by finding that quarter had been given to five men in such a manner that their fate was put beyond his control, and he could not get them put to death. He reckoned this "among the first steppings aside;" and seeing such woeful defalcation, he tells us that he said to a sympathising friend, "I feared the Lord would not honour us to do much for Him." But Hamilton was prepared to play this game of life and death fairly out, abide the issue, and if he were the loser, pay the forfeit. "I desire," he says, "to bless His holy name, that since ever He helped me to set my face to His work, I never had nor would take

a favour from enemies, either on right or left hand, and desired to give as few." ¹

The Covenanting camp—if it could be rightly called a camp—had already a sufficiency of division when John Welch, a clergyman, joined it with a reinforcement of men from Ayrshire. This arrival had the effect of creating a kind of order in the camp, in as far as it merged the mixed and inextricable hostilities which made petty bickerings among the clergy and their followers, into two parties divided by a great schism. The divisions hitherto were on the point of distance to which each group had drawn itself off from its near neighbours in extremity of opinion.

¹ Faithful Contendings displayed, 201. Even this hard fierce man had his tendernesses, and they seem to have been peculiarly rich and overflowing. In the document containing these truculences he enumerates all the parties and persons against whom he lifts his testimony and protestation—and they may be said to include pretty nearly the whole Christian world outside of his own little group of chosen people. To them he says: "It doth not a little comfort me that it is to none of all these forementioned persons and parties that I am writing, but unto you, O lovely remnant! to you, O dear followers of the Lamb! the little flock of Christ in poor Scotland—unto you, who have not only been honoured to stick to Him against all opposition, but to crown Him again and again in Hebron. O the blessing of Him who was separate from His brethren be upon you, and long may the crown flourish upon His head! Unto you, O highly honoured and dearest fellow-sufferers and sympathising brethren, to whose sympathy, wrestlings, and prayers not only all the Churches of Christ are indebted, but also poor, contemned, and every way persecuted, unworthy, unworthy *Robin Hamilton* is unspeakably indebted. O beloved! my eyes are running down with tears, my heart is melting within me. I know not how I am both weeping and rejoicing with the very thought that I see you reading my feckless line. I think I see the tears in your eyes for my case. I think I hear secret sighings and sobbings going up before the throne for me. Yea, I think I win a little to see—at which I must lay by my pen—your lovely Lord and my Lord stretching forth His soft hand to receive and bottle your tears, and to make them acceptable on your behalf and my behalf, and to lay them out in another manner than you or I can."—*Ibid.*, 189, 190.

But there came among them one whose opinions were far away from theirs. He was not one of the actually indulged—the enemy of mankind himself might as aptly have come among them; but he had shown a hankering after these lost men—a desire to make common cause with them by some compromise. Here he was in the midst of that sacred army of martyrs, surrounded by a body who listened to his ministrations, and could only be accounted as accomplices in his crime. On this matter, William Daniel, one of the small chosen band who had fought and conquered at Drumclog, had just before this arrival uttered a solemn and touching deathbed testimony before one of their number ere he died of his wounds. James Russel, who had so large a share in the slaughter of Sharp, “came back as fast as he could ride from the pursuit of the enemy,” and entered into holy communing with the dying man. He said: “Dear brother Will, ye many times told me ye was sure enough of heaven; have ye any doubts now?” “He scarcely could speak, but said, ‘No doubts—fully assured, fully assured.’ And on Monday, before he died, all pain left him; and then he began and exhorted all present to beware of meddling with that woeful indulgence, and then fell out a-praising God, that had honoured him to witness against all abominations, but especially that woeful indulgence, and to seal it with his blood.”¹

Welch’s origin and history were not of the character whence a trimmer is bred; and a glance backward on his career may serve to show how far apart Hamilton and his followers had drawn themselves. This John Welch was the grandson of “the incomparable John

¹ Kirkton, Appendix, 445.

Welch of Ayr," and thence the great-grandson of John Knox. He had at once gone forth with his brethren when Episcopal collation was required; and it was charged against him that he had given to the body that passed it the name of "The Drunken Parliament." He had the credit of inventing the kind of meeting called a "conventicle," and for nearly twenty years had been ceaseless in holding conventicles—now here, now there—among the hills, and eminently successful in baffling the armed parties sent to disperse them. Many of these he held in his own original parish of Irongray. There was a proclamation against him, to the effect that "the said John Welch does presume frequently, at least once every week, to preach in the parish of Irongray, in the presbytery of Dumfries; and himself and those who frequent his conventicles do convene together, armed with swords and pistols."¹

He was under denunciation as a rebel ever after the Pentland rising. He did not take part in the battle, but he threw in his lot with the defeated remnant as their pastor and consoler. Twelve years after that, we are told how—"it would seem in consequence of the great price [3000 merks] which was set upon his head—Mr Welch usually travelled about with a few friends armed for his and their own defence. This fact was much insisted on, to the discredit of the Presbyterians in general, as if the whole of them were in arms."²

Such was the man whose appearance in Hamilton's stern host was to bring a curse with it, because he had given too much countenance to the iniquities of the times. It did bring the curse of enlarging the causes

¹ Scots Worthies, Mr Gavin's edition, 375.

² *Ibid.*, 378.

of quarrel and controversy, and creating such scenes as this, which one who was present lays "in a barn beside the moor." A council of war was there held, "where were present the most part of the officers and ministers." They had "appointed Thursday to be a day of humiliation, and chose four old men, elders of the Church, and four ministers, to draw up and condescend upon the causes of the Lord's wrath that they might be concerned for. And these eight went to a barn by themselves and agreed unanimously, and the clerk was beginning to write. Mr Welch came into the barn where the officers were agreeing about a place for going about it, and bringing with him some of his party, who made a great stir, dissuading from the work, and upbraiding them as men that had forsaken the old path, and again bragging of consulting betters to lead the army, and the other party pressing the day of humiliation. Mr Welch desired that that might be one of the 'causes of God's wrath'—ministers preaching against the indulgence, and people hearing such—until it should be determined by a General Assembly, being a controversy." As to a General Assembly at that time, they believed that it would be filled with "Erastian perjured men, who had joined with the abominations of the time."¹

In the midst of this wrangling they crossed the Clyde in a night-march by Bothwell Bridge, and settled on Hamilton Moss. There the Moderate party drew up a declaration of their views, ever afterwards condemned by the other as the Hamilton Declaration. The two bodies were going to separate and march off in opposite directions, when an alarm came that Mon-

¹ Scots Worthies, Mr Gavin's edition, 461-63.

mouth's great army was close at hand. This seems to have so far stirred their apprehensions as to supersede in the mean time the completion of the internal quarrel. The extreme party—who were soon to have a name, but as yet had none—were satisfied in the zeal of animosity they had already shown against their lax brethren. They had drawn apart from them in the quarrel; and their master would accept that testimony, and confirm his acceptance in a triumph over all their enemies. They went to battle as their fathers did at Dunbar, with this difference. If in that battle the saints overruled the military counsels and put themselves in higher hands, yet they had actually an experienced general to do the best he could for them—here they had none. It was observed that the only work in which the nominal commander took an interest was the raising of a gigantic gibbet, with a few cart-loads of rope piled round it. This was a testimony that when the victory was gained he was prepared to follow the example he had set in the pursuit after the affair of Drumclog. And some said that when he had finished with the enemy, work would be found for the gibbet among the lukewarm Laodiceans of his own army.

The two armies drew towards the Clyde where it is crossed by Bothwell Bridge—the Covenanters on the south, Monmouth's on the north bank. Some of the Moderate party had held private communications with Monmouth's staff, and learned that he was anxious for peace and clemency. Emissaries were sent over with a flag of truce to treat about a cessation of hostilities. They stated their grievances, asked for the free exercise of religion, a free Parliament, and a free General

Assembly. The duke received them so affably, and heard them so patiently, as to assure them that his heart was with them. But he could not stipulate for terms. They must lay down their arms and abide such clemency as the Crown might mete out to them.

He could not have done otherwise. The courtesies of war—the rights of the belligerent, as they are now generally termed—are never conceded to the insurgent—he can only win them by the strong hand. He may obtain them when he is so successful that it has become an open question which side is to rule. The hapless rabble on the opposite bank of the river was far from this condition. Indeed it had not enough of the compactness of an army to be able to surrender in proper form. No one had it so much in hand that he could have filed the men past a party so as to stack their arms, although the bridge afforded a convenient channel for passing them onwards.

Bothwell Bridge is not now so defensible as it was then. It has been broadened by an addition to the west side; the level of the approaches has been raised, so that it no longer, like so many old bridges, has a steep incline from the centre down to either end; and the strong gate in the centre is gone. The ground, however, bears its concurrent testimony to the general accounts of the lamentable affair of the 22d of June 1679, known as the battle of Bothwell Bridge, though scarcely deserving to be called a battle. Above the bridge the river runs through flat haugh-land; but the bridge is thrown across between steep craggy banks, where the river is narrow and deep. From each bank artillery would tell effectively on the other; and while the insurgents had but one gun, there were several

planted on the other side. Still the post was very strong to a body standing on the defensive, and on the side of the insurgents there were several houses affording protection to a party engaged in holding the bridge. The few men of military experience present seem, as they found that they were really no part of an organised army, to have drawn off small parties of the men they could trust for any available service. Thus Hackston of Rathillet took a party for the defence of the bridge. So long as he had powder and ball he made it good, so as effectually to prove that in sufficient hands it was impregnable. But when his ammunition was exhausted, and he sent for more, there was either none remaining or no one who had the duty of issuing it. There was now nothing for him and his brethren but to retire. Even though the bridge was thus left open, Monmouth was censured for temerity in allowing his army to file through a pass where it might so easily have been cut in two. But it met no tangible opposition. The orders of the victorious general were merciful; but among the enemy, scattered here and there, with no organisation for marching off the field, slaughter was inevitable.

England was at that time shaken by the perilous discussions of the Popish plot. The shadow of their influence fell on Scotland, and it was not a time for conspicuous severities against men whose names were associated with peculiar animosity to Popery. Thus there was clemency in the immediate dealing with those concerned in the rising, though it was charged against them in the accounts of their iniquities summed up when they again committed themselves. Of twelve hundred captives taken to Edinburgh, two only

—and both of them clergymen—were immediately executed. Five others were executed on Magus Moor, somewhat in the way of expiation. They were no more concerned with the tragedy enacted there than in so far as it was interpreted to be the preparatory step to their appearing in arms; and their execution looked like that symbolical avenging of the archbishop's death which the Government were unable to execute on the actual murderers. The prisoners were far too large a body to be committed to the jail, or any available strong building, and they were penned in the Greyfriars' churchyard—a method of detention not practicable without much cruelty. A portion were afterwards released on giving bonds to keep the peace, and the rest were shipped for the plantations.

We now reach an epoch in the career of the Covenanters. Those who had drawn back into the extremest distance from compliances and the toleration of compliers, had only announced their spiritual position by protestations and anathemas against those cast out by them. Now they were to form a separate covenant for themselves, and to be united in a positive testimony—it was known and much renowned throughout the general body of the Covenanters as “The Sanguhar Declaration.”

Early in June 1680 there had been a slight scuffle at Queensferry in an attempt to take two of the leaders of this party—Donald Cargill, a popular minister, and Henry Hall. Cargill escaped. Hall was taken, and in his pocket was found a document called “The Queensferry Paper.” It was long and wordy, but those who had patience to read it at the council-board were favoured with a preliminary sketch of the for-

midable doctrines afterwards announced in the Sanquhar Declaration. Cargill and his eminent brother minister Richard Cameron entered the small town of Sanquhar, in Dumfriesshire, on the 22d of June, with a small armed party—they made about twenty in all. There Cameron solemnly read the declaration, and the party left it nailed on the market-cross. The utterance of this testimony was distinct and powerful. A belief is announced that “the Lord’s great controversy” with His people is because they have failed to disown Charles Stewart for “his perjury and usurpation in Church matters, and tyranny in matters civil.” To make up for this neglect of duty, they now proclaim as follows:—

“Although we be for government and governors—such as the Word of God and our Covenant allows—yet we for ourselves, and all that will adhere to us as the representative of the true Presbyterian Kirk and Covenanted nation of Scotland, considering the great hazard of lying under such a sin any longer, do by these presents disown Charles Stewart, that has been reigning, or rather tyrannising, as we may say, on the throne of Britain these years bygone, as having any right title or interest in the said crown of Scotland for government, as forfeited several years since by his perjury and breach of covenant both to God and His Kirk, and usurpation of his crown and royal prerogatives therein, and many other breaches in matters ecclesiastic, and by his tyranny and breach of the very *leges regnandi* in matters civil.” As to their own future conduct, they announce that, “we being under the standard of our Lord Jesus Christ, Captain of salvation, do declare a war with such a tyrant and

usurper, and all the men of his practices as enemies of our Lord Jesus Christ, and His cause and covenants." Among other minor denunciations, they "disown, and by this resent, the reception of the Duke of York, that professed Papist, as repugnant to our principles and vows to the most high God." ¹

This may be held as an announcement of the law. It had to be followed by enforcement. Accordingly Cargill, holding a solemn assembly, accompanied with prayer and other exercises, in the Torwood, near Stirling, pronounced a formal excommunication, beginning: "I being a minister of Jesus Christ, and having authority and power from Him, do in His name and by His Spirit excommunicate, cast out of the true Church, and deliver up to Satan, Charles the Second, king," &c. How he could be deemed as ever within "the true Church" is a mystery only explained by the scene in 1650, when he became a Covenanted king at Stirling. How he had lapsed from that blessed condition is told in the grounds of excommunication: "For his high mocking of God, in that, after he had acknowledged his own sins, his father's sins, his mother's idolatry, yet had gone on more avowedly in the same than all before him; 2d, For his great perjury in breaking and burning the Covenant." The compiler who has preserved this document tells how, "next by the same authority, and in the same manner, he excommunicated James Duke of York for his idolatry, and setting it up in Scotland to defile the land, and enticing and encouraging others to do so—not mentioning any other sins but what he scandalously persisted in in Scotland—with several

¹ Wodrow, iii. 213.

other rotten Malignant enemies, on whom the Lord hath ratified that sentence since very remarkably, whose sins and punishments both may read more visibly in the providences of the time than I can record them.”¹

A league for mutual defence was signed by the supporters of the Sanquhar Declaration. These in their wanderings, aware that strong parties were in search of them, sought a place of security in the broad dreary swamp in Ayrshire called Airds Moss. They were some seventy in number, horse and foot; but a stronger party overtook them, and there was a small battle well sustained by the Sanquhar party, for Hackston of Rathillet was their leader. “We came,” he says in an account of the affair, “to a piece of grass, and lay down, and presently we were all alarmed that they were upon us, and so making ready, we saw them coming fast on; and that about three hours in the afternoon, and each one resolving to fight, I rode off and found a strength for our advantage.”² Though they were beaten, the greater portion got refuge in the recesses of the moss. Richard Cameron was killed in this affair, and his fate procured for him the crown of martyrdom, and a fame destined to be long sustained. He bequeathed his name to a religious sect, and to a renowned regiment in the British army. The Sanquharians took also the name of “Society men,” as being distributed in “select societies united in general correspondence.”³ After Cameron’s death, however, the

¹ Shields’ Hind let loose, 139.

² State Trials, x. 834.

³ The reader will find, perhaps, as much about them as he desires to know, in a volume called ‘Faithful Contendings displayed; being an historical Relation of the State and Actings of the suffering Remnant in

name of "Cameronians" fixed itself upon them; and in popular use it followed the Church founded by them, and still existing and flourishing under the ecclesiastical title of "the Reformed Presbyterian Church in Scotland."

Hackston was secured at Airds Moss and taken before Dalziel. "Next morning," he says, "I was brought before Dalziel and Lord Ross, and I not satisfying them with answers, Dalziel did threaten to roast me." He was afterwards removed to Edinburgh. Cargill, the chief surviving promoter of the Declaration, after a hot chase, was caught in Glasgow. Both were brought to trial in Edinburgh, and each stood to his stern testimony during his trial with defying vigour. They were executed, of course—Hackston with specialties of extreme cruelty and barbarity. These two men had come forth as soldiers in their peculiar cause, and enemies of the existing Government. If they were unsuccessful they could expect no other fate, and it were well for the memory

the Church of Scotland, who subsisted in Select Societies, and were united in General Correspondencies during the hottest Time of the late Persecution—viz., from the year 1681 to 1691. Together with an Account of the State of the Land in general, and of the Society People in particular, in the Intervals betwixt each of their General Meetings; with some pertinent Remarks upon these historical Occurrences, and many Letters to and from the General Correspondent Meetings, &c. Collected and kept in record by Mr Michael Shields, who was clerk unto these general Societies, and personally present at most of their meetings. To which is added, Ten Considerations on the Danger of Apostasy and Defection from a Covenanted Work of Reformation. By Mr James Guthrie, some time Minister of the Gospel at Stirling. As also, a Collection of very valuable Sermons preached by these faithful and eminent Servants of Jesus Christ, Messrs John Kid, John King, John Welch, John Blackadder, John Dickson, and Gabriel Semple. Collected and transcribed by John Howie, and published at the desire of some of those who desire to own the same Testimony that some of those authors owned and sealed with their blood. 1780.'

of the statesmen of the age if it were not burdened with deeds less easily justified.

It must be allowed that they had now provocation. The murder of the Primate—Drumclog and Bothwell Bridge—the Sanquhar Declaration—the excommunication—the armed combination,—all following each other within the period of a few months,—were things that, taken apart and by themselves, might justify any Government in measures of repression. To those who strike the balance of guilt and innocence between the two parties on the principle that to all forms of disobedience the Government was entitled to apply sufficient coercion for its suppression, the succession of acts just referred to have provided a fund of available argument in the support of the Government of that period. But in modern times it has been usual to claim for the Governments stigmatised as despotic or autocratic, the qualification that they are also paternal. It is among the paternal duties, when there is disease of mind as well as of body in the household, to apply nursing and affectionate alleviation rather than chastisement. We have in this whole sad history facts enough to enable every one to satisfy himself whether it was in this spirit that Scotland was at that time ruled.

The first visit of the Duke of York to Scotland is referred to in the Declaration. He had returned unexpectedly from his exile in Holland, and his friends were at a loss to find what was virtually a hiding-place for him during the sitting of the English Parliament. It occurred to them that this might be accomplished decorously and appropriately by sending him to represent his brother as Lord High Commis-

sioner in Scotland. It was now nearly fifty years since royalty had diffused its influence in serene state in Edinburgh. He said or did nothing to commit himself in any way—he was observant, and at the same time courteous, so that in his short visit he reaped golden opinions. He returned with a high certificate of character from the Privy Council, telling how, throughout his visit, “even the most malicious abstained from all manner of rebellious risings and undutiful speeches—no breach of the peace, no libel, no pasquil, having been ever discovered during his abode here; so that this short time has been the most peaceable and serene part of our life, and the happiest days we ever saw, except your majesty’s miraculous restoration.”¹

He returned presently, to leave memorials less felicitous of his sojourn. He came to preside at the momentous Parliament of 1681. All England had been shaken by the great question of a Popish successor to the throne, and now the question had moved on to Scotland, with the man whom it affected in the midst of those who had to dispose of the business. Of the debates in that Parliament we have accounts so fragmental and incoherent that it were useless to attempt to make a survey of their tenor. There came of them two remarkable statutes—the one on the succession to the crown, the other for the imposition of “the Test.” The “Act acknowledging and asserting the right of succession to the imperial crown of Scotland” is not set forth in the unimpassioned language appropriate to the laying down of the law. It is liker in tone to the many protestations of ecclesias-

¹ Wodrow, iii. 234.

tical parties, recently passing before us so numerously. It has all the vehemence of expression that is apt to accompany a disputed assertion. It asserts that "the kings of this realm, deriving their royal power from God Almighty alone, do succeed lineally thereto according to the known degrees of proximity in blood, which cannot be interrupted, suspended, or diverted by any Act or statute whatsoever; and that none can attempt to alter or divert the said succession without involving the subjects of this kingdom in perjury and rebellion." The Duke of York is not named. From the phraseology of the Act the next heir to the throne might be a woman; but there are significant words to show that the religion of the duke was not overlooked: "That upon the death of the king or queen who actually reigns, the subjects of this kingdom are bound by law, duty, and allegiances to obey the next immediate lawful heir, either male or female, upon whom the right and administration of the Government is immediately devolved; and that no difference of religion, nor no Act of Parliament made or to be made, can alter and divert the right of succession and lineal descent of the crown to the nearest and lawful heirs."

For the practical aim of all this we must look to the "Act anent Religion and the Test." This test was to be taken on solemn oath by every person holding office, whether of the Government or of corporations. It went down on the civil side to schoolmasters and clerks, and on the military side to the rank and file. The professed object of this oath was to purge the land of Papists on the one hand, and rebellious fanatics on the other; and throughout the Act the words "Papist" and "Fanatic" pair off with each

other. The beginning of the test was not in terms likely to frighten good Protestants. After the usual solemn invocation, it goes on: "I own and sincerely profess the true Protestant religion contained in the Confession of Faith received in the first Parliament of King James the Sixth, and that I believe the same to be founded on and agreeable to the written Word of God. And I promise and swear that I shall adhere thereto during all the days of my lifetime, and shall endeavour to educate my children therein, and shall never consent to any change nor alteration contrary thereto; and that I disown and renounce all such practices, whether Popish or fanatic, which are contrary to or inconsistent with the said Protestant religion and Confession of Faith." There is in like potent and profuse terms an abjuration of all foreign authority, with particularities pointing at the Vatican; and as if it were to make this renunciation the more explicit, there are a few innocent words, bearing "that the king's majesty is the only supreme governor of this realm over all persons and in all causes, as well ecclesiastical as civil."

In the test, standing by itself, the practised eyes of the champions of the Covenant would of course detect Erastianism in these simple words. But when the Test Act was interpreted with the Act of Succession, there was a deeper meaning in the whole—a meaning sadly inconsistent with the loud assertions throughout for the maintenance of the Protestant religion. The person who was to be some day soon supreme "over all persons and in all causes, as well ecclesiastical as civil," was a "Papist."

We have seen already that the statutes of the Scots

Estates, especially when they touched large political principles, were rather a declaration of the prevalent opinion there, than measures deliberately designed for permanent legislation. Nothing could be idler than the words, giving permanence to the Act of Succession so that even subsequent Parliaments were to be precluded from touching it. The incoherence of the mixed tenor of the two Acts would probably have remained only to occupy the attention of archæological critics, had they not been associated with a design to strike a new blow at the house of Argyle. It had been one of Middleton's bold projects to extinguish the power of the house by the execution of the heir presently after his father's death in 1661, and the legal preparations were made for the purpose. But the feeling created by the fate of the marquess, with other symptoms, tended to show that such an act would be unwise by creating too strong a feeling of uncertainty. He was released from the Castle of Edinburgh on Middleton's fall from power in 1663. The earldom was restored, but not the marquissate. At the time of the Pentland rising he offered to place a large force at the disposal of the Government. It was the nature of the house of Argyle, as the chief in the Highlands, to aggrandise itself. Favoured by Government, or at least on good terms with the sovereign, the local territorial power of the earl increased somewhat by the pressing out of smaller septs. At the point reached by us he had perhaps more territorial power than his father. He had not the same influence over the great Presbyterian party as their patron and protector in the early struggle; but if troublesome and dangerous times were to come, his weight would tell heavily

in the balance. Then his estates and offices would be valuable acquisitions; and both the Government and its official servants had acquired by recent events a rapacious appetite for forfeitures.

The earl entered, both in the debates and otherwise, on much critical examination of the Test and Succession Acts. It was a discussion conducted without hostility. As his views tended towards a special interpretation of the test, it was desirable that they should be put in writing. He did so in a paper which scarcely makes the test itself any clearer, or lets us into his own views about it any further than this, that he is a sound Protestant and resolved to stand by his religion. He used, however, some expressions which served the intended purpose—as that he took the test “so far as it is consistent with itself and the Protestant religion.” On this somewhat narrow foundation, since no better could be found, he was indicted for that useful offence of treason by “leasing-making.” He was poisoning the minds of the people against the sovereign and the legislature by charging them with the passing of inconsistent laws. After a long forensic struggle he was found guilty and condemned to be executed. He was not very strictly guarded, since, if his estates were secured, it was well to avoid the scandal of taking his life. He escaped from the Castle of Edinburgh, and found refuge in Holland with many other men of eminence, whose discussions and arrangements there were destined to influence the future.

The Ryehouse and Assassination plots of 1683, with their mixed-up intricacies, belong to the history of England, and call for no further consideration

here than a casual notice of some of their incidental ramifications which reached Scotland. A general feeling of insecurity to liberty and property, among those who were not in danger of life, increased after the condemnation of Argyle. It was seen that the test was instrumental for reaching any one who would not be abjectly servile, and who had property to lose. Among this class a project was nourished for a general emigration to America. A contract was made with the proprietors of land in Carolina.¹ The affair went on openly, and received the sanction of the Government; but it came to ruin by an unfortunate contact with the plots. An active person in the organisation of the new settlement—indeed the person who appears to have taken the entire organisation of it—was a certain Robert Fergusson, known in history as Fergusson the plotter. He was a Scotsman by birth, and his ostensible profession was that of a clergyman of the English Independent community. In official documents he is called “chaplain to the Earl of Shaftsbury.” At that time he had an *alias* name—Roberts—to serve him in the twofold business in which he was engaged. He had many journeys between England and Scotland, ostensibly about the Carolina affair. Zachary Boune, one of the accomplices who gave information about the Ryehouse Plot, but was not concerned in the Assassination Plot, noticed that the company attending Fergusson in his office in London—Highlanders, sailors, and foreigners of various nations—could scarcely be accounted for either by the Carolina affair or the Ryehouse Plot. In fact, Fergusson was the real demon of the Assas-

¹ Wodrow, iii. 369.

sination Plot. He laid out the place and plan for the murder of the royal brothers. He consecrated a blunderbuss for the purpose, and, as a clergyman, had a sermon ready to be preached on the occasion of the happy deliverance. He was on one of his journeys to Scotland when all was discovered. In Edinburgh he found posted up a notice of a reward of £500 for his apprehension, and a minute account of his appearance, as “a tall man—dark-brown hair—a great Roman nose—thin-jawed—heat in his face—speaks in the Scotch tone—a sharp piercing eye—stoops a little.” He had been often pursued by the ministers of the law, and had a wonderful faculty for escape and concealment. On the present occasion he excelled all his former feats of this kind. He had some hold on the officer in charge of the prison of Edinburgh—the old Heart of Mid-Lothian—so he went and paid a visit there, as a place not likely to be searched for criminals at large. Suspicion so far touched some Scotsmen, from their intercourse with Fergusson, that they were put to the torture; and we are told that “worse tortures were prepared for Fergusson if he could be found.”¹ The persons tortured were, Spence, a follower of Argyle; Carstairs, afterwards the eminent Principal of the University of Glasgow; and Gordon of Earlstoun, who had arranged with Fergusson a meeting never held.² Little information was added in Scotland to that obtained in England. It was known that Argyle was in league with the chief leaders of the Opposition in England, and a key was obtained to

¹ Dalrymple's *Memoirs*, i. 99.

² The information about Fergusson will be found chiefly in the eighth volume of the *Scots Acts*, App., p. 32; and in *Somers's Tracts*, viii. 188.

a cipher used by him. But it has stood to the credit of the sagacity and fortitude of the persons tortured, especially Carstairs, that they could have bought indemnity by the revelation of deeper secrets than the Government had suspicion of, connected with the intercourse between British refugees and the Prince of Orange.¹

Chiefly on the foundation of having done business with Fergusson, the Government attacked some considerable men in Scotland. It has been said—and the whole of the conditions attending on the prosecutions tend to show—that their object was to draw sympathy to the royal brothers as the destined victims of a widespread assassination plot, and so to overwhelm the political question about the succession of the Duke of York. Campbell of Cessnock was the first great object of attack. It was desirable that he should be a victim on account of his connection with Argyle. His conviction, in fact, would record the earl's own guilt, but he was acquitted. Baillie of Jerviswood was pursued with more determination. He was an old man, much revered by his countrymen for his domestic and public virtues. He was no doubt in some measure in the secrets of the English Opposition, and their views about the succession of the Duke of York. The common feeling, however, about his trial ending in a conviction, was, that while it would have required evidence peculiarly full and sure to convict such a man of a bloody conspiracy, this was done on

¹ Burnet is the chief authority about the torturing, and in judging what he says we must remember that he was himself concerned in these affairs. He speaks of the thumbkins as an invention for the occasion, but it was an instrument in common use in countries better acquainted than Scotland was with methods of torture.

evidence weak and questionable. He was publicly executed—an act producing a strong sympathy inimical to content with the Government as it was then, and as it was likely to be, in the hands of the heir to the throne.

We have now to turn to a fierce war between the “Society men” and the Government. These men—otherwise spoken of as “Sanquarians,” and known to later times as “Cameronians”—under the title of an “Apologetical Declaration,” issued a proclamation of their views and intentions. They begin with a reference to the other documents, sufficiently informing the world how they have declared war against Charles Stewart and his “accomplices.” They say they “utterly detest and abhor that hellish principle of killing all who differ in judgment and persuasion” from them. Yet in a long circumstantial list they enumerate certain enemies to their cause—“such as bloody militiamen, malicious troopers, soldiers, and dragoons; likewise such gentlemen and commons who through wickedness and ill-will ride and run with the foresaid persons to lay search for us, or who deliver any of us into their hands, to the spilling of our blood, by enticing morally, or stirring up enemies to the taking away of our lives; such as designedly and purposely advise, counsel, and encourage them to proceed against us to our utter extirpation, by informing against us wickedly, willingly, and wittingly, such as viperous and malicious bishops and curates.” As to these, with a host of other enemies less distinctly named, “We say all and every one of such shall be reputed by us enemies to God and the Covenanted work of reformation, and punished as such according to our power and the

degrees of their offences—chiefly if they shall continue, after the publication of this our declaration, obstinately and habitually with malice to proceed against us.” They are not to punish any one “without previous deliberation, common or competent consent, with certain probation by sufficient witnesses, the guilty person’s confession, or the notoriousness of the deeds themselves.”¹

Among the many official persons, lay and clerical, who had helped to enforce the laws against the recusants, few could fall into the hands of the suffering remnant without finding themselves in danger, for all these precautions—nor was there much to assure them in a solemn admonition in these terms :

¹ It may be satisfactory to the reader at this point of our story to have a brief analysis of the various divisions and subdivisions among the complicated groups of persons to whom he has been introduced during the past fifty years.

The original quarrel was between Covenanters and Episcopalians—called otherwise Cavaliers, and, after the manner of the primitive Christians in naming their persecutors, Malignants.

The “Engagement” of 1647, to assist the king and the march into England, told off the Engagers, leaving the Nonengagers, otherwise called Abhorers.

The “Act of Classes,” under Argyle’s Government in 1650, secluded from power all the Engagers, with some other persons, all being divided into classes according to the extent of their iniquities. The parties among the Covenanters were now Argyleites and Classites.

The “Resolution” to acknowledge Charles II. made Resolutioners, and Remonstrants or Protesters.

In the earlier part of Charles II.’s reign the Presbyterians were divided into the Indulged and the Covenanters of the original Covenant, who were again subdivided into Resolutioners and Protesters.

By the “Sanquhar Declaration,” a party of the Protesters withdrew under a new covenant, and were called Sanquharians, Cameronians, Society men, Hill men, Mountain men, and Wild Westland Whigs.

There was throughout a sprinkling of Independents, called by Baillie Hyper-Brownites, but they were not compact enough to make a party.

“We are sorry at our very hearts that any of you should choose such courses, either with bloody Doeg to shed our blood, or with the flattering Ziphites to inform persecutors where we are to be found—so we say again, we desire you to take warning of the hazard that ye incur by following such courses; for sinless necessity for self-preservation, accompanied with holy zeal for Christ’s reigning in our land, and suppressing of profanity, will move us not to let you pass unpunished.” After much more matter of the same kind, we come to this conclusion: “Thus having declared our deliberate, lawful, and necessary purpose concerning this matter, in order to the publication of the same, we do hereby statute and ordain, that upon the 8th day of November, copies of this our declaration be affixed upon a sufficient and competent number of the public market-crosses of the respective burghs, and of the patent doors of the respective kirks, within this kingdom.”¹

There was in the terms of this document certainly an excuse for retaliation from those threatened by it, supposing retaliation to be the proper method of dealing with it. The Privy Council asked an opinion from the Court of Session on the essential part of it—of “a late proclamation, in so far as it declares war against his sacred majesty, and asserts that it is lawful to kill all those who are employed by his majesty.” The end of a discussion on the matter in the Privy Council was brief and distinct: “The lords of his majesty’s Privy Council do hereby ordain any person who owns or will not disown the late treasonable declaration upon oath, whether they have arms or not,

¹ Wodrow, iv. 148, 149.

to be immediately put to death; this being always done in presence of two witnesses, and the person or persons having commission from the Council to that effect.”¹

This was an order for military execution without trial; and we are told that “commissions” to act under it were carelessly issued to subordinate officers in the army, and even to common soldiers.

There was another alternative of a rapid form of trial and execution. A form of oath was prepared, by which the jurant “did abhor and renounce” the threats contained in “the pretended declaration of war lately affixed at several parish churches;” and a commission was issued applicable to a limited district in the south-western part of Scotland, who were to indict those who refused to take this oath, called the abjuration oath, and to “call fifteen men as a jury, and let them judge them, and instantly exercise the sentence of death on such as do so refuse to disown, or to answer to the questions before the said jury.”

Here were two kinds of power—the one military, the other judicial—both liable to great abuse. And whether abused or not, they were of such a nature that if rumours or accusations of their being excessively abused should find currency they could not be contradicted. There are charges of slaughter under these powers, extensive in generality, while the importance attributed to the known instances is apt to create a doubt whether the sweeping charges are justified. There stand forth two instances such as lawyers might call “leading cases.” The one is that of John

¹ Wodrow, iv. 155.

Brown of Priestfield, "the Christian carrier;" the other, that of "the Wigtown martyrs." Brown's story is told by Patrick Walker, and afterwards by Wodrow, each decorating it with his own impressive and picturesque incidents. Of these the chief is, that as the musketeer ordered to fire on him showed reluctance in obeying, Claverhouse himself shot him with a pistol. We have the account of the affair by Claverhouse himself. It seems to be natural, as a practical exemplification of the orders of the Council, and to be, on the whole, as bad a business as Walker and Wodrow make it.

Claverhouse thus reported the affair to the Duke of Queensberry, the Treasurer: "On Friday last, among the hills betwixt Douglas and the Ploughlands, we pursued two fellows a great way through the mosses, and in end seized them. They had no arms about them, and denied they had any. Being asked if they would take the abjuration, the eldest of the two, called John Brown, refused it; nor would he swear not to rise in arms against the king, but said he knew no king. Upon which, and there being found bullets and match in his house, and treasonable papers, I caused shoot him dead, which he suffered very unconcernedly."¹

At this time we find Claverhouse and the clergy of the west transacting business together of a kind scarcely appropriate either to a chivalrous soldier or an earnest priesthood. Claverhouse himself reports to the Privy Council the change he had created in a district where he found the rebels presumptuous

¹ Napier's *Life and Times of John Graham of Claverhouse*, i. 141. There is surely both candour to the world, and faith in the cause of his adoption, when the champion of Claverhouse's reputation gives prominence to this admission.

and comfortable, and the churches deserted: "The first work he did was to provide magazines of corn and straw in every part of the country, that he might with convenience go with the whole party wherever the king's service required; and running from one place to another, nobody could know where to surprise him. And in the mean time quartered on the rebels, and endeavoured to destroy them by eating up their provisions; but that they quickly perceived the design, and sowed their corns on untilled ground. After which he fell in search of the rebels, played them hotly with parties, so that there were several taken—many fled the country, and all were dung from their haunts; and then rifled so their houses, ruined their goods, and imprisoned their servants, that their wives and children were brought to starving, which forced them to have recourse to the safe-conduct, and made them glad to renounce their principles, declare Bothwell Bridge an unlawful rebellion, swear never to rise in arms against the king, his heirs, and successors," &c.

He next reported how he "had assisted the donators to take possession of their estates, and forced the tenants to take tacks of the king or his donators in all the forfeited estates." The donators were the persons to whom the estates forfeited for some one or other of the shapes of penal nonconformity had been gifted; and the duty done by Claverhouse was to adjust, with military rapidity and precision, the relations between tenant and landlord in the property that had changed hands.

One of his instructions was to compel the people to attend the parish church; and to encourage, as he says, those he appealed to, he "told them that the

king had no design to ruin them, nor yet to enrich himself, but only was positively resolved to bring them to conformity; and if there were severe things done, they might blame themselves." There was to be an indemnity to those "not guilty of reset and communing with rebels or intercommuned persons, or of field conventicles, or insulting the regular clergy," if they "would go to church." He found, however, that it would be expedient to include even those who had been guilty of conventicalism, if "they would go to church;" but the difficulty was to know if they did go. So we find in his report to the Privy Council, that "it could not be known in most parts who were absent. Whereupon he ordered the collectors of every parish to bring in exact rolls upon oath and attested by the minister; and caused read them every Sunday after the first sermon, and mark the absents, who were severely punished if obstinate. And wherever he heard of a parish that was considerably behind, he went thither on Saturday, having acquainted them to meet, and assured them he would be present at sermon, and whoever was absent on Sunday was punished on Monday."¹

The law of the abjuration oath, with its punishment, applied to women as well as men; and that two women were punished with death for refusing to accept it, is a fact which has been proclaimed to the present times with controversial loudness. There were several methods of executing the punishment of death in Scotland. Breaking on the wheel was one,

¹ Letters to George, Earl of Aberdeen (Spalding Club), p. 107, headed "Claverhouse being called before the Committee of Council, gave this account of the affairs of Galloway."

but not a common form. Strangling in the manner of the bowstring was more usual. But there were two forms that, for reasons which no doubt could have been given by the authors of the practice, were especially appropriate to women—drowning and burning. In the year 1624, eleven gipsy women were sentenced to be drowned in the North Loch of Edinburgh, in the hollow now covered by the verdure of the Princes Street Gardens. Two women were sentenced to death—Margaret M'Lauchlan, advanced in age, and Margaret Wilson, said to have been a girl of eighteen; and the sentence was executed at Wigtown, on the 11th of May 1685, by drowning. It was natural that in the martyrology of the Covenant this affair should not only be remembered, but that it should be appropriately adorned. The place where such a sentence could be effected was the water of the Solway, celebrated for its rapid tides. The method of execution, according to tradition, was the tying to stakes within high-water mark, and leaving the victims until the tide rose over them. The old woman, it was said, was placed so as to suffer before her companion, in order that she, the younger, might be impressed or terrified into compliance; and the pious converse recorded as passing between them, with the singing of psalms, and other rhetorical decorations of such scenes, seem to have suggested a doubt of the truth of the whole story.

The other method of execution was perhaps more revolting, but it was less cruel. The executioner held the victim's head under water until life was speedily extinguished. In this instance it would appear that the story about the tide was not without some foun-

dation, and that the execution had been done in the narrow channel of the Bladenoch when the tide was rushing through it, so that the people of the district stood close by on the bank exhorting the poor creatures to accept the oath and live.

The trial of these women was in proper form—by commissioners of justiciary with a jury. One of the jurymen, a magistrate of Wigtown, afterwards, as a condition of admission to Church privileges, had to declare to the session “the grief of his heart that he should have sitten in the assize of these women who were sentenced to die.” The real significance of such an event is in the fact that those who sat on the commission of justiciary were not properly responsible judges, but the bitter enemies of those on whom they professed to administer justice. It included Grierson of Lagg, a very Herod, according to the Covenanting traditions, among the persecutors of the faithful. Another was the sheriff, David Graham, the brother of Claverhouse. They were all men prepared to wreak their vengeance on their hated enemies as far as the law would permit them. The affair was thus a memorable example of the prevailing spirit of the times. It was not so much that the Government with its own hand acted the executioner, as that it let loose the spirit of hatred and tyranny in the districts where it grew out of local conflict.

There is evidence that in this instance the higher authorities saw something dangerously odious in the novelty and peculiarity of the case, and that there was a design to interpose in it—hence the long controversy it bred. There is on record a minute of the Privy Council reprieving the execution, with instruction to “interpose with his most sacred majesty

for a royal remission." But it is equally certain that the women were put to death. There seems to have been blundering on the part of the higher authorities, who had too much work of the kind before them to give it all very full and serious attention. The inference is, that the ministers of vengeance, having the power to execute the sentence, did execute it. And if in this they might possibly have been liable to question, the Government of the day was not one to press them hard.¹

¹ Hence the end of controversy is to bring us back to Wodrow's conclusion, who says that the recommendation for a remission should have been dealt with as a virtual pardon ; so that "the people of Wigtown are deeply guilty, and had no powers for what they did ; and the death of these persons was what the Council ought to have prosecuted them for" (iv. 249). Those who undertake to bring scattered and conflicting events within the focus of history, are infinitely indebted to the warriors in such controversial conflicts as the late war on "the Wigtown martyrs" has been. It has often been said, How many doubts might be settled if we could get the matter put into the form of a lawsuit, with able counsel on both sides ! This is exactly what has been done ; and the public has given its verdict in favour of the author of 'History vindicated in the Case of the Wigtown Martyrs,' by the Rev. Archibald Stewart, minister of Glasserton. Second edition, 1869.

It seemed unnecessary to bring up any other name in this controversy—and in fact the author had handed both text and note to the printer when he encountered the following announcement in the literary advertisements :—

"History rescued, in answer to 'History vindicated ;' being a Recapitulation of 'the Case for the Crown,' and the Reviewer's Review, *in re* the Wigtown Martyrs, by Mark Napier. *Et vi et sæpe cadendo.*"

Of course this had to be read before final correction, that it might be seen whether it contained any new and unexpected discovery. But the two hundred and seventy additional pages revealed no other discovery save a remarkable instance of that well-known frailty of heroic natures which deprives them of the capacity of knowing that they are beaten. Like other works from the same pen, this is very readable matter as a piece of literary mosaic, and it is not least exhilarating when it is farthest off from the year 1685 and the county of Wigtown.

The structure of the work affords vestiges of a design of a truly vast

It must always be remembered that these ferocities of defiance and infliction were limited to the small corner in the south-western part of Scotland, where the Cameronians, as they are most easily called, prevailed. There was not much sympathy with these sufferers in other parts of the country. Looking through the mismanagements of the period for the causes of the coming Revolution, less will be found in these cruel inflictions on the western zealots, than in a project for extracting money from certain men of substance throughout the country. They were called "fugitives," as being persons who were liable to punishment under some one or other of the multitudinous penal laws then at work. They were a selected body of about two thousand. The position in which each of them was put was, that if he would frankly confess his offence and pay a stipulated fine, he would thenceforth be as exempt from all prosecution for the offence he had compounded for, as if he had received a remission under the great seal.¹

and earnest character—an exhaustive examination of the literature of the day for the purpose of founding on the negative testimony of all parts of it where the Wigtown affair might have been referred to, but is not. A faith in this kind of evidence rests on an amiable peculiarity in the author, which he will be unable to communicate to the less susceptible. It magnifies the horror of the act, as one that must have resounded trumpet-tongued all over the world. The more callous reader of the histories of the period, however, becomes accustomed to outrages and horrors; and if it is made clear that certain persons are sentenced to death, it will be but a natural sequel that the sentence was executed. Nor will it be easy to show people why such a sentence was passed, if it can be proved as it is said of "these two obscure and insignificant women, whom no human being from the highest to the lowest desired to injure, far less to immolate, and whom the Government of Scotland were desirous to spare the necessity of executing."

¹ There is a list in Wodrow, iv. 13, of those to whom this favour was extended.

It was amid such a political atmosphere of cloud and storm that the reign of Charles II. had come to an end in February 1685. People who were not too seriously concerned with present exigencies to indulge in sentiment, reflected sadly on the mad rejoicings that had inaugurated the Restoration. When it was known that his brother had quietly taken his place, and James VII. was proclaimed at the cross of Edinburgh, the prospect scarcely brightened. In Scotland one great party looked to a continuation of oppression; another had to fear a possible retribution. The few members of the old Church, who had hitherto crept about in danger and depression, could now openly walk the streets and look men in the face. There were some who believed, like the fanatics at the opposite end of the religious gradations of the day, that the hand of the Most High would visibly interpose to restore all things as they had been two hundred years before; but those who looked to the natural course of political cause and effect, could only rejoice with trembling. But the new reign was not to remain undisturbed; before the end of April there was the apprehension of a great civil war, and in May the news came that it had begun both in England and Scotland.

Perhaps the person chiefly instrumental in raising Monmouth's rebellion was that unworthy Scot we have already met with—Fergusson the plotter. It was he who had started and supported the idea that Monmouth was a legitimate son of Charles II. One day in the summer of 1680 a pamphlet was published in London and greedily read. It was called 'A Letter to a Person of Honour concerning the Black Box.'

This box contained papers which it was the object of some to destroy, while it should be the object of the nation to recover them. They contained the evidence of the marriage of the king to Lucy Walters, the mother of Monmouth. There was a circumstantial account of the migrations of the box so far: it had been in the custody of the Bishop of Winchester; his son-in-law, Sir Gilbert Gerard, was known to have had it, but somehow it had disappeared. This pamphlet was written by Fergusson, who followed it up with another.¹ The idea took a hold on the public mind of England so strong that nothing done at the time could absolutely eradicate it. A popular novel, called 'The Perplexed Prince,' was founded on the tale; and we know how dangerous the belief had become in the solemn declarations by the king and Council of England circumstantially contradicting it. Fergusson was the evil genius of Monmouth, attending him on his expedition and goading him on. He wrote all the proclamations and other papers connected with the unhappy insurrection; and it was said that he had secured as his reward, that when the true King James was on the throne of the State, Robert Fergusson was to be on the throne of the Church as Archbishop of Canterbury. The insurrection, ending in the battle of Sedgemoor, belongs to English history, and has been told by the first historian of our day. It was accompanied by an expedition to Scotland more fortunate in a briefer career and less bloodshed.

The Earl of Argyle naturally enough came to the conclusion that the rule of the Stewart dynasty was

¹ 'A Letter to a Person of Honour concerning the King's disowning his having been married to the Duke of Monmouth's Mother.'

incompatible with the existence of his house. In Holland there was a considerable group of Scots refugees, who held earnest consultation when the news came of the king's death. They had so far made preparation that they had spent ten thousand pounds on arms, and had made, as the historian of the affair says, a good investment of the money. Argyle's own Highlanders were armed already, so that their stores would supply the Lowland allies. Of these, great things were expected of the "Mountain men" or "Hill men," a name applied to the Cameronians; but there never came an opportunity for their concurrence, and we may be certain that it would not have been given without strong obligations to stand by all their peculiar tenets. There is an indistinctness as to the positive object of this expedition—as to what was to be done with the Government when King James was driven out of it. Argyle does not appear to have acknowledged the supremacy of Monmouth. They had much consultation together, but it was not as king and subject; and Argyle was said to be jealous of the elevated position claimed for the duke by his supporters. We have, from one who took part in the affair, that Argyle had spoken with more reserve about his preparations and intentions than his followers approved:—

“This discourse, with some tart expressions which he had upon the Duke of Monmouth, importing great, and, as we understood, groundless jealousies of him, or aversion from meddling with him, or having him concerned in the business, put us to second thoughts; yet then we only told him that we would consider farther of matters, and try the Duke of Monmouth's

inclinations and temper. The next occasion we had soon after of treating with the duke, we went over all had been before discoursed with him ; and finding him firmly resolved as before, I asked him in what character he intended to join and act. He answered,—as a Protestant and Englishman, for the Protestant religion and liberties of the nations, against the Duke of York, usurper of the royal dignity, and his assisters, oppressors of the people in all three nations in their religion, consciences, rights, and liberties. I urged further if he considered himself as lawful son of King Charles last deceased. He said he did. I asked if he was able to make out and prove the marriage of his mother to the King Charles, and he intended to lay claim to the crown. He answered, he had been able lately to prove the marriage ; and if some persons are not lately dead, of which he would inform himself, he would yet be able to prove it. As for his claiming the crown, he intended not to do it unless it were advised to be done by those who should concern themselves and join for the delivery of the nations.”¹

Evidently the earl was, like his father, no soldier. He spoke of the five thousand men to be raised on his own dominions, and vaguely of some other ten thousand to come together indiscriminately. But when he touched with his three vessels, first at Isla and then at Campbeltown, there was no spontaneous assemblage of his people to his standard. Even in the gathering of Highlanders round their natural leader, there was a form and method. They were brought together in groups by people of intermediate rank,

¹ Sir Patrick Hume's Narrative in Rose's 'Observations,' 12, 13.

their proper colonels and captains. Of these men a judicious seizure seems to have been made by the Government, and the rival clan of Athole had been sent to Inverary, and spread over the surrounding district. At Eyllangrig there was an old tower. Some mounds were run up round it, and fortified by cannon from the ships. There the earl deposited the stores, on which everything depended. He left there a small garrison; but they yielded the place, stores and all, to two English frigates.

After having spent five weeks in the Highlands "to no purpose," as Sir Patrick Hume says, they passed by Dumbarton into Lanarkshire, expecting the people to rise. At one time there appear to have been some eight hundred men under the earl's command, but the number decreased to five hundred. As considerable bodies of troops were at hand, Argyle was persuaded to find his way back to his own country, where he could defend himself. He crossed the Clyde, but was pursued, and taken ere he reached his own country. He was conveyed to Edinburgh, and executed without trial under his old sentence. This was said to be a politic device of the Lord Advocate, Sir George Mackenzie, to favour the house of Argyle, while he could not preserve its existing head. The condemnation on the test was so palpably unjust that it might be revoked by a friendly administration—a condemnation on a trial for rebellion could not be so easily removed.¹

His companion, Sir Patrick Hume of Polwarth, escaped. The story of his concealment and the devotion of his family, though often told, will bear repetition, as a type of the miseries and dangers to

¹ Wood's Douglas, i. 165.

which people of rank and condition were subjected in those fluctuating times. The story is told by his granddaughter, and her mother is the heroine of it: "Her father thought it necessary to keep concealed; and soon found he had too good reason for so doing, parties being continually sent out in search of him, and often to his own house, to the terror of all in it, though not from any fear for his safety, whom they imagined at a great distance from home; for no soul knew where he was but my grandmother and my mother, except one man, a carpenter, called Jamie Winter, who used to work in the house, and lived a mile off, on whose fidelity they thought they could depend, and were not deceived. The frequent examinations and oaths put to servants, in order to make discoveries, were so strict they durst not run the risk of trusting any of them. By the assistance of this man they got a bed and bed-clothes carried in the night to the burying-place, a vault under ground at Polwarth church, a mile from the house, where he was concealed a month, and had only for light an open slit at one end, through which nobody could see what was below. She went every night by herself, at midnight, to carry him victuals and drink, and stayed with him as long as she could to get home before day. In all this time my grandfather showed the same constant composure and cheerfulness of mind that he continued to possess to his death, which was at the age of eighty-four; all which good qualities she inherited from him in a high degree. Often did they laugh heartily, in that doleful habitation, at different accidents that happened. She at that time had a terror for a churchyard, especially in the dark, as

is not uncommon at her age, by idle nursery stories ; but when engaged by concern for her father, she stumbled over the graves every night alone without fear of any kind entering her thoughts but for soldiers and parties in search of him, which the least noise or motion of a leaf put her in terror for. The minister's house was near the church. The first night she went, his dogs kept such a barking as put her in the utmost fear of a discovery. My grandmother sent for the minister next day, and upon pretence of a mad dog, got him to hang all his dogs. There was also difficulty of getting victuals to carry him without the servants suspecting. The only way it was done was by stealing it off her plate at dinner into her lap. Many a diverting story she has told about this, and other things of the like nature. Her father liked sheep's head ; and while the children were eating their broth, she had conveyed most of one into her lap. When her brother Sandy (the late Lord Marchmont) had done, he looked up with astonishment, and said, ' Mother, will ye look at Grisell ? while we have been eating our broth she has ate up the whole sheep's head ! ' This occasioned so much mirth amongst them, that her father at night was greatly entertained by it, and desired Sandy might have a share of the next. I need not multiply stories of this kind, of which I know many. His great comfort and constant entertainment (for he had no light to read by) was repeating Buchanan's Psalms, which he had by heart from beginning to end, and retained them to his dying day. Two years before he died, which was in the year 1724, I was witness to his desiring my mother to take up that book, which

amongst others always lay upon his table, and bid her try if he had forgot his psalms, by naming any one she would have him repeat—and by casting her eye over it she would know if he was right, though she did not understand it ; and he missed not a word in any place she named to him, and said they had been the great comfort of his life, by night and day, on all occasions.”¹

We are now close to the end. King James seems to have thought that he might continue the attacks on the Covenanters, while he obtained toleration, and in the end supremacy, for his own Church. He found, however, that, for the time at least, he must take the fanatics along with them, if he would rescue his own people from the penal laws.

The Estates met in April. They re-enacted the Test. They passed also, in stern brief terms, an Act against conventicles: “That all such as shall hereafter preach at such fanatical house or field conventicles, as also such as shall be present as hearers at field conventicles, shall be punished by death and confiscation of their goods.”² But there remained a momentous question—Would this Parliament comply with a known desire of the king, and repeal the penal laws against Papists?

The king made a pathetic address to the Estates, desiring favour for the people of his own Church: “We cannot be unmindful of other our innocent subjects, those of the Roman Catholic religion, who have, with the hazard of their lives and fortunes,

¹ Memoirs of George Baillie of Jerviswood and the Lady Grisell Baillie, by Lady Murray, p. 35-39.

² Act. Parl., viii. 461.

been always assistant to the Crown in the wars of rebellions and usurpations, though they lay under discouragements hardly to be named. These we do heartily recommend to your care, to the end that, as they have given good experience of their true loyalty and peaceable behaviour, so, by your assistance, they may have the protection of our laws, and that security under our Government which others of our subjects have, not suffering them to lie under obligations which their religion cannot admit of, — by doing whereof you will give a demonstration of the duty and affection you have for us, and do us most acceptable service. This love we expect you will show to your brethren, as we are an indulgent father to you all.”¹

A bill was prepared, and after some difficulty was accepted by the Lords of the Articles. It protested against Popery in the abstract, but provided that those “who are of the Romish communion shall be under the protection of his majesty’s Government and laws; and shall not, for the exercise of their religion in private— all public worship being hereby expressly excluded— be under the danger of sanguinary and other punishments contained in any laws or Acts of Parliament.”² The pulse of Parliament was felt on this project, and found to be unsatisfactory. If there were a few in high places who might be allured by the prospect of favour at Court, the lesser barons were not favourable to the measure, and the burgesses were stubbornly opposed to it.

The king seems to have met this defeat with the stolid indifference or fatalism peculiar to his nature.

¹ Act. Parl., viii. 580.

² Wodrow, iv. 366.

He had another, and perhaps to his mind a more pleasant, alternative in the Prerogative. In September the Council received an order to embody the terms of the bill in an Act of their own as adopted by the king in Council. Even here, though official changes had been made to help the new policy, there were demurs and difficulties. There was questioning with some if they could concur with the Chancellor in calling the king's letter a "legal" authority for the suspension of the penal laws, and it was changed to the term "sufficient authority." In their whole dealing with the matter, the king thought he saw a lack of that loyal zeal expected by him from men whom he counted not the State's servants but his own.¹

The suspicious public had an immediate opportunity of seeing what was to grow in the space left vacant by the removal of the penal laws. The king's message to the Council contained instructions to fit up the Chapel of Holyrood for the services of his own religion. The citizens of Edinburgh, too, saw the palace frequented by strangers in such ecclesiastical vestments as had not been visible in Scotland for more than a hundred years. It seems to have been an after-thought, whether of the king himself or his advisers, that it might be well to include others in the immunities conferred on those of his own Church. More than one unsuccessful effort was made to widen the indulgence. But a test or some obligation offensive to the Presbyterian conscience still held fast the door for their entrance. It was not until three imperfect indulgences had been issued, that, so late as May in 1688, a fourth, full and effective to the moder-

¹ Fountainhall's Historical Notices, 751.

ate Presbyterians, was granted. It seemed to be extracted by force, like the ransom to which the captive assents when he feels the pressure on his throat.

But far more momentous than all the rest was the constitutional phraseology used in the Indulgences. The king spoke "by our sovereign authority, prerogative royal, and absolute power, which all our subjects are to observe without reserve."¹ Freedom granted on such terms sounded like the broad farces where the tipsy Irishman declaims on the virtue of sobriety, and the High Church squire denounces profanity in a thundering oath. Why use, especially for this occasion, expressions unknown in any other State document belonging to Scotland? It was said, and not without some aspect of probability, that the king was treacherously used by those who had the duty of drawing his instructions.

Now at last arose in all their full proportions in the eyes of the people the two spectres that had long haunted the political mind of Scotland—Popery and Arbitrary power. Since the union of the crowns, the royal prerogative, save when shaken by the great civil war, had been daily growing in strength, and now it was openly declared to be such as a despotic king wielded in unhappy France. What of Popery had been apprehended in Laud's day was by moderate people counted its mere foppery, but here it was real. The king, who claimed the prerogatives of a despot, was as thoroughly the vassal of Rome as Philip II. or Mary Tudor had been. The imminence of the real danger is best seen by contrast with the futility of later occasions of terror. It was not that those

¹ Kennet, iii. 448, 449.

who so chose might abandon the right of private judgment, or even that all might be told how it was their duty to abandon that right into the hands of its legitimate custodiers. But the right of private judgment was to be extinguished. The attempt, at least, was to be made; and what such a process would become, among a people stubborn as the Scots, their history tells us.

An item of distinctness to the prospect was afforded by the visible effect of the Revocation of the Edict of Nantes, an act of the Government of Louis XIV., four years old when the Revolution was accomplished. The Revocation passed a fine colony into England. It was felt in Scotland, where the refugees, though few, were objects of a special interest as martyrs to that faith and form of worship which the Scots Presbyterians had taken from the French Huguenots. They had a settlement in Edinburgh, which was known afterwards as Little Picardy, from the province whence came the bulk of the refugees.¹

This was the second great event in the history of France influencing materially that of her old ally, not in sympathy, but in reaction. We have seen how the Massacre of St Bartholomew contributed to the ruin of Queen Mary and the settlement of the Reformation policy; and here the dispersal of the Protestant communities settled under the policy of Henry IV. had its influence on the Revolution Settlement.

In fact already there was an exodus of sufferers;

¹ "To the north-west of the said Greenside is a large edifice denominated Little Picardy, erected by the Edinburghers for the habitation of a number of French families, who carry on a cambric manufactory therein." —Maitland's *History of Edinburgh*, 215. Hence the name of the handsome street known as "Picardy Place."

but they were not all destined to seek a precarious or a toilsome subsistence from the cold hands of the stranger, like the poor Huguenots. Among them were those who made a sort of Privy Council for the Prince of Orange, then reflecting deeply on the path that seemed opening to his ambition. Among these were Patrick Hume of Polwarth; Gilbert Elliot of Minto, afterwards one of King William's judges; Sir James Stewart, who served him as Lord Advocate; Baillie of Jerviswood, the son of the martyr; Robert Carstairs, who afterwards ruled the Church of Scotland; and Gilbert Burnet, the most conspicuous of all, but not the most valuable as a sage and secret counsellor.

That they were to be classed with Papists even in an act of liberality and mercy, was a heavy scandal to the zealous. This was in some measure aggravated by special association with another and smaller body—not so much an object of dread, but thoroughly an object of aversion. These were the members of the Society of Friends, then, as now, called Quakers. The final indulgence contained a clause “indemnifying fully and freely all Quakers for their meetings and worships.” There was no restriction here to those who qualified for indulgence, and were officially admitted to its benefits—the grace applied to all. There was a current belief at the time that the Quakers were in league with the friends of Popery, and the conduct of Penn and other affairs in England gave strength to the belief. They were a community who drew their special vitality from persecution, and they had been for some years so harassed as to give them an importance which seems to have declined after the indulgence and the Revolution. The earliest penal statute

affecting religion in the reign of Charles II. was aimed at this body; but the Government did not, either in striking or sparing, fulfil the wholesome promise thus begun. In 1663 an Act of Council was passed to drive them out of Edinburgh, where they hold meetings and “seduce many to follow after mischievous practices.” Wodrow’s comment on this is, that “had this good act been prosecute with the same vigour as those against Presbyterians were, we might in this land have been freed from that dangerous sect;” but “anything that was done was so little prosecute that they spread terribly during this reign.”¹ They themselves were naturally of opinion that they had too much instead of too little persecution. No blood seems to have been spilt among them; but of imprisonments, fines, and contumelies they found enough to make a martyrology of their own. It has been refreshed within the last twenty years, and carries even into this generation one of the legitimate features of the older martyrologists—the judgment that overtakes the reviler and persecutor of the just.²

¹ Sufferings, i. 377.

² See ‘Diary of Alexander Jaffray, Provost of Aberdeen,’ ‘with Memoirs of the Rise, Progress, and Persecutions of the People called Quakers in the North of Scotland,’ by John Barelay. Aberdeen, 1856.

“But as they did not fail to admire that providential Goodness through whose hand every blessing flows towards His children, so could they do no less than notice the remarkable interposition of the same overruling power in another direction—either by unexpectedly baffling the designs of the persecutors, or by weakening their hands in various respects; sometimes even constraining them to penitence, at other times in an awful manner cutting short the lives of those that still proceeded in their wickedness. Several instances are on record of this description, some as regards the persecuting preachers and magistrates of the day. Among others, James Skene, who was generally known by the name of *White James*, to distinguish him from a very abusive and wicked man of the same name called *Black James*, took great delight

It was only in places where Malignancy prevailed that the Covenanters met with contumely; but it haunted the Quakers everywhere, and was courted by those external signs of their creed which that creed required them to exhibit. Their ordinary reception by the rabble almost everywhere is described in these few words: "Whenever any of this persuasion appeared among them, they were received by the populace with stoning and beating in the streets, pulling by the hair, and other lawless abuses, which the magistrates, instead of reproof, too often countenanced."¹ George Fox in his Journal tells of repeated visits to Scotland, and rude treatment there, but certainly not ruder than

in inventing malicious slanders against Friends. On one occasion, whilst he was repeating some wicked verses, which he composed on purpose to defame a worthy and innocent person, he was *in that instant* suddenly struck down as one dead, and was for some time deprived of his senses. When he recovered, he acknowledged the just judgment of God upon him, confessed the offence he had committed against this innocent people, and gave proof of repentance by abstaining from such practices.—Alexander Gordon, professedly a minister of the Gospel, procured the imprisonment of George Keith for preaching the truth in the graveyard at Old Deer, and caused him, with another Friend, to be kept all night in a very filthy dungeon, called the Thieves' Hole, where there was no window either for light or air: he was immediately after cut off by death in a sudden and surprising manner.—Nor should the case of Robert Petrie, provost or mayor of Aberdeen, be altogether omitted, who, at the furious instigations of his brother-in-law, John Menzies, and the other stated preachers in Aberdeen, had been very violent against Friends, often breaking up their meetings, and causing them to be roughly dragged away to prison. This same magistrate, some years after, on account of some public transactions in the Convention of Burroughs, in which he thought himself altogether innocent, was ordered to be imprisoned at Edinburgh, fined in a thousand pounds, and declared incapable of public office; but further—he was conveyed to Aberdeen, the scene of his most unmerciful conduct, and there affronted by being himself imprisoned in the very same place where he so often had had the persons of his worthy fellow-citizens cruelly detained."—P. 236, 237.

¹ Memoirs, &c., 202.

he met in his own country. The temptation to go back on these incidents is, that at no earlier point do the affairs of the Quakers come so prominently up on the surface of events; but it is necessary to look to the more serious national interests concerned in the Indulgence, and the adoption of it in a prerogative act of dispensing power.

Meanwhile the law for punishing the conventiclers with death was not idle. The declarations of indulgence, indeed, specially denounced them in such terms as these: "We have at the same time expressed our highest indignation against those enemies to Christianity as well as Government and human society, the field conventiclers, whom we recommend to you to root out with all the severity of our laws, and with the most rigorous prosecution of our forces, it being equally our and our people's concern to be rid of them."¹

Of the method in which the Indulgences were received by the sterner among the fanatics the following specimen may suffice:—

"Smooth words to cover the mischiefs of his former destructions, and the wickedness of his future designs. To which his former celebrated saying, that it would never be well till all the south side of Forth were made a hunting-field, and his acts and actings designed to verify it since his unhappy succession, do give the lie. For immediately upon his mounting the throne, the executions and acts prosecuting the persecution of the poor wanderers were more cruel than ever.

"1. There were more butchered and slaughtered in the fields, without all shadow of law, or trial, or sentence,

¹ Wodrow, iv. 417.

than in all the former tyrant's reign; who were murdered without time given to deliberate upon death, or space to conclude their prayers; but either in the instant when they were praying shooting them to death, or surprising them in their caves, and murdering them there without any grant of prayer at all; yea, many of them murdered without taking notice of anything to be laid against them, according to the worst of their own laws, but slain and cut off without any pity, when they were found at their labour in the field or travelling upon the road. And such as were prisoners were condemned for refusing to take the oath of abjuration and to own the authority, and surprised with their execution, not knowing certainly the time when it should be—yea, left in suspense whether it should be or not, as if it had been on design to destroy both their souls and bodies. Yea, Queensberrie had the impudence to express his desire of it; when some went to solicit him, being then commissioner, for a reprieve in favours of some of them, he told them they should not have time to prepare for heaven—hell was too good for them.

“2. There have been more banished to foreign plantations in this man's time than in the others. Within these two years several shipfuls of honest and conscientious sufferers have been sent to Jamaica (to which before they were sent some had their ears cut), New Jersey, and Barbadoes, in such crowds and numbers that many have died in transportation.”¹

Of the whole dreary period of twenty-eight years now approaching its conclusion, we have hardly any better picture than in such wailings by sufferers or

¹ Hind let loose, 200, 201.

sympathisers. The title-pages of this kind of contemporary literature are in themselves a testimony how deeply the iron had entered into the soul of those who were the recorders of the passing tragedies.¹ The "Killing Time," as these writers in

¹ For instance :—

'*Jns Populi Vindicatum; or, The People's Right to defend themselves and their Covenanted Religion vindicated. Wherein the Act of Defence and Vindication, which was interprised anno 1666, is particularly justified. The Lawfulness of private Persons defending their Lives, Libertyes, and Religion against manifest Oppression, Tyranny, and Violence, exered by Magistrats Supream and Inferiour, contrare to Solemne Vowes, Covenants, Promises, Declarations, Professions, Subscriptions, and Solemne Engadgments, is demonstrated by many Arguments. Being a full Reply to the First Part of the Survey of Naphtaly, &c. By a Friend to true Christian Liberty. 1669.*'

'*The Poor Man's Cup of Cold Water ministered to the Saints and Sufferers for Christ in Scotland who are amidst the Scorching Flames of the Fiery Trial. 1678.*'

'*An Informatory Vindication of a poor, wasted, misrepresented Remnant of the suffering anti-Popish, anti-Prelatic, anti-Erastian, anti-Sectarian, true Presbyterian Church of Christ in Scotland, united together in a General Correspondence.*'

'*A Hind let loose; or, An Historical Representation of the Testimonies of the Church of Scotland for the Interest of Christ, with the true State thereof in all its Periods: together with a Vindication of the present Testimonie against the Popish, Prelatical, and Malignant Enemies of that Church, as it is now stated for the Prerogatives of Christ, Priviledges of the Church, and Liberties of Mankind, and sealed by the Sufferings of a reproached Remnant of Presbyterians there, witnessing against the Corruptions of the Time; wherein several Controversies of greatest Consequence are enquired into, and in some measure cleared, concerning hearing of the Curats, owning of the present Tyrannie, taking of ensnaring Oaths and Bonds, frequenting of Field Meetings, Defensive Resistance of tyrannical Violence, with several other subordinate Questions useful for these Times. By a Lover of true Liberty. 1687.*'

'*A Cloud of Witnesses for the Royal Prerogatives of Jesus Christ; or, The last Speeches and Testimonies of those who have suffered for the Truth in Scotland since the year 1680. Together with an Appendix, containing the Queensferry Paper; Torwood Examination; A Relation concerning Mr R. Cameron, Mr D. Cargill, and Mr H. Hall; and an Account of those who were killed without process of Law, and banished*

stern brevity called it, was not calculated to attract inquirers of a calm and critical nature; and, on the other side, it could always be said, and to some effect, that the martyrology of the Covenant was the exaggerated work of frantic fanatics. Alexander Shields,

to Foreign Lands: with a short View of some of the Oppressive Exactions. 1714.'

'Samson's Riddle; or, A Bunch of Bitter Wormwood, bringing forth a Bundle of Sweet-smelling Myrrh. The First is made up of the sharpe Sufferings of the Lord's Church in Scotland by the hands of barbarous and bloody Persecutors, evident by the exact Copies of the Inditeiments, Sentences, Executions, and disposing of their Members who were executed, to be sett up in the Publick Places of that Land; together with the Forfaultries and Gifts of there Estates to others, extracted out of their own Registers, and here inserted. The Second of the savorie Testimonies of those Sufferers who witnessed a good Confession, patiently enduring through the sight of an invisible God signally supporting them, as appeareth both by there Letters and written Testimonies directed to and left with their Freinds, to be published to the World, as it is here performed.'

'A true and faithful Relation of the Sufferings of the Reverend and Learned Mr Alexander Shields, Minister of the Gospel, written with his own hand. Containing an Account of his Examinations and Imprisonment at London; his being sent down to Scotland; his Examinations before the Privy Council, Justiciary, Lords of the Articles, &c.; his Disputations with the Bishops and others: with large and pertinent Observations and Reflections upon all the material Passages of these Trials, Examinations, and Disputations. Together with a large and elaborate Defence of the Doctrine of Resistance, or defensive Arms, of the Apologetical Declaration, and other Heads of Suffering; as likewise a clear and full Confutation of the Oath of Abjuration. 1715.'

'ΕΠΑΓΩΝΙΣΜΟΙ; or, Earnest Contendings for the Faith. Being the Answers written to Mr Robert Fleming's First and Second Paper of Proposals for Union with the Indulged; the First Paper printed anno 1681. In which Answers, more sound and solid Proposals for a safe and lasting Union are offered, and a solemn Appeal thereanent made. Whereunto some of the Author's Letters relative to the Sins and Duties of the Day are annexed. By that faithful Servant of Jesus Christ, Mr Robert M'Ward, some time Minister of the Gospel in Glasgow. 1723.'

'Naphtali; or, A true and short Deduction of the Wrestlings of the Church of Scotland for the Kingdom of Christ, from the beginning of the Reformation of Religion unto the year 1667. Together with the last Speeches and Testimonies of some who have died for the Truth

the author of the 'Hind let loose,' had been himself a sufferer. He was ready to abjure the regicide doctrines of Renwick and his followers; but his conscience would not permit him to seal his abjuration

since the year 1660. Whereunto also are subjoined a Relation of the Sufferings and Death of Mr Hugh M'Kail, and some Instances of the Sufferings of Galloway and Nithisdale.'

'Faithful Contendings displayed,' the title of which is fully quoted above, p. 529, note.

'Faithful Witness-bearing exemplified: A Collection, containing—1. An Useful Case of Conscience, concerning Association with Idolaters, Infidels, Heretics, Malignants, &c., by Mr Hugh Binning; 2. A Solemn Testimony against Toleration, and the prevailing Errors, Heresies, &c., by the Commissioners of the General Assembly, and by sundry Ministers in the Provinces of Perth and Fife; 3. The History of the Indulgence, by Mr John Brown, some time Minister of the Gospel at Wamphray. To which is prefixed a Preface concerning Association, Toleration, and what is now called Liberty of Conscience.'

But the reader who desires to feast himself amply on the spirit and literature of the period, will betake himself to the work so often cited in these pages—Wodrow's 'History of the Sufferings of the Church of Scotland from the Restoration to the Union.' It deals solely in the part of Scottish history connected with religion for a period of twenty-eight years, and it is longer than Gibbon's 'Decline and Fall of the Roman Empire.' There were many in his own day, and there still are some, to whom the matter of his discourse can never be tedious. In the peaceful days of his Church in Queen Anne's reign Wodrow was minister of Eastwood, near Glasgow, then a quiet forest district, but now noisy with steam and machinery. The chief value of his work to the historical inquirer is in its multitude of documents—some reprinted from rare works, others taken from manuscript authorities. There may be here and there inaccuracies in the rendering of these documents, but, on the whole, they are deserving of reliance; for Wodrow was one of those firm believers in the righteousness of their own cause who are prepared to proclaim rather than to conceal what some might deem its reproaches. He took much from the recitals of the sufferers themselves, among whom he had relations as well as personal friends; but the narratives thus collected must often be mistrusted as those of a man credulous and prejudiced. He was a believer in nearly all the current superstitions of his age. Besides his great work and his biographical collections, he left behind him, though unconsciously, something still more interesting to the curious. This was his note-book of private experiences. It was intended, evidently, merely for the refreshing of his own memory; and he thought, like Samuel Pepys, that he could entirely conceal from a

with an oath, and he was among those committed to the State prison of the Bass.

In what he says about removals to the plantations, this author touches an indefinite, but certainly a fruitful, source of wrong and misery. On the productive lands of the more southerly of the British settlements in the New World, there arose a demand for labour not supplied from voluntary contribution, since the climate was inimical to physical exertion. The great African source of supply had not yet been opened, and wherever man could lay hold on his fellow, there was a temptation to convey so productive a commodity to the new settlements. Not only were "rogues and vagabonds" freely exported under authority, but kidnapping was frequently practised in an assurance of the difficulty of redress to the person who had got into the hands of the planters, and was forcibly retained as an "apprentice." One redeeming feature there seems to have been in this method of persecution, that the Puritan settlers of New England offered an asylum to those victims, who, like the martyrs of the Covenant, were people after their own heart.

Continuing the passage quoted from Shields's book, he brings us to a group of sufferers whose fate stands forth by itself—the prisoners of Dunnottar. While some were transported, "many also died before in their pinching prisons, so thronged that they had neither room to lie nor sit. Particularly the barbarous

prying world some select passages by committing them to a cipher of his own. The 'Analecta,' frequently consulted by the curious, in manuscript, in the Advocates' Library, was printed for the Maitland Club in four volumes quarto, of which it may be simply said that they contain some of the most amusing reading in the English language.

usage of a great multitude of them that were sent to Dunnottar Castle, when there was no room for them in Edinburgh, is never to be forgotten; which the wildest and rudest of savages would have thought shame of. They were all that long way made to travel on foot, men and women, and some of both sexes very infirm and decrepit through age, and several sick, guarded by bands of soldiers. And then put into an old ruinous and rusty house, and shut up under vaults above eighty in a room—men and women—without air, without ease, and without place either to lie or walk, and without any comfort save what they had from heaven.”¹

The removal of these people to the strong fortress of Dunnottar was the effect of a panic in the Government. Disturbed and uncertain as to the effect of Argyle's insurrection, they thought it prudent to sweep away their numerous captives to this strong fortress in the north. From its very strength and extent it gave opportunity for fair treatment to the prisoners; but it cannot be doubted that they were dealt with harshly and oppressively, since the Council found it right to interpose in their behalf. They received a petition from some women appealing on behalf of their husbands, among the prisoners in Dunnottar, who “are in a most lamentable condition, there being a hundred and ten of them in one vault where there is little or no daylight at all, and, contrary to all modesty, men and women promiscuously together, and forty-two more in another room.”² They had been taken to Dunnottar early in May, and before the end of July they were removed to Edin-

¹ Hind let loose, 201.

² Wodrow, iv. 325.

burgh.¹ In finally dealing with them, it would appear that many of them were removed to the plantations.

It was so near to the hour of rescue as the 17th of February 1688, that the last tragedy of "the Killing Time" was witnessed on the streets of Edinburgh. There was hot pursuit after Renwick, the head of the Cameronians and the author of the Apologetic Declaration. He was discovered hiding himself in Edinburgh by some revenue officers in search of smuggled goods, and taken after a stout resistance. The acquisition was not propitious, and the Government were little indebted to the perverse activity of those who had done it this service. All inducements were offered him to spare his own life by some concession; but those who plied him with proffers laboured in vain—the man was stubborn as fate in courting martyrdom, and all the protestations to which he yet adhered made him in a manner the personal enemy of the king. According to the report of his friends, he said upon the scaffold: "I leave my testimony against Popery, Prelacy, Erastianism; against all profanity, and everything contrary to sound doctrine; particularly against all usurpations and encroachments made upon Christ's rights, the Prince

¹ The parish churchyard of Dinnottar contains testimony to the death of nine out of their number during their brief imprisonment. A tombstone contains the names of the nine, "who all died prisoners in Dinnottar Castle, anno 1685, for their adherence to the Word of God and Scotland's Covenanted work of reformation." It was in the act of refreshing this monument that Scott first alighted on his "Old Mortality."

The "Whigs' vault" is or used to be pointed out to visitors. The custodier of the ruins having a free choice, naturally selected for exhibition that one among the many vaulted apartments which had the best attributes of picturesque horror. Of certain narrow clefts in the wall he assured his audience that the hands of the victims were fastened into them with pegs.

of the kings of the earth, who alone must bear the glory of ruling His own kingdom, the Church; and particularly against the absolute power assumed by this usurper, that belongs to no mortal, but is the incommunicable prerogative of Jehovah, and against this toleration flowing from this absolute power.”¹

His testimony was continued by Alexander Shields, who had escaped from his prison in the Bass. He had consented to abjure the ultimate denunciations of the king's title in the apologetical relation; but now persecution had hardened him, and he cast his lot with the “Society men.” We find him, along with those who had thronged around him at a great field-conventicle, hunted by Claverhouse's dragoons just when the seven English bishops were offering their testimony in the Tower.

When the last stumbling-block was removed, the Presbyterian clergy and their flocks had no other choice but to use the freedom given to them, and worship in their own way. In the few months elapsing between the final concession and the change of Government, they showed conspicuously that in the south at least they were the prevailing party. They were gradually resolving themselves into their old distribution of presbyteries and synods; but they were orderly, and abstained from expressive political action. One who undertook to discover how far they would stand by the monarch who had so befriended them, reported “that they owned God had made the king an instrument of showing them some favour; but since they were convinced that what favour was shown them was only with a design to ruin the Pro-

¹ Wodrow, iv. 454.

testant religion, they would meddle no more with him, nor have any communion with any that belonged to him, especially since he employed in the chief offices Papists, or persons Popishly inclined;— and so desired to be excused from giving any further answer but that they would behave in this juncture as God would inspire them.”¹

There was at that period a conspicuous opening towards promotion. This, of course, was the profession of the king’s religion. As it was conspicuous, so it was jealously watched by an inquisitive and critical public. But broad as the gate was, few entered it. Two men, by doing so, rendered themselves notorious and offensive. The one was Drummond, Earl of Perth, the Lord Chancellor; the other, Sir Robert Sibbald, eminent for his services in archæology and natural history. Sibbald was the other’s parasite, and felt the slavery of the observances exacted from him so sorely that he soon threw off the yoke. On the other hand, it is satisfactory to record that the Chancellor vindicated his memory from treachery and selfishness by leading the life of a fanatic in genuine devotion to his adopted Church.

In the limited Parliamentary work of this reign a measure was passed carrying after it a long train of evil influences. It established the strict system of entail peculiar to Scotland; and it was a device to meet, so far as the law of private rights could, the influence of those forfeitures for political offences which were ruining so many families, and uprooting the aristocracy of the country in detail.

The passages already cited will show the temper in

¹ Balcarres’s Account of the Affairs of Scotland, 14.

which the Cameronians received the tolerant policy of the Court; and in fact, both by them and the more zealous Covenanters, who had not drawn off quite so far, the freedom allowed to them was viewed rather with fear than exultation. The Episcopalian party were in little less tribulation, the bishops and other endowed clergy looking to the alternative of apostasy or imprisonment. At a juncture of extreme excitement and anxiety, when Scotland had no government strong enough to act on any emergency, the only symptom of danger was a riot by the Edinburgh mob, in which a few lives were lost, and the Chapel-Royal, with its offensive decorations, was wrecked. So matters stood as Scotland watched the great events in England following on the landing of the Prince of Orange. How the country co-operated with England in the construction of the Revolution Settlement is told elsewhere.

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