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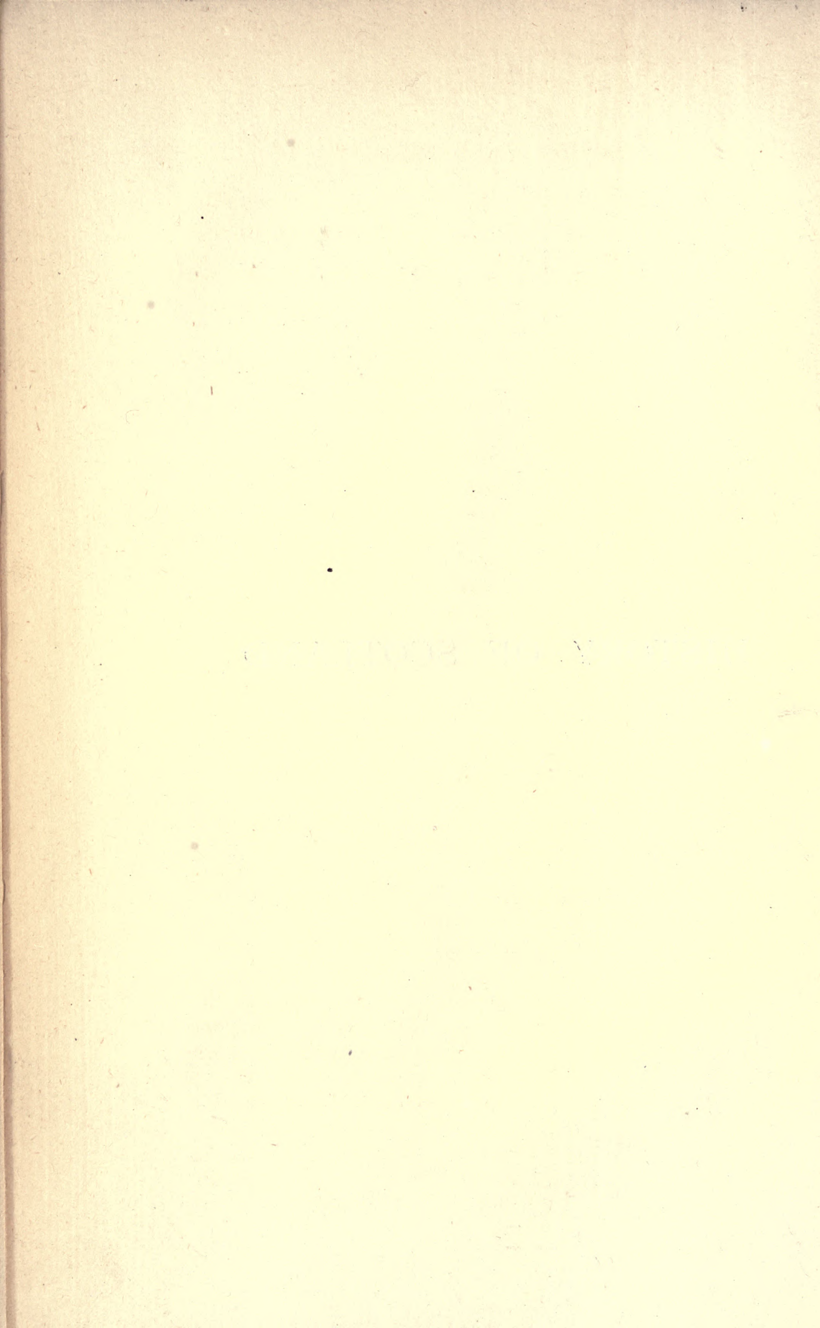
# HISTORY OF SCOTLAND



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THE

# HISTORY OF SCOTLAND

FROM AGRICOLA'S INVASION TO THE
EXTINCTION OF THE LAST
JACOBITE INSURRECTION

BY

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HISTORIOGRAPHER-ROYAL FOR SCOTLAND

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THE

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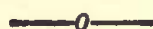

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In the nomenclature of the English statute-book and the old loyal historians, we are now in the first year of the reign of Charles II. But it came to the twelfth year ere that nomenclature was either lawful or safe. The interval was a busy period, but it was unfruitful in such

growth of institutions from germ to maturity as provides the coveted reward of the historical student. There was great organising energy at work, but to have been a legacy bequeathed from that period became in itself a reproach to any institution; and only when the reversal produced distinct loss and suffering did any of the practices associated with the Commonwealth or the Protectorate receive in after-times even a surly toleration.

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 marquisate 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 re-

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[1] See above, chap. lxx.

sponsibilities, 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, 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 when Montrose

[1] State Trials, iv. 1155.

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 hopeless, 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 he believed, as some unwise people told him, that 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 ungraceful 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. It stands on record that he was adjudged "to be brought from the Watergate in 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 thence to be brought to the Parliament House, and there, in the place of delinquents, on his knees to receive his sentence."[1] But if excess of contumely can be neutralised by superfluity of pomp, his path to the place of execution, as a bystander describes it, might have atoned for all: "He was very richly clad in fine scarlet, laid over with rich silver lace, his hat in hand, his golden hat-band, his bands and cuffs exceeding rich, his delicate white gloves on his hands, his stockings of incarnate silk, and his shoes with their ribbons on his feet, and sarks provided for him with pearling about, above ten pounds the ell. All these were provided for him by his friends, and ane pretty cassock put on upon him upon the scaffold, wherein he was hanged."[2]

We have official acknowledgment of another and more

[1] Balfour, iv. 11.

[2] Nicoll's Diary, 13.

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 Guthry, 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, 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."[2]

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

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

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

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 the judgment ordaining it. Having been brought, as we have seen, to the place of delinquents, his sentence was, "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]

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[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

On the 17th of March certain commissioners had sailed from Kirkcaldy 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. The communicative Baillie tells how they landed at Rotterdam on the 22d of March, reaching Delft next day, being Friday. There they remained until Monday, that they might keep one day of humiliation "for making our brief addresses to God, as also because of our information from some of our friends who met us at the Delph, that his majesty would be taken up with his Easter devotions till Tuesday following."[2]

A miscellaneous body of sympathisers and supporters naturally crowded about the young prince—Cavaliers from

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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.

[1] Baillie's Letters, iii. 75.

[2] Ibid., iii. 87.

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 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 tragic 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 report rendered by the commissioners and preserved in the records of the Estates is a long complicated document, and by elucidations and explanations its substance might be stretched into a still longer narrative.[3] There was, however, a certain unity of purpose through the whole, showing that the royal policy was guided by some sagacious head among the motley crew of courtiers.

[1] Baillie's Letters, iii. 85. [2] Ibid., 87.

[3] "Report made to the Estates of Parliament of the Kingdom of Scotland, by their Commissioners after their return from the King's Majesty out of Holland;" Acts. vi. 461 *et seq.*—revised edition, p. 727 *et seq.*

It was naturally held as a conclusive rule that at so awful a juncture nothing must be conceded to a body of Scots country gentlemen, clergy, and burgesses, that should prejudge the future policy of the heir to the British empire. Holding this in view, it was yet politic that the proffers of the deputation should be entertained, and that the men should be kept in good-humour. To accomplish this, reliance was sagaciously placed on the spirit of discursiveness, admonition, and dogmatism prevalent in their class. They were invited to express themselves at full length, and when they came to a stop, instead of a rebuff there was an invitation still to enlarge. "Is that all you have to say" was the spirit of each answer, and it was sometimes accompanied by a subtle invidious touch, directed to the rousing of the discursive spirit. When this had gone on for a satisfactory period there came at last, "His majesty's answer more expressly relating to the propositions." It was an utterance that seemed not unbecomingly choked, as it were, by the grief and indignation of a son demanding that the faithful should show their fidelity in avenging his father's death. With details it dealt favourably but lightly. Much was said for the Covenant and the true religion, but it was as a purely Scots affair—if he were to engage for England and Ireland in the matter, he would be promising to them what he might not be able to perform. There should be free Parliaments and free Assemblies in the ancient kingdom. But here his advisers, deserting for a moment the negative policy, became distinct, and gave cause for potent denunciation. He would confirm all acts of the Estates that had been consented to by his father, "being personally present in Parliament, or by his commissioners lawfully authorised by him." Here was the statute-book of the Covenanting Parliament to be swept of its most precious contents. This called forth what is perhaps the most distinct announcement in any state paper, that the royal assent was unnecessary to the passing of a Scots Act of Parliament. Then as to the treating of the Covenant as a mere Scots affair, the commissioners find it would be dangerous to speak their mind, and yet they do

speak it. "Were it not to make the gap wider, we would particularly show that your majesty's answer is so far from containing satisfaction to our desires, that it drives at the subversion of them all, and the dissolving of that solemn Covenant which for the good of religion, the honour and happiness of the king, and the peace and safety of his kingdoms, was sworn and subscribed before the most high God, by your majesty's good subjects of both kingdoms, from which they will not depart, nor suffer themselves to be withdrawn by any trouble or difficulty they may meet with."

A demand of a separate and specific character was made by the commissioners, in obedience to a supplementary instruction sent after them by their constituents. It was the removing from his presence and councils of "James Graham as a person excommunicate by the Church and forefaulted by the Parliament of Scotland." They demanded further an answer to the question whether James Graham at that time held a commission to levy forces for his majesty. They received no "satisfaction" anent either point, but events gave them an answer sufficiently emphatic. In fact, 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, alighting in Paris and the Channel Islands, it settled down at Breda, where the prince was again in a position to hear terms by the Government of Scotland.

A new commission was appointed to confer with him. There were representatives of the clergy as in the other; but there was an increase of dignity on the lay side, where besides the Earl of Cassilis there was the Earl of Loudon as Secretary of State, along with Brodie of that Ilk, and the Laird of Liberton, representing the Barons.[1]

One of the representatives of the clergy, the Reverend John Livingston, a man not less earnest than his brethren, but not quite so sanguine, had his misgivings about the certainty of knowing by outward signs whether they would

[1] Balfour's Annals, Works, iv. 6.

be in possession, after all, of a really Covenanted king. "When I looked," he said, "upon the whole business, the terms whereupon the king was to be admitted to his government, upon his barely subscribing and swearing some words without any evidence that it was done from the heart, I suspected it might prove a design for promoting a malignant interest to the prejudice of the work of God." Then there was an unpleasant incident at the beginning. It was known that the prince "was to communicate kneeling." In the words of one of them, "we that were commissioners from the Church prepared ane paper, and by speech showed the sin of so doing, and provocation against God to procure the blasting of all his designs, and what inconveniency it might bring on his business and confirmation to all his enemies, and what scandal to such as were honest, and how it was against that which he had granted in his concessions, and would confirm some to think he was but dallying with God and with us." They left him "to think upon it till after supper," but found him resolute in his design.[1]

But for all the forebodings raised by so inauspicious an opening, this mission was to be at once successful. Conditions had so changed since the mission to the Hague, that there was no question about the prince committing himself to an absolute policy as heir to the British empire. His object was, in military phrase, to establish a base of operations in Scotland, and then seize such happy chances as political convulsions might throw up at his feet. The propositions were as distinct and absolute as ever. Diplomacy, in the usual acceptation of the term, there 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 forth in the hardest and least ambiguous words their rigid terms, there was set down, "His majesty doth consent to this whole proposition *in terminis*."[2] He was at the same time hounding Montrose out on his ex-

[1] Select Biographies—Wodrow Society, i. 170 *et seq.*
[2] Thurloe's State Papers, i. 147.

pedition, 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."[1] 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."[2] 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 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

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[1] Clarendon's State Papers. [2] Sir Edward Walker's Journal, 159.

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 mean time, 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;

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[1] Walker, 165.

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 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 smite 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 divergence 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 hosts of all dangerous elements. They had already got rid of a few thousand soldiers whose faith was doubtful. But they were still in sore perplexity touching the young man Charles Stewart, as not knowing what might be the influence on themselves 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

[1] Walker, 163.

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 accomplishment 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

[1] Walker, 167, 168.

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 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 objurgations 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

[1] Walker, 172. [2] Ibid., 175. [3] Ibid., 178.

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 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 still far away from completeness.

Cromwell's men were united in a zealous purpose, as that army had been which Leslie carried across the Tweed ten years earlier. The long contest had worn that army

[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.

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.

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

[1] Walker, 162-164.

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 seaside to revictual, the enemy being drawn up upon the hill near

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[1] Carlyle, ii. 164, 165.

Arthur Seat, looking upon us but not attempting anything."[1]

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 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

[1] Ibid., 176.

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]

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[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 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;

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 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

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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. There was a question whether he should be permitted, as he much desired, to retire from his command. "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 Brocksmouth 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 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.

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:—

"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,

[1] Copied from the original in the Lothian Papers through the courtesy of the Marquis of Lothian.

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 was 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

[1] Carlyle, ii. 191, 192.

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, 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 language. 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. They were now not merely to know that this was a principle with the sectaries, but their ears and eyes were to experience it in many forms of odious obtrusiveness. General Lambert, who had to do the offensive work that must always fall to an army of occupation, in dictating to the judicial and municipal authorities, must needs take the lead among the clerical soldiers of the land also, and select for himself the most commanding and popular pulpit in Edinburgh. In the words of a bystander, "General Lambert having urged the town of Edinburgh's common council to appropriate to him the East Kirk of Edinburgh, being the special kirk and best in the town for his exercise at sermon, the same was rendered to him for that use; wherein there was divers and sundry sermons preached, as well by captains, and lieutenants, and troopers of his army, as by ordinary pastors and English ministers; whilst captains, commanders, and troopers, when they entered the pulpits, did not observe our Scots forms, but when they ascended they entered the pulpits with their swords hung at their sides, and some carrying pistols up with them; and after their entry laid aside within the pulpit their swords till they ended their sermons."[2]

When these sad irregularities were brought to Cromwell's notice, he was anything but apologetic. He found, in-

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[1] Carlyle, ii. 168, 169.

[2] Nicoll's Diary, 68, 69.

deed, that an opportunity was given him to rate 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 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

[1] Carlyle, ii. 211. [2] Ibid., 205.

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 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 sectary. 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 sojours 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 of Atholl, desolate as a truant schoolboy who has run from his home without forecasting

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[1] Carlyle, ii. 207.

[2] Letters, iii. 129. Of Mr Zachary, see in the preceding chapter.

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]

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,

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[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 repentance for ancestral sins. He was supposed to be the grandson of George Douglas and Queen Mary—a sequel to the scandal referred to in another part of this history. 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.

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 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."[2]

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

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[1] Walker, 183. [2] Carlyle, ii. 206

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 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

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

God on the land, did put such men on it as he liked best, and by them the framing of the draft 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."[1]

The "Causes of The Lord's wrath" became a celebrated 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 parties to resolutions for admission to public office, civil or military, of those who had been excluded by 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.

The question had to be disposed of at meetings of the Estates held at Perth, and attended by the king. It was held in the midst of so much angry disputation among assemblies, lay and clerical, all around, that it is difficult in the midst of the general storm to distinguish the voice of the Estates in Parliament from the many other voices in loud debate, wherein, as Baillie says, "the gentlemen did storm, and the ministers much more."[2] So the Estates, much to the indignation of these clerical coadjutors, uttered this hesitating and uncertain sound at the policy of the resolutions. "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 king-

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[1] Letters, iii. 115. [2] Ibid., iii. 123.

dom, 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 armies. Some were of opinion that the Acts of Church and State were unjust and for particular 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 ane 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

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[1] Act. Parl. (Old Record Ed.), vi. 555.

feared should have divided 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]

And it was not only that the wildest passions of fanaticism and obstinacy were at work—there were dark suspicions that some who professed to follow such ungovernable impulses were calculating treacherous men, doing the work of the enemy. Some were, like the mighty leader himself, problems to the observer, opening up the critical questions—were they in reality the fanatics they professed to be, or were they brazen hypocrites? Did they partake in some inexplicable way of the qualities of both? Then there were some who were partaking in the sectarianism of the English—having grown, as it were, out of "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."

Upon these intricate, confused memorials, poured into the sympathising ear of the friend on the other side of the Channel, there comes distinctness, with a touch of eloquence, when the writer sums up the calamities brought upon the land. "It cannot be denied

[1] Letters, &c., iii. 126.

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]

We see that had the western representatives been present in the Estates, even the timid approval of the policy of the "Resolutioners" would have been outvoted. These western people drew apart and uttered their own testimony in a "remonstrance." As with many of the other testimonies 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 Resolutioners. 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.[2] 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 persecu-

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[1] Baillie to Spang, Letters, &c., iii. 127, 128.

[2] "The humble Remonstrance of the Gentlemen, Commanders, and Ministers attending the Forces in the West;" Peterkin, 604.

tion. 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 commemorated as friend nor as 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]

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[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 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

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[1] Analecta, ii. 86.

artillery, and between them and the enemy was the rapid Severn. Nowhere else in the neighbouring low country was there a post so defensible. The king and his attendants saw from the cathedral tower 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 the 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 heavily 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]

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[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 till the third day, when a child was seen in a lane called the Thester Row sucking 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 Whitelock, Clarendon, Baillie, or Baker, however, Ludlow's is not the only testimony to the charge. Nicoll, with an odd brevity, when we consider the weight of the accusation he makes, says,—"The enemy coming in furiously upon the people, puts all that were found outwith doors to the sword, both men and women."—p. 58. The story is told by Sir James Balfour, the Lord Lyon, thus: "Monk commanded all, of whatsomever 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.

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. A body of men—some forty in number—still calling themselves "The Committee of Estates," were assembled in the small town of Alyth, about fifteen miles north-westward of Dundee. This place was probably chosen as defensible, for it stands on one of the steep slopes of the Grampians, overlooking the low country northward of the Tay. There we may still see houses probably then existing perched high up, and approachable by steep winding lanes. If the Committee had reliance on the natural strength of their position, they seem to have neglected the necessary precautions, for they were surprised by a body of five hundred horse, under Colonel Aldrich, who seized them all apparently without opposition. Such an incident is all the more strange that one of the party was the elder Leslie, Earl of Leven, the "Dear Sandy" who had led the Covenanting army into England. It was noticed that in the force sent to seize them there were Scotsmen who knew the ways through the mountains, and served as guides. The valuable captives, so adroitly obtained, were, by Monk's order, shipped off to London that they might be out of the way of mischief.[1] Such was, in the eyes of the contemporary world, the humiliating end of that proud and powerful body, "the Estates of the Realm;" and, indeed, they never recovered the old independent power until the time when, again assembled "in convention," they treated with William of Orange.

It appears that when summoned to surrender, Lumsden,

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[1] Nicoll's Diary, 57. The diarist gives the names of the "persons taken at this committee," twenty-eight in all, including eight ministers. These, we may presume, were about as amply the representatives of the Church as the others were of the Estates. Among the clergy were two whose names will afterwards appear—Robert Douglas and James Sharp. The laymen were all set free before the end of the year 1652, but we are told that the ministers were "put to liberty in the month of December 1652, but upon some sinister information were immediately recalled and committed to prison of new."—Nicoll's Diary, 103.

the governor of Dundee, 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]

This was the last blow in Scotland to those who, whether

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[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 seemed strange that in a community wealthy and reputed to be liberal, no effort was made to restore this fine building to something like its original glory; but a worthy effort to that end has effectually removed the reproach.

[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. As to the amount of plunder, "It is reported by credible men who were in the town at the time, that that English army had gotten above twa hundred thousand pounds sterling, partly of ready gold, silver and silver wark, jewels, rings, merchandise and merchant wares, and other precious things, belonging to the town of Edinburgh, by and beside all that belonged to the town and other people of the country, wha had sent in their goods for safety to that town."—Nicoll's Diary, 58.

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 sternness of the rule now prevalent, both in the discipline of the foreign army and the suppression of offence and disorder among the people, was the occasion of much wonder, not unmixed with a certain admiration. It attuned itself to the character of the class predominant in Scotland. The reign of righteousness—the suppression of all vices and irregularities, had been preached and pursued since the days of Knox. But it was little more than preaching, and pursuing without overtaking. The letter of the law and the practice of the ecclesiastical courts were intolerant enough of everything that offended the highest tone of Puritanism; but it was only occasionally and in some political convulsion that a blow could be struck against any one who was powerful himself or had a powerful protector. But now there was thorough practice as well as precept towards all, and the Scots saw the army of invaders subjected to a rigour of restraintive discipline, such as their own soldiers had never known.[2]

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[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.

[2] "The English orders and government in their armies were much

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 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

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to be observed and followed, for their faults and offences were severely punished, being tried and proven after that the complaints of the sufferers were heard." "Upon the 27th of September 1650, by order of the General Cromwell and his council of war, there was three of his own sodgers scourged by the provost-marshall's men, from the stone chop to the Nether Bow and back again from thence to the stone chop, every one of them severally for plundering of houses within the town at their own hands without direction of their commanders; and another sodger made to ride the meir at the cross of Edinburgh with ane pint stoup about his neck, his hands bound behind his back, and muskets hung at his feet for twa hours, for being drunk."—Nicoll's Diary, 33.

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 members 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 if held by persons not implicated in the cause of forfeiture.[1]

In January 1652, Oliver, St John, Harry Vane, and three others, joined Monk and Lambert as "Commissioners of the Parliament of the Commonwealth of England for ordering and managing of the affairs of Scotland." They resided in moderate official state at Dalkeith Castle. On the 4th of February they uttered a solemn proclamation at the market-cross: it was put in temperate and sedate terms, and merely announced that the country having been in confusion, they were to exercise the power possessed by the Parliament of the Commonwealth in restoring order, by the establishment of courts of law and other necessary institutions.[2]

There was one man in Scotland so powerful that he

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[1] Declarations, Orders, and Ordinances, ii. 231.

[2] Nicoll's Diary, 79. "The cross being hung with rich tapestry, and aucht trumpeters thereon sounding with silver trumpets three several times before the proclamation, and another crying three oyesses before the same."

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.[1] 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 Marquis 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 "the utmost of his endeavours" that in this his vassals and followers shall act after 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.[2] The significance of this paper is in

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[1] "Letters that the Lord Argyle had called a 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.'"—Whitelocke, 489. A correspondent of what was then "The London Press," writing from Dundee on the 7th of November 1651, says: "The hint which you had last week of the Marquis of Argyle's calling a Parliament, is now particularly confirmed, that it is summoned by him and two others of the Committee of States, to be held at Killum in Loughead [Kilmun at the head of the Holy Loch?] about 36 miles hence in the Highlands, upon the 12th of this instant; that it was lately proclaimed at Killum, with a declaration that though it could not by reason of the enemy be proclaimed at Edinburgh Cross as formerly, yet it should be as effectual to all intents and purposes."—Mercurius Politicus, No. 76.

[2] Articles of Agreement, &c.; Kirkton, 105, n.

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 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 called; and he

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[1] Letters, &c., iii. 225, 226.

[2] For some notices of Lockhart the author refers to his book called 'The Scot Abroad,' ii. 230.

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 1657, James Dalrymple, better known as Lord Stair—the greatest Scots lawyer of his day—became a member of the commission.[1]

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 over. The commissioners 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 Scots 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.[2] This court had to deal

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[1] Memoir of Sir James Dalrymple, first Viscount Stair, by Æ. J. G. Mackay, p. 62.

[2] 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 burgess of Edinburgh, against the tenants of Redcastle and the Laird of Ruthven. *Excepted* that there could be no declarator because the horning 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 hornings whereupon gifts of escheat are purchased ought to be used

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 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

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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.

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 inadequate, whether measured by population or by 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.

The acceptance of Scotland as a partner in the trade and diplomatic privileges of England was among Englishmen one of the causes of offence that hastened the Commonwealth Government to an end. We shall find it for

[1] Bruce, Appendix No. xxvii. p. cciii.

a long period a fixed and stubborn bigotry in English trading philosophy, that such a participation with Scotland was the pillaging of Englishmen to enrich Scotsmen.[1] It was a creed that to the last was never abandoned, until it became forgotten after the force of events had driven them to the sacrifice, and they found that after all they were none the poorer after a union with Scotland, even though the Scots became richer.

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 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

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[1] An English exposer of the abuses of the day, says: "What equality or justice is there in that act of Union, whereby the Scots nation comes to be incorporated with this nation, so as to have equal privileges and power, by their interested mercenary men (as these present trustees are), to become lawgivers, framers of governments and oaths, and leviers of taxes of the free people of the English nation, who were lately at so great cost and charges in reducing and bringing them under, that they might not be in a capacity to hurt or damage them? And whether these gentlemen sent from the aforesaid nation have not so overruled as to save themselves by putting the burthen on the English?" "Doth not the English lose and suffer by that nation, and were not better to be without it?"—A narrative of the late Parliament (so called)—their election and appearing—the seclusion of a great part of them—the sitting of the rest, anno 1657, p. 20.

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 a 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 collection 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 forti-

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[1] Printed and presented to the Bannatyne Club by John Archibald Murray, afterwards Lord Murray, in 1825.

fication 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, Kirkcaldy, 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

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[1] Page 25.

is a great fishing yearly in the western sea, for which they return salt, paper, rosin, and prunes; some to Norway for 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 adventurers 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 quali-

[1] Page 38.

fied 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 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." [2]

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

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[1] Page 12. [2] Page 13.

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 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

[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.

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 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, such a conclusive extinction of its vestiges is in the present year, 1873, under Parliamentary discussion.

As we find in recent projects, so in that of the Protectorate, there was provision for everything that could be deemed a vested interest, if it were in a shape to

[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, stewartry, 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, non-entries, 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. ccx.

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 became 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 Zeruiah," meaning the common lawyers, were too strong for him.[2]

Some who have looked into the details of the Protectorate Government with preconceived ideas, have been less surprised by such acts of material utility than by the discovery that it was a flourishing time for the universities. There was not much interference either towards deterioration or advancement with their internal management, but they were endowed with unusual affluence out of the funds let loose by the changes of the times. These were chiefly from the still unappropriated estates of the bishoprics and the old religious houses, and there were, where these seem not to have sufficed, grants from the revenue. Several ordinances "for the better support of the universities of Scotland," had a preamble in the following terms belonging to one dated on 8th August 1654: "His Highness the Lord Protector, taking into con-

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[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 encumbrance. This word 'encumbrance' was so managed by the lawyers that it took up three months' time before it could be ascertained by the committee."—Vol. i. 370.

sideration the great advantage that may redound to the people of this commonwealth inhabiting in Scotland, that the universities there should receive both countenance and encouragement, and be provided for with competent maintenance for the members of the said universities, for the better training up of youth in piety and good literature, doth ordain," &c.[1] In 1652, nine commissioners, with General Deane at their head, were appointed for the visitation of the universities.[2] The chief organic change, however, made among them, was in the union of the two universities at Aberdeen into "the University of Aberdeen," with two colleges. It was recommended that in the selection of the professors "respect be had to the choice of the more sober and godly part of the people, although the same should not prove to be the greater part."[3]

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 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:—

[1] Munimenta almæ Universitatis Glasgowensis, i. 319.
[2] Scots Acts, revised Record edition, vi. 810.
[3] Ibid., 831.

"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.

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[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.

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 a clear arena was opened for it. 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 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

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[1] Principal Lee's Lectures on the Church of Scotland, ii. 376.
[2] Letters, ii. 371.

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] —to "agent" being to further or promote.

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 Cuningham, Lord Glencairn, applied to the

[1] Letters, &c., iii. 393. A strangely-sounding Remonstrance was sent from Scotland to Protector Richard Cromwell, by Monk, on the decay of vital godliness. He says: "We have almost lost religion amongst us, which is crumbled into dust by separation and divisions, and we are become the scorn of our enemies and the grief of our friends." He recommends to Richard that "before or at the same instant as" he summons a Parliament he should "call together an assembly of godly divines to agree upon some way of unity and accommodation, that we may have unity in things necessary, liberty in things unnecessary, and charity in all." He suggests the names of some that should be called, but there is no Scots name among them. It is dated 15th September 1658, and printed in the documents appended to the revised Record edition of the "Rescinded" Scots Acts.

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.

Glencairn 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 concerted 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]

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[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.

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 had been excommunicated, and did 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 pursue 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

[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.

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 expedition, "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 he 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]

[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 Dunnottar Castle, not daring to trust to the foolish fortifications they had begun about Aberdeen. 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

Middleton, tired of such work, returned to the exiled Court. Hence Glencairn had to finish the project 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 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

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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.

"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 interest in this affair. The Lord Lorn, the son of the Marquis 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.[3]

It would seem that the boastful hopes of the Royalists were so far echoed in the apprehensions of the Govern-

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[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, 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).

[3] 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.

ment, that the army in Scotland was raised to eighteen thousand men. 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 intervals 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 over land 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

[1] Frank's Northern Memoirs, 202. [2] Ibid., 199.

it to the sympathies of an age in which it would otherwise be forgotten. Yet so far had Scotland, as represented in the capital, re-united itself to the Protectorate, that some progress was made for raising a colossal stone statue of Cromwell in the centre of Edinburgh, on the site, it has been supposed, afterwards occupied by a well-known equestrian statue of Charles II. A block of stone intended for the purpose, rough hewn, was unshipped at Leith; but ere the sculptor, whoever he was to be, had done his part, the news of Oliver's death reached Edinburgh. This opened new prospects, and it was natural that those concerned should wait on the progress of events before they completed their project, and it never was completed.[1]

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 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.

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[1] Wilson, 'Memorials of Edinburgh,' 98. Dr Wilson tells us that the rough-hewn block "lay neglected on the sands of Leith, though all along known by the title of Oliver Cromwell, till, in November 1788, Mr Walter Ross, the well-known antiquary, had it removed with no little difficulty to the ground where Ann Stieet now stands, nearly opposite St Bernard's Well. The block was about eight feet high, intended apparently for the upper half of the figure. The workmen of the quarry had prepared it for the chisel of the statuary, by giving it with the hammer the shape of a monstrous mummy; and there stood the Protector, like a giant in his shroud, frowning upon the city, until after the death of Mr Ross his curious collection of antiquities was scattered, and the ground feued for building."

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 — ALEXANDER HUME — DRUMMOND — SIR ROBERT AYTON — 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]

The great impulse to literature and learning accompanying the Reformation had not yet expired, though in

[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 stormy atmosphere it had lived in for fifty years it was evidently dwindling towards extinction. Yet even among the men foremost in the acrid discussions that have passed before us, 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 Broun, commonly known as "Broun 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 below—William Spang—pro-

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[1] It is pleasant to find Baillie, in the hour 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 bewildered 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.

vided 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, John Row, and George Gillespie, the "hammer of the Malignants."[2] There was eminent over all 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

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[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 eye-witness 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 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.

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 Forbeses of Aberdeen, Patrick the Bishop, and his son John, who succeeded him as laird of Corse. He wrote many solid works on religious and ecclesiastical matters, acceptable to the ecclesiastical critics of Holland, where an edition of his collected works was published after his death. 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 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

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[1] For notices of the learned Scots who became distinguished on the Continent the author refers to his 'Scot Abroad,' vol. ii.

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. To 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 calls up incidents and scenes of local interest,—as where he commemorates the tragedy of the burning of Frendraught, 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 Scots 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 Scots 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 although the versification is free of

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[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 present 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 drawes 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 corns 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 routing 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.

many contemporary trammels of art, and is often devoted to the description of natural objects, yet there is a certain 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 perhaps make this

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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.

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 cecile 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 purpour 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.

characteristic more distinct to say, that when we accompany a Scots 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 Scots 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 contemplations as he is awaiting the final rope. He is ruminating on the old scenes dear to his heart—the fair straths and fruitful carses 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]

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 addicted, 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

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[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 fair flower have I frae you tane.
Farewell, Strathbran, and have remembrance
  That thou wilt never mair see Duncan again.
Atholl, Strathtay, of my death be fain;
  For ofttimes I took your readiest gear,
  Therefore for me see ye greet not ane tear.
Farewell, Strathern, most comely for to knaw,
  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 beforn
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.
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 Innes's 'Sketches of Early Scotch History,' 355.

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 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]

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[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
> Securely 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 scorning 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."

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 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 Scots 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.

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Such passages are in antithesis to the character of Alexander, as drawn by a contemporary and fellow-countryman eccentric in his genius: "It did not satisfy his ambition to have a laurel from the muses, and be esteemed a king among poets, but he must be king of some new-found-land; and, like another Alexander indeed, searching after new worlds, have the sovereignty of Nova Scotia. He was born a poet, and aimed to be a king; therefore would he have his royal title from King James, who was born a king, and aimed to be a poet. Had he stopped there it had been well; but the flame of his honour must have some oil wherewith to nourish it; like another King Arthur, he must have his knights, though nothing limited to so small a number."—'**Εκσκυβαλαυρον**, or the discovery of a most exquisite jewel more precious than diamonds inchased in gold, the like whereof was never seen in any age, found in the kennel of Worcester streets the day after the fight, and six before the annual æquinox 1651,' by Sir Thomas Urquhart of Cromarty. In an account of Scots literature, where discursiveness can be afforded, Sir Thomas Urquhart might hold a brilliant place, but he is far too wayward and picturesque to get his due in a mere summary. British literature received from him one signal service in the accepted translation of Rabelais.

From the structure of the versification and language we may carry the bulk of these popular poems 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

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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.

the whole, was within the licence of his craft.[1] There is no doubt that in editing the 'Minstrelsy 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 Scots ballad lore was in these attractive volumes, prophetically announced that they contained "the elements of a hundred historical romances."

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[1] 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?"

—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 threeds 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."

The Scots ballad minstrelsy, indeed, ranges over and engrosses every element of poetry except the religious or devout. That had its own minstrelsy in the vocal psalmody for public worship. The great cause of the Covenant had many heroic acts, but few minstrels. The only tolerable ballads belonging to it are "Loudoun 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 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]

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[1] Take, in young Tamlane, the changeling brought up in fairyland, 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 :—

> "'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,
> Take haly water in your hand,
> And cast a compass roun'.'
>
> And how shall I ken thee, Tamlane?
> And how shall I thee knaw,

In Scotland, and perhaps it is the same all over the 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

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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 eldrich 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;
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 locks 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 of Binnourie.

people, who altered it to their 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 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 abso-

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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 hound, and his lady fair.

His hound 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

O ye'll sit on his white hause bane,
And I'll pike out his bonnie blue een;
Wi' ae lock o' his yellow hair
We'll theek our nest when it grows bare.

Mony a ane 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.'"

lutely 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]

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[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." 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 o'er.'
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.

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 a fine tone of sentiment in national song, they would not 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

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[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."

been applied. But we may at least say that the Scots school has done the duty of national music in stirring the heart of the people, and bringing a soothing and elevating 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 endurable 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 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."[2]

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[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."

[2] Works, Wharton's edition, iii. 27.

Much conjectural matter has been written about the origin of Scots 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 was, at least, as old 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. He pronounced the tunes so preserved from a remote period to be in the purity of their music a favourable contrast, both to the traditional versions of the same tunes preserved among the common people, and to the ambitious efforts to render these traditional versions acceptable by modern scientific improvements.[1]

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[1] "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."—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 Dauney, 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 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?

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 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 burden 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]

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 justly coupled with his name as its inventor.

Scotland owned in the seventeenth century another discoverer still less fortunate — George Dalgarno. Of

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[1] Memoirs of Napier of Merchiston by Mark Napier, 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 tablets called "Napier's bones," or "rods," do not contain logarithmic tables, but adjustments for facilitating multiplication and division.

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. But Dalgarno's other discovery—the method of teaching the deaf to read and speak—was eminently practical.[2]

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."[3]

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[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.*'

[2] '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.'

[3] Philosophy, cited introduction to Dalgarno, p. vii.

Dalgarno adorns his ideas with some touches of quaint eloquence:

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 Jameson. 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 Jameson 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 that wonderful gradation of light and shade, of aerial perspective, which makes

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"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 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 Aulology; 2d, of seeing, by both species of Schematology—to wit, Typology and Dactylology; 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.

the human figure stand forth so clear from all the rest in Vandyke's portraits. Jameson 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 but in the head itself. His most abundant employer 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 Dallaway'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 Jameson 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 premature 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 Scots 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

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[1] There are two entries in the great lawyer's diary: "20 Julii 1638, Fryday.—This day William Jamesoun, painter (at the ernest desire of my son Alexander), was sufferit to draw my pictur. 27 Julii 1638. —Item, a second draught by William Jamesom." 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.

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 beautifulest 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 medieval art. It is a piece of cold mimicry, like the work of the cabinetmaker rather than of the architect. The

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[1] The author's Life, prefixed to 'History of the Church and State of Scotland.'

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 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 modification of this style. The architect of this curious and original work 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]

[1] This building is attributed traditionally to Inigo Jones, and by a circular reasoning it is said to be his because it is in the style of the Palace of Frederiksburg in Denmark, which was designed by Jones; while from the other side it is said that the Danish palace declares itself to be the work of Jones because it is in the style of Heriot's Hospital, well known and admitted to be one of the works of Inigo

Some of these turreted mansions are decorated with sculpture, chiefly in pargeted ceilings. But nothing national is commemorated in these works. The medallioned heads represent, not the worthies of Scotland, but King 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.

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Jones. The architect was a Scotsman named William Aytoun, whose portrait hangs in the building. He was master of an art in high esteem in his day—that of caligraphy or decorated penmanship. He exercised this art in writing out illuminated copies of the Confession of Faith, some of which still exist.

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 forestairs. 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 Scots 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 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.

[1] Gordon of Rothiemay's description of Aberdeen, 9.

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. 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 storeys 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, their 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 have 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 face 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 starcht 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,

[1] Brereton's Travels, 101-103.

like the Highlanders and the Irish. There were brighter varieties here and there, giving the hope 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 sea-weed 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 Kennedys, 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 beer 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 conceived 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 rock." 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 the fairest and stateliest in Scotland, for the tollboothe 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 toleboothe, 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 tolebooth 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]

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." [2]

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

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[1] Brereton's Travels, 114, 115. [2] Ibid., 117.

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 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 dye."[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 some-

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[1] Northern Memoirs, 104-107.

times 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 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 1650, 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]

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[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 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,

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, Ffam 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 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

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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 abounding while we are under the Lord's afflicting hand."—Selections from the Minutes of the Synod of Fife, 168-175.

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 Scots 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 experiment 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. 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 es-

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[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 were 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). We shall find that 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 measure.

tablish 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 the old 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 glistering 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 de-

sire 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 admission 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.

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[1] Bannatyne's Memorials, 53 *et seq.*

# 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—ORDINATIONS AND CONSECRATIONS IN WESTMINSTER ABBEY—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 Restoration" belongs to 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 so depressed. Towards the middle of dinner his majesty's health begun by the Lord Commis-

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 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 reli-

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sioner, a sign given from the terrace, the cannons 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 busier 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 Bachus, and under a large wine-tree of swelling and bushy clusters did that same god of frolics bestride a hogshead of the most gracious claret. He was accompanied with his uncle Silenus and some half-a-score of most lovely and wanton Bachides; this same grave and spungy 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.

gious 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 Scots 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 the 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 re-

[1] Act 12, ch. ii. ch. 18.

strictive 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 with England was worth the trade with 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 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. This supplication resolved itself into something more like a demand than

those of twenty years earlier. The supplicants 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 approven 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 corruptions which were formerly cast 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 invocation: "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 antechambers 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 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 schismatics from their own centre of truth. If their existence might be likened to physical

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[1] "The Ministers' [designed] Supplication" will be found in full in Wodrow, i. 68 *et seq.*

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 with 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 times 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 seats." [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, 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 again 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

[1] Kirkton, 132.

rather than the Covenant: "He knew well bishops would never be 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 adjusted in the curious disputes which we have seen in King James's 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.[2] 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

[1] Kirkton, 131, 132.

[2] Wodrow, i. 235.

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 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.

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[1] Wodrow, i. 5.

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 in 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: "Presbyterian 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 accessary 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 disgustful employment and successless; for although the 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 impetuousness 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 exonered 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 it is considered how jealous an 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 to Douglas, "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 dis-

turbing 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 his hint: "If the accounts here of expressions ministers 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 Archbishop of St Andrews and virtually Primate of Scotland. 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]

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

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[1] Wodrow, i. 228. Douglas is the minister formerly mentioned as the reputed grandson of Queen Mary. Wodrow preserved for his own 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 Tulidaff—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 councillor 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 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.

and good carriage of its ministers. The letter intimated the royal resolution "to discountenance profanity 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, 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

[1] Wodrow, i. 80.

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 laid upon him by his sovereign. 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, the statesman 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, Sharp 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 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

[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.

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]

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

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[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 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.

destroyed, as part of the plan for obliterating the traditions of Scots 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; the sword and sceptre seemed to have made a sort of distaff for a mass of lint which, like a thrifty Scots 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, all true Scotsmen 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

[1] Papers relative to the Regalia of Scotland, Bannatyne Club, 1829.

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 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 an accomplished 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

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[1] Douglas, by Wood, ii. 231.

[2] Act rescinding and annulling the pretended Parliaments in the years 1640, 1641, &c.

legislation, in which the Acts affecting the large questions in civil and ecclesiastical 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.

This 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

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[1] Baillie's Letters, iii. 586.

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."[1] 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 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

[1] Act. Parl., vii. 88.

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 disposing 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

[1] Letter from original in British Museum; Trans. Ant. Soc. Scot., iii. 104.

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 ane 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.[1]

The hierarchy was brought into existence before the Act for the restoration of Episcopacy was passed. None of the old bishops were alive to communicate or assist in communicating the canonical succession, so that it was necessary to take the first consecrations from the Church of England. In Westminster Abbey, on the 15th of December, Sharp was joined by three of his brethren in the ministry—Fairfoul, who was to be Archbishop of Glasgow, Hamilton to be Bishop of Galloway, and one as renowned for learning and goodness as his chief was for treachery and worldliness—Robert Leighton, who was to be Bishop of Dunblane. When these four men presented themselves for consecration, it was found that there was a fundamental difference of ecclesiastical position among them. Two of them—Fairfoul and Hamilton—had been ordained to the ministry while the Church of Scotland was yet Episcopal; the other two had received their ordination from the Presbyterian Church. The punctilious English bishops insisted that these must be reordained as deacons and priests. Even to the brazen nature of Sharp, there seems to have come a touch of shame at this solemn avowal that his sacred office as a minister, and the insti-

[1] Act. Parl., vii. 376.

[2] Grub, Ecclesiastical History of Scotland, iii. 195. This is probably the best account of the restoration of Episcopacy in Scotland, since it is written in the spirit of close ecclesiological criticism on the accuracy of the ceremonials. On the reordination he says, "Leighton at once acquiesced. His opinions on the subject of ordination were very lax"

tution whence he drew it, were both impostures. 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. It was observed that the new prelates did not carry this punctilious doctrine of the English brethren with them, and required no second ordination in consecrating the other bishops for Scotland.[1]

As if it were to render this ecclesiastical revolution all the more emphatic, another ceremony of interest to religious parties in Scotland was performed at the same time in London—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 on 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

[1] See "A valid ordination essential to the Christian ministry, and the exclusive right of Presbytery to ordain," by the Rev. George W. Sprott, 1873, p. 19.

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 Rescissory, 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 law 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, whatever indemnity there was to be 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

[1] See Hallam's Constitutional History, ii. 214.

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 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,

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[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.

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 if we may trust to a contemporary account of the event, this loss to history is not serious.[1] Acts which could be interpreted through the law into treason against the Crown could be proved against him in superfluous abundance; and the only unexpected item in the narrative is that the whole career of treason is aggravated by "the dignity vouchsafed to him by ourself, in allowing him the trust and honour of setting our imperial crown upon our head."[2] 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 Scots 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

[1] 'The charge of high treason, murders, oppressions, and other crimes, exhibited to the Parliament of Scotland against the Marquis of Argyle and his complices.'—London, 1661.

[2] Burnet tells us how Monk, "by an inexcusable baseness," materially aided the prosecution by sending to Scotland certain letters of Argyle to himself. 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.

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 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 murderers 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 sectaries 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 '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 the 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 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 cour-

[1] See the charge in the Scots Acts, vii. appendix 70.

age. 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 selected and converted from an active troublesome priest into a revered 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 treasonable 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."[2]

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."

[1] Letter to Sir Robert Murray, Lauderdale Papers.
[2] Scots Acts, v. appendix 74.

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 of them—viz., Mrs Janet Erskine, married after to Sir Thomas Burnett, doctor of medicine —for so doing, saying, 'It was a piece of 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]

Guthrie's 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

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[1] Wodrow Analecta, i. 109.

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.[1]

It was believed that Guthrie would have had a 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 Rescissory 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."[2]

It was naturally believed that had he lived it would have been for martyrdom, since a book written by him called 'Lex, Rex,' was on 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

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[1] '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."

[2] Sufferings, i, 206.

wrote the letters which have acquired such a wide reputation, did not take up a question of such gravity as this in the method of a wild declaimer. He was the last of that race of Scots 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 Arnisæus, 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]

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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—DEFEAT AT RULLION GREEN — GENERAL DALZIEL — TREATMENT OF THE CAPTIVES—LAUDERDALE COMMISSIONER—HIS COURT—THE FIRST INDULGENCE —TREATMENT OF RECUSANTS—ADAPTATION OF THE LAW OF PRIVATE RIGHTS FOR THE ACCOMPLISHMENT OF PUBLIC OPPRESSION—LETTERS OF LAWBURROWS—LETTERS OF INTERCOMMUNING — THE COURTS OF LAW AND THEIR SUBSERVIENCY—QUESTION OF APPEAL TO PARLIAMENT—SECESSION OF THE BAR—EMPLOYMENT OF THE CLERGY IN THE ENFORCEMENT OF PENALTIES.

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 foı 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, but members of Parliament, magistrates, and councillors of burghs, and persons having "any other public charge, office, and trust within this kingdom."

The law abolishing the right of lay patronage of church benefices in 1649 was among the rescinded Acts, and the condition of those who had become clergymen since that period had to be practically dealt with. That his majesty might "evidence his willingness to pass by and cover the miscarriages of his people," these clergymen were not to be called to account for the past. But for the future their benefices and kirks were to be vacant, and they were to be dispossessed of everything, except those who "shall obtain a presentation from the lawful patron and

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[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."

have collation from the bishop of the diocese."[1] The clergymen who complied with this law 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."

As yet the law scolded rather than struck. The ministers who did not obey this Act 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 presentation and 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 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.[2]

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"—

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[1] Act concerning such benefices and stipends as have been possessed without presentations from the lawful patrons.

[2] Wodrow, i. 283.

Lockhart of Lee — who said "that proclamation would only lay the country desolate, and increase the hatred to bishops and confusion among the people."[1]

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 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.[2] 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.[3]

As this legislative war for the extirpation of the prevalent

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[1] Kirkton, 150.
[2] Act against separation and disobedience to ecclesiastical authority.
[3] The Act is in Wodrow, i. 341.

religion greatly increased the work of the Privy Council, the Court of Justiciary, and the tribunals of humbler rank, 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. 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 resetters 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 approven 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 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

[1] The commission will be found at length in Wodrow's Sufferings, i. 384.

majesty would close the door upon him when he called 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 why it is at present favoured for constituent voting—that the voter may be free from corrupting or intimidating influences. 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.[2] It summoned up all the array of classical denunciations of ostracism. As a precedent it frightened the

[1] Sir George Mackenzie's Memoirs, 73.

[2] 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.

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 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 the 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.

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] Besides 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

[1] Mackenzie's Memoirs of the Affairs of Scotland from the Restoration, 52 *et seq.*

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 Scots 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 ordered that it shall never more come to light."[2] Several witnesses were examined on the secret history of the affair.[3] 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

[1] Mackenzie's Memoirs, 77. [2] Act. Parl., vii. 450.

[3] 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!'"

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."[1]

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. There was enough, indeed, in the Acts establishing the royal prerogative, passed within the brief period since the Restoration, to put the practical influence of such a spirit out of the question.

We find the ruling spirit employed in working out this change 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, begins in 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

[1] Act. Parl., vii. 472.

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 actions 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 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.[2]

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 becomes necessary to continue the narrative of local events, which ran in the old current, unbrightened by the change. There was now a potent legislative ma-

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[1] Lauderdale Papers.

[2] 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 Middleton "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 further 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."

chinery 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 hard, rough soldier, who has already passed before us, 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 under Turner's rule, briefly 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 twelvepence, 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 cessing 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 forisfamiliate six months before, and living in another parish.

$10^{mo.}$ Fining without proportioning the sum with the fault. $11^{mo.}$ Fining in whole parishes promiscuously, 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 actings 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 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, some one ran to tell 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—

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[1] Wodrow's Sufferings, i. 102.

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 night 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 Colonel 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

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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.

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 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 that 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.[1] 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

[1] This is told by a reporter of the proceedings of the Council as a court of law.—Fountainhall's Decisions, i. 159.

carried about a perpetual sign in a beard which had grown since the death of his beloved master, Charles I.[1]

The trials that followed the affair of Pentland Hills were

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[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 Creichton, '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 guts 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 resumed 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 first to become infamous by the free use of torture. The question or 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 justiciary 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 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.[2] 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

[1] See above, chap. xvii.

[2] See Wodrow, ii. 94, 95.

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 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 aforesaid, 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.

Rothes 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 bedchamber who had acted the spy to the Covenanters. She was a pupil of the moral school of Lady Castlemaine 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 Lauderdale'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 Restoration 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 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 this 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

[1] After the Restoration we find the general use of the term "Privy Council" substituted for "Secret Council."

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 pass in Articles but what is warranted by his majesty, so that the king is absolutely 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 friend Warriston, he would not venture to molest the king on the matter—nor would he permit any other to do so. Never was Eastern despot blessed with a minister of his

[1] These extracts are from the Lauderdale Papers.

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 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 into 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] The allusion to Ireland called up an

[1] Bruce's Report, App. No. xxxi.; Mackenzie's Memoirs, 137 *et seq.*

argument that might have been soothing to the Scots nationality, had not interests of a weighty material character been at stake—Ireland was a dependency of the crown of England, but Scotland was an independent sovereignty entitled to pursue its own policy.[1] The complete independence of Scotland was the prop of the most effective arguments against a community of trading and colonial privileges, and it was the natural reliance of the old school of trade philosophy which enjoined every community to take and keep what it could get, and to rejoice in the certainty of having enriched itself when it saw its neighbours impoverished.[2] But however the principle might work freely when nations were separated by natural rivalries and elements of hostility, it proved a very inconvenient doctrine between communities with so strong a common interest as England and Scotland, and, as fate had ruled, both under one sovereign. Scotland was free to make her own restrictions for her own welfare, and to plant and cherish her own colonies. But we shall

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[1] "And whereas your lordships do in several places give hints at Ireland, and seem to make it a ground why this and other privileges should be granted to Scotland, because granted to Ireland, the answer is most clear and obvious—viz., that Ireland is not only under one king with us as Scotland, but belongs to, and is an appendix of, the crown of England," &c.—Union Documents, Appendix xxxvi.

[2] "As to his majesty's plantations in the East Indies, they do belong to particular companies and corporations of Englishmen, and no other English have the right of trading thither; and as to the rest of his majesty's plantations in America, that they were found out, possessed, planted, and built, by the labour, blood, and vast expense of his majesty's subjects of the kingdom of England, and do belong to the crown of England, and therefore it cannot be reasonably expected that Scotland should reap the benefit thereof. . . . Concerning the shipping of Scotland having liberty to bring into England the goods and commodities that are of foreign growth, production, or manufacture, we answer that we can by no means consent to this desire, for that it would be too great a blow to the navigation of this kingdom. Besides, the kingdom of Scotland being wholly independent of itself, and not subject to the crown of England, we cannot have reasonable security and satisfaction until the said kingdom will keep up and tie itself to the strict observation of the restrictions and limitations set down in the Act of Navigation with relation to this matter."—Ibid.

see that when Scotland some thirty years later endeavoured to bring these doctrines into practice, the attempt only brought the whole affair between the two countries to a portentous crisis. Meanwhile, it was difficult for the smaller country to make free use of its independence with the greater so close at hand. In the correspondence and official records of the period, there is perpetual wrangling with the pedantry and insolence of the official subordinates of England when they have to deal with their Scots neighbours. Among these are repeated contests with English naval officers, who, not troubling themselves with the nicety of Scots independence, followed the Admiralty instructions for the English coast in the narrow seas of Scotland, and were apt to treat the official documents of such a body as the Scots Privy Council with a contempt which was much more effective in irritating the national feeling than the general argument about independence in soothing it.

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 resetters, 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 against them. The landed gentry of the counties of Ayr and Renfrew had been desired by the

[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.

Council to take measures for the suppression of conventicles and other "insolences" 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 service 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]

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[1] Wodrow, ii. 379. [2] Ibid., 375.

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."[1] On this the county of 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

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[1] Wodrow, ii. 382.

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 merchant's 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 pro-

[1] Vol. ii. 413.

vince 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."[1]

Apart, however, from questions of conscience and 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 Restoration 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 rapacious 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 tampering with the municipal corporations—appears in Scotland about the year 1678. It began with a vague bullying. Persons

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[1] Vol. ii. 390.

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. Among the established objects of his contempt was the profession or pretence of purity in the administration of justice. He had done his best to strip the practice in Scotland of all remnants of such pretence, and he marked the satisfactory completion of the work by a cynical apothegm: "Show me the man and I shall show you the law."[3] The occasion

[1] As to some burgessess 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.

[3] "A Scotch gentleman having entreated the Earl of Rochester to speak to the Duke of Lauderdale upon the account of a business that seemed to be supported by a clear and undoubted right; his lordship very obligingly promised to do his utmost endeavour to engage the duke to stand his friend in a concern so just and reasonable as his was; and accordingly, having conferred with his grace upon the matter, the duke made him this very odd return, that though he questioned

that exposed his own dealing in the spirit of this maxim was so important as to become historical.

There came a litigation in the Court of Session between the Lords Dunfermline and Callendar, and he had reasons for wishing the decision to be for the Lord Dunfermline. When the case came on for judgment, Lauderdale 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 Cuningham, the advocates for the appellants, were determined to put the case at the disposal of the Estates of

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not the right of the gentleman he recommended to him, yet he could not promise him an helping hand for his success in his business, if he knew not first the man, whom perhaps his lordship had some reason to conceal; because, said he to the earl, 'If your lordship were as well acquainted with the customs of Scotland as I am, you had undoubtedly known this among others—show me the Man and I shall show you the Law.'"—A Moral Discourse of the Power of Interest, by David Abercrombie, M.D., 1690, p. 60.

[1] See above, chap. xxxix.

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 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 Scots 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 the nature of a nonconformity that in religious matters was not content with toleration,

[1] The fullest account of this affair will be found in Sir George Mackenzie's Memoirs, p. 267 *et seq.* Between the Court and the Faculty of Advocates, or "The Bar," there were at this period many passages of arms, interesting to the close student of the law and the constitution. They can be traced through the abundant commemorations, published at wide intervals, left behind him by Sir John Lauder, better known as Lord Fountainhall. But an easier way to them may be found in perhaps the most valuable contribution to the forensic biography of Scotland, the 'Memoir of Sir James Dalrymple, first Viscount Stair, President of the Court of Session in Scotland, and author of the Institutions of the Law of Scotland, a Study in the History of Scotland and Scotch Law during the Seventeenth Century,' by Æ. J. G. Mackay.

but must have dominion, and that so absolute that toleration was not admitted within 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 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 religious tendencies—we may sneer at his political projects as a wild dream which any statesman who knew the times would have

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[1] Sir George Mackenzie's Vindication of King Charles II.'s Government; Works, ii. 343

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. As events are speedily to concentrate the chief interest of our story on Archbishop Sharp, we may turn here to his position and the character he was making to himself among his countrymen. 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 to Edinburgh, he found the archbishop as he had left him there. 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." The witness confessed to Rothes, who was inquisitive on the matter, that it was "the muckle black devil." [1]

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[1] Wodrow Analecta, i. 104, 105.

# CHAPTER LXXIX.

## CHARLES II.

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 ASSASSINATION—THE ESCAPE OF THE ASSASSINS—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—AIRD'S MOSS—THE CAMERONIANS—THE POPISH PLOT—RYEHOUSE AND ASSASSINATION PLOTS—THE EXCOMMUNICATION OF THE KING—THE RELIGIOUS PARTIES—THE DUKE OF YORK COMES AS COMMISSIONER—HIS COURT—ITS POPULARITY—THE TEST AND THE SUCCESSION QUESTION—TRIAL AND CONDEMNATION OF ARGYLE ON THE TEST—THE COMMISSION OF JUSTICIARY AND THE MILITARY EXECUTIONS—CLAVERHOUSE AND JOHN BROWN—THE WIGTOWN MARTYRS.

WITH all his faults one cannot help admiring the courage and resolution of Sharp. He stood alone in the midst of all this hatred; for his coadjutors were beginning to feel that the land was troubled, and themselves exposed to toils 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 named Mitchell, 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 who had fired at him. But before any public or official step was taken it was desirable to have a closer inspection of this 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. Mitchell 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

[1] State Trials, vi. 1257.

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." 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

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[1] State Trials, vi. 1254.

"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."

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 panel either seek assurance of his life, or any other person offer the same to him."[2] 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

[1] State Trials, vi. 1257. [2] Ibid.

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.[1]

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 ab-

[1] "It is answered that this accusation is neither relevant nor proven; 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.

solutely 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 precision. 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

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[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.

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 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 judg-

ment, 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 5th 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. 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

[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.

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."

This Carmichael 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 jocularity 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, or 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. They went on with grave deliberation, finding it expedient that a committee should be 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 schoolroom-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 accessary 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, 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 went 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 resolved 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, the committee 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 re-

turned 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 Paris, 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 —was Sharp in the coach? 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 Hackston 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 extinc-

tion 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 these waters, 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 suffer systematically from 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 both 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 amongst 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 struggle 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 sublunary 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 not 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

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[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. At the time when it was published the dealers with Satan had 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.

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" 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 crime 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." Such are the words of a clergyman of the Scots 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 for those who have not thought fit to denounce this crime in the strongest language available for the purpose. It is common in history to use the term "assassination" rather than "murder" on such occasions. The practice is useful, as it separates two acts of different character from each other, without conceding to either the palliation that may be conceded to casual slaughter in troublesome times. Private murder for personal revenge, or for robbery, is a different form of crime from the act by which a public man is put to death as a punishment for his political creed, and as a means of stopping his political career, even although it be done 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 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 Hackston, Burley, and the greater part of the group, to find their way to the sympathising 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, that 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 Sun-

day 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 feu-duty 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 a specimen 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 murtherers 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 feu-duties, 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.

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 Kirkcudbright. 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 Kirkcudbright 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

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[1] Appendix to Kirkton, 399; Faithful Contendings displayed

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. Watchers 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 the safe dispersal of those who had assembled. 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 to accept it with haughty defiance. John Graham 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 Marquis 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 11th 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

[1] Wodrow, iii. 67.

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 Drumclog, 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, 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

[1] Appendix to Kirkton, 444.

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 pace 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]

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 be available to 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

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[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 stands on the battle-field, with an inscription: "In commemoration of the victory obtained on this battle-field, on Sabbath the 11th of June 1679, by our Covenanted forefathers over Graham of Claverhouse and his dragoons."

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 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 the hands of the local authorities and the limited military force at their disposal. 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 and Mahomet. 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 the man himself in the admissions made by him with a grim brevity in certain 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]

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[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

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. 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 separate 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

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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.

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 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. 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."[2]

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,

[1] Kirkton, Appendix, 445.
[2] Scots Worthies, M'Gavin's edition, 375.

to the discredit of the Presbyterians in general, as if the whole of them were in arms."[1]

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 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, at which "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."[2]

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 Monmouth's great army was close at hand. This seems to have so far stirred their apprehensions as to supersede in the mean time the

[1] Scots Worthies, M'Gavin's edition, 378. [2] Ibid., 461-463.

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, asking 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 Sanquhar 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 formidable 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]

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[1] Wodrow, iii. 213.

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 renowned 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 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

[1] Shields' Hind let loose, 139.

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."[1] 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."[2] After Cameron's death, however, the 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

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[1] State Trials, x. 834.

[2] 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 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.'

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 specialities 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 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 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 Commissioner in Scotland. It was now nearly fifty years since royalty had diffused its influence in serene state in Edinburgh. He had with him his wife, the gay and amiable Mary of Este, and his daughter the Princess Anne, so that Holyrood had everything to make a provincial court agreeable. It was the intention of the visitors to make it agreeable, and they succeeded. Some shuddering there was as to masked balls, for that Italian institution had an evil name for deeds done in secret; but a theatre, where the actors belonged to the Duke's court, was tolerated. On their return Dryden amused The Town by treating the jovial crew as no longer recognisable, from the attenuating influence of Scots penuriousness and asceticism. Edinburgh had some sunshine to relieve the gloomy history of the times. The Duke himself was personally affable—he played at tennis, and would take a club in the national game of golf on Leith Links.[1] According to Burnet, he conducted himself "in so obliging a manner that the nobility and gentry who had been so long trodden upon by the Duke of Lauderdale found a very sensible change, for he gained much on them all."

The only thing that publicly disturbed the harmony of the visit was a Christmas pageant, where the Pope had to be burned in effigy. The civic authorities desired that in courtesy to the illustrious visitor the ceremonial might be omitted on this occasion; but the populace, and especially the students, were determined to have it. There was a riot, and before it was over the Provost's

[1] "The Duke of York was frequently seen in a party at golf on the Links at Leith with some of the nobility and gentry. I remember in my youth to have often conversed with an old man named Andrew Dickson, a golf-club maker, who said that when a boy he used to carry the Duke's clubs, and to run before him and announce where the balls fell."—On the fashionable Amusements in Edinburgh in the last (seventeenth) Century, by William Tytler of Woodhouselee. Archæologia Scotica, i. 499. The details in the text are chiefly taken from this paper. Tea is mentioned among the other novelties brought to Scotland by the royal party.

house was burned as a substitute for the prohibited incremation.[1]

The Duke received a favourable certificate of character, as it might be termed, 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."[2]

He came a second time 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. That in the coming difficulties we may see the exact cause without confusing it with any other, it may be proper to remember that, save among the fanatics of the west, the Covenant, the Solemn League, and all the testimonies of the spirit that brought on the civil war and the Protectorate, were still unpopular. Statesmen in general were prepared to give any assurances of hostility to them. At the opening of this Parliament such an assurance was taken in the following distinct terms, apparently by all the members in attendance. It became all the more emphatic by carrying the signature of Argyle, who became a martyr for his misgivings as to a document much less expressive against the Covenant, but containing matter for alarming inference about a Popish successor to the throne.

"We do sincerely affirm and declare that we judge it unlawful to subjects upon pretence of reformation or other pretence whatsoever, to enter into leagues or covenants, or to take up arms against the king or those commissioned by him, and that all these gatherings, convocations, petitions, protestations, and erecting and keeping of council-tables, that were used in the beginning of

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[1] Wilson's Memorials, 104.

[2] Wodrow, iii. 234.

and for carrying out of the late troubles, were unlawful and seditious; and particularly that these oaths, whereof the one was commonly called THE NATIONAL COVENANT, as it was sworn and explained in the year 1638 and thereafter, and another entituled A SOLEMN LEAGUE AND COVENANT, were, and are in themselves, unlawful oaths, and were taken by and imposed upon the subjects of this kingdom against the fundamental laws and liberties of the same, and that there lieth no obligation upon us or any of the subjects, from the said oaths or either of them, to endeavour any change or alteration of the government either in Church or State as it is now established by the laws of this kingdom."[1]

This declaration was signed at the beginning of the session, and emphatic as it may seem, it was forgotten in two more momentous documents that followed it. Of the debates in that Parliament we have accounts so fragmentary 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 ecclesiastical parties, recently passing before us so rapidly. 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

[1] There is a fac-simile of this Declaration in the third part of "The National Manuscripts of Scotland," No. 102. It will there be seen that the words here printed in capitals are written large.

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 or divert the right of succession or 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 "Papists" 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."

The test was drawn with cunning subtlety. It was the object of those concerned in it to startle no one with strong expressions. The documents denounced so emphatically by the "Declaration" are referred to in general terms without name. So far as Covenant and League were concerned, no one who had taken the Declaration could hesitate in taking "the Test." But when this hesitating, uncertain-looking document was interpreted with the Act of Succession, there was a deep meaning in the whole—a meaning broadly 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."

It came in the course of events that the policy of the Test Act gave opportunity for striking a 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 marquis, 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 marquisate. 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 he should put them 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 convenient 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. Perhaps also for the sake of giving currency to a charge that would have an odious sound, the word "perjury" was added. After a long forensic struggle he was found guilty. The verdict given in was, "The Assize having elected and chosen the Marquis of Montrose to be their chancellor, they all in one voice find the Earl of Argyle guilty and culpable of the crimes of treason, leasing-making, and leasing-telling, and find by plurality of votes the said earl innocent and not guilty of perjury." The trial was peculiar in this, that throughout the court took the personal instruction of the king as to their procedure at each step. They applied to him for instruction to pronounce sentence on the verdict. This was on the 14th of December. An answer dated the 18th was received, authorising the sentence to be pronounced, but with the further instruction, "Nevertheless it is our express pleasure, and we do require you to take care that all execution of the sentence be stopped until we shall think fit to declare our further pleasure in this case." Whether it was so intended or not, the procrastination of the case had an important historical interest. The Earl 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. Sentence was passed against him in his absence. The case was peculiar—verdict given in presence of the accused—sentence on that verdict in his absence. The courts did stranger things upon the outlawry of men not present at any part of the proceedings against them, but still this case was peculiar, and in its peculiarity was believed to be open to cavil if it should be afterwards dealt with by a less hostile tribunal.[1]

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.[2] 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 com-

1 The trial of Argyle, along with a mass of documents explanatory of the historical crisis in which it arose, was published in folio in 1692, with the title, 'The case of the Earl of Argyle, in an exact and full account of his trial, escape, and sentence; as likewise a relation of several matters of fact for better clearing of the said case.' The most important parts of this volume are reprinted in the State Trials, viii. 843 *et seq.*

2 Wodrow, iii. 369.

munity. In official documents he is called "chaplain to the Earl of Shaftesbury." 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 Assassination 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 at 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 renowned as a clerical statesman; and Gordon of Earlston, who had arranged with Fergusson a meeting never held.[2] Little information was added in

[1] Dalrymple's Memoirs, i. 99.

[2] The information about Fergusson will be found chiefly in the

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 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 the object was to draw sympathy to the royal brothers as the destined victims of a widespread assassination plot, and so to smother 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 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.

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eighth volume of the Scots Acts, App., p. 32; and in Somers's Tracts, viii. 188.

[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.

We have now to turn to a fierce war between the "Society men" and the Government. These men—otherwise spoken of as "Sanquharians," 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]

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[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

For all this profession of judicial deliberation, 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,—nor was there much to assure them in a solemn admonition in these terms: "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

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—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 Abhorrers.

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.

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, 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.[2]

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

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[1] Wodrow, iv. 148, 149. [2] Ibid., iv. 155.

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 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 musketeers ordered to fire on him showed reluctance in obeying, Claverhouse, the commanding officer, shot him with a pistol. We have the account of the affair by Claverhouse himself. Much critical investigation into this incident has shown it to be, in all essentials, as bad a business as Walker and Wodrow make it, and yet only a natural result of the orders of the Council.

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 and comfortable, and the churches

[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.

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 in the indemnity 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, 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 donbt 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.

The women sentenced to death on the present occasion were—Margaret M'Lauchlan, advanced in age, and Margaret Wilson, said to have been a girl of eighteen. 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

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[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."

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 conversation 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, following long-established practice, 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 foundation, 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]

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

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[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.

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]

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[1] There is a list in Wodrow, iv. 13, of those to whom this favour was extended.

# CHAPTER LXXX.

## JAMES VII. AND THE REVOLUTION.

ACCESSION 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 JESUITS IN EDINBURGH—THE RESTORATION OF THE CHAPEL ROYAL—RIOT, AND DESTRUCTION OF ITS DECORATIONS—KNIGHTS OF THE THISTLE—BIRTH OF "THE PRETENDER"—INFLUENCE OF THIS EVENT—THE CONVENTION PARLIAMENT—COMMUNICATIONS WITH THE PRINCE OF ORANGE AS KING OF ENGLAND—DECLARATION OF FORFEITURE AGAINST KING JAMES—MISSION TO OFFER THE CROWN OF SCOTLAND TO KING WILLIAM AND QUEEN MARY—THE CLAIM OF RIGHT—THE DECLARATION OF GRIEVANCES—THE SETTLEMENT OF THE CROWN—CONDITION OF PARTIES—STATESMEN OF THE REVOLUTION—HAMILTON—MELVILLE—THE DALRYMPLES—CARSTAIRS.

It was amid such a political atmosphere of cloud and storm as we have just seen that the reign of "The Merry Monarch," Charles II., came to an end on the 6th of February 1685. People who were not too seriously concerned with the 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. The new reign was not to remain long 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 the insurrection both in England and Scotland, known as "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 James Stewart, Duke of 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 said to be 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, through the solemn declarations by the king and Council of England circumstantially contradicting it. Fergusson was the evil genius of Monmouth, attending

[1] 'A Letter to a Person of Honour concerning the King's disowning his having been married to the Duke of Monmouth's Mother.'

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 Sedgmoor, 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 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. Among these, great things were expected of the "Mountain men" or "Hill men," as the Cameronians were then called; 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 about the intentions of those concerned in this expedition, and especially about the conclusive object, as to what was to be done with the Government when King James was driven out of it. One of those most deeply involved in the rising, Sir Patrick Hume, enumerates the difficulties to be overcome before action begins; and, as it often happens, the very enumeration is made in the vague prattling manner that shows how there was talk but not action in the matter. It is sound sense to announce the urgency that "all previous necessaries were fitted and adjusted and needful preparations made; and that if we should precipitate, neglecting any of these, we might probably make more haste than good speed." It

must be admitted, too, that as a mere logical analysis of the difficulties that should have been overcome and were not, this is true and exact, "that we should in order consider and discourse of the whole affair above, as it were in the preliminaries, correspondences, preparations, concurrences, and aids foreign and civil, the beginning, steps, and progress in so far as it might be evident and distinct, with the dangers and remedies, conveniencies and inconveniencies, discoverable in so great and consequential an undertaking." [1]

There were two great and intimately connected ques tions on which they should have satisfied themselves before they began. 1st, Was Monmouth prepared to throw a stake for the crown, founded on evidence that his mother, Lucy Walters, was married to Charles II., and that he was his father's legitimate son? If Monmouth took that position, was Argyle prepared to bring followers to the expedition as led by his king and master in the person of Monmouth? It appeared to onlookers that although there was much communing between the two great leaders, it was not held as between king and subject; and Argyle was said to be jealous of the elevated position claimed for the duke by his supporters. As to Monmouth himself, when hard pressed with questions, he gave answers that were suspicious in their undecisiveness. Hume, who was a man of practical aims, says, "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

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[1] Sir Patrick Hume's Narrative, Rose, p. 10.

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 Argyle was, like his father, no trained 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, 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 Eylangrig 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

[1] Sir Patrick Hume's Narrative in Rose's 'Observations,' 12, 13.

head. The peculiarities of his condemnation might give an opportunity for revoking it to 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 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

[1] A memorandum left by Argyle for his son, short as it is, seems yet to contain enough to give it a place among the remarkable dying utterances of remarkable men :—

"EDINBURGH CASTLE, 30 *June*, 85.

"DEARE JOHNE,—

"We parted sudenly, but I hope shall meete hapily in heaven. I pray God bless you, and if you seeke him he will be found of you. My wiffe will say all to you, pray love and respect her. I am your loving father. ARGYLL.

"For Mr Johne Campbell."

—Fac-similes of Historical Manuscripts, iii. No. 104.

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 eat 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, 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

[1] Memoirs of George Baillie of Jerviswood and the Lady Grisell Baillie, by Lady Murray, p. 35-39.

[2] Act. Parl., viii. 461.

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. 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.[3]

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

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[1] Act. Parl., viii. 580. [2] Wodrow, iv. 366.
[3] Fountainhall's Historical Notices, 751.

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 did not reconcile the citizens to the new-comers that one community among them belonged to the order of Jesus. That renowned body had not yet come under the castigation of the French philosophers, but Arnauld and Pascal had from a more respected tribunal told the world how the dogma inspiring Loyola's army of spiritual crusaders was the philosophy of the unscrupulous. The Jesuits were setting themselves down as if for permanence. Among their other arrangements to this end they had established a printing-press, and to collectors a few books are known as issued from the Holyrood press during its short life.[1] A cargo of images, decorations, and vestments arrived for the equipment of their church in Holyrood. The graven images imported on this occasion were to serve far more resolute and earnest aims than those conspicuous on a previous occasion, by rousing the grotesque wrath of the king's grandfather, when he was compelled to abandon his hobby. It is easy to imagine what bold and sanguine aspirations arose in the hearts of this ambitious and gifted order, when they found a Popish king ruling in ultra-heretical Scotland, a church seized from the heretics to be devoted to their use, and a printing-press established for the promulgation of their faith and doctrines. The splendours of the restored abbey church were not to be merely ecclesiastical. An effort was made on the occasion to rouse the spirit of nationality by raising up a Scots

[1] I am not aware that any of the bibliographers, in their accounts of the services of peculiar "presses," have noticed this one. The following is the title of a little book accidentally at hand: "The Faith of the Catholic Church concerning the Eucharist invincibly proved by the argument used against the Protestants in the books of the faith of the perpetuity, written by M. Arnaud. A translation from the French. Printed at Holyrood House, 1687." The author's name is misprinted Arnaud for Arnauld. The book was popularly known as 'La Petite Perpétuité,' to distinguish it from Arnauld and Nicole's Grande Perpétuité, and, though written by no friend of the Jesuits, came to Scotland certified by superiors as "most profitable for the conversion of heretics."

order of knighthood. King James V. had projected an "Order of the Thistle," but he died before the arrangements were completed; and the Reformation was not favourable to an institution that, if it followed the established rules of chivalry, demanded certain solemn traditional ceremonials. James VII. professed to restore this order, and the stalls for the knights were part of the new equipment of the church. The number of knights was to be twelve, but eight only were dubbed—the complement was completed by Queen Anne.[1]

The Abbey Church of Holyrood had been for many years used for the accommodation of the inhabitants of the district of Canongate, and was in fact practically their parish church. The galleries and seats used by the Protestant congregation were burned to make place for the new equipment and decorations. There was available a fund to supply the inhabitants of the Canongate with a church, and from it the building still known as the Canongate Church was raised.[2] It is attributed to the personal desire of the king that this church was built cruciform, with an apse to the east. It presents, too, in its peculiar architecture, something like a timid adaptation of that unseemly mixture of Gothic and Palladian, well known to all travellers as the Jesuit school of ecclesiastical architecture.[3]

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 successful effort was made to

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[1] The ancient and renowned order of the Thistle, as the old almanacs tell us, was founded by King Achaius, the contemporary and friend of Charlemagne, in imitation of Arthur's Round Table. It seems to have had some connection with the French military order of Nôtre Dame du Chardon, founded in 1370.

[2] Maitland's History of Edinburgh, 142.

[3] The churches of the Jesuits in the countries where they were tolerated, are almost invariably built in the style prevalent at the period of Loyola's mission, and consequently, in a strange town it is as easy to distinguish the churches of the Jesuits from the others, as to distinguish churches from private houses; one sees this peculiarity in their recent buildings in this country.

widen the indulgence. But a test or some obligation offensive to the Presbyterian conscience still held fast the door against 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 moderate 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 who so chose might abandon the right of private judgment, or even that all might be told how it was their duty to

[1] Kennet, iii. 448, 449.

abandon that right into the hands of its legitimate custodiers. But the right of private judgment was to be extinguished. An attempt at least was to be made to extinguish it, 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., three 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; 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

[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."

Lord Advocate; Baillie of Jerviswood, the son of the martyr; William 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. When a doubt is started whether the concourse of British subjects at that time to the Court of the Hague was decorous, it must ever be remembered that the stadtholder's wife was the Princess Royal—the heir to the crowns of England and Scotland. No doubt political conditions made the resort to that Court a matter of suspicion and danger in the Court at St James's—no doubt, too, many of those who went to the Hague were refugees from peril at home; yet attendance at the Court of one who was the actual heir to the crown was in itself an act of inoffensive courtesy, or even of duty. Yet it was not perhaps unnatural that in the recriminative controversies following the Revolution the concourse at the Hague should take shape as an assemblage of traitors inviting a foreign enemy to invade their country.

Meanwhile to the zealous Covenanters, that they were to be classed with Papists even in an act of liberality and mercy, was a heavy scandal. 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 their 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 old martyrologists—the judgment that overtakes the reviler and persecutor of the just.[2]

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[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 Barclay. 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 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 his innocent people, and gave proof of repentance by abstaining from such practices.—Alexander Gordon, professedly a minister of the Gospel, procured the imprisonment of

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 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 reproving, too often countenanced."[1] George Fox in his Journal tells of repeated visits to Scotland, and rude treatment there, but certainly not ruder than 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 as at this period; 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.

Whatever tone of toleration and clemency the Court documents of the day may bear, the law for punishing the conventiclers with death was not idle. The declarations of indulgence, indeed, specially denounced them in such

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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 Buroughs, 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.

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 and the king's designs in them 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, 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,

[1] Wodrow, iv. 417.

being then commissioner, for a reprieval 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 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.[2] The "Killing Time," as these writers in

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[1] Hind let loose, 200, 201.

[2] For instance:—

'Jus 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, exerced 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

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, the author of the

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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 Resistence 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 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 Inditements, 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 their 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 Friends, 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

'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 with an oath, and he was among those committed to the State prison of the Bass.

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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 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. 237, 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 Broun, 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 Scots 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 right-

In what he says about removals to the plantations, this author touches an indefinite, but certainly a fruitful, source of wrong and misery. In 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 usage of a great

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eousness 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 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.

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 castle in the north. From its very strength, on a steep rock, and its 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 were taken to Dunnottar early in May, and before the end of July they were removed to Edinburgh.[3] In

[1] Hind let loose, 201. [2] Wodrow, iv. 325.

[3] The parish churchyard of Dunnottar 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 Donnottar 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

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 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

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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.

[1] Wodrow, iv. 454.

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 Protestant 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]

The eventful history of the zealous party between the articles of Perth and the adoption of the Solemn League and Covenant,—the boundless anticipations of triumph suggested by each success,—might have justified a philosophical observer in expecting their successors at this juncture to have taken the indulgences after another fashion. It might have opened on them how, in the mysterious workings of an all-wise Providence, it was destined that the triumph of Christian truth should be brought to the people of God by the very hands of the chief ministers of Antichrist, who had thus been compelled by an uncontrollable destiny blindly to effect

[1] Balcarres's Account of the Affairs of Scotland, 14.

their own destruction. We shall see that afterwards factious statesmen endeavoured with some slight success to help disappointed and angry fanatics to such conclusions. But the logic of the body at large rejected the notion of a permanent charter of liberty coming in an act of despotic authority, and the furtherance of Presbyterian purity by a Court under the spiritual dominion of the Jesuits.

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.

For the sake of continuity, it is now convenient rapidly to trace some well-known events exterior to Scotland, in which the Scots statesmen of the day had to find the guiding principles of a policy for their own country. However momentous were the events thus brought out, they were done in council and discussion unbroken for the time either by war or any formidable popular commotion. It may therefore clear our way onwards to note, that during a juncture of excitement and anxiety, when

Scotland had no government strong enough to act on an emergency, the only external symptom of danger to the peace of the country was a riot by the Edinburgh mob, in which the Chapel Royal with its decorations was wrecked.

On the 10th of June the infant was born who became known as "the Pretended Prince of Wales," or more briefly as "The Pretender." The day of this birth holds a curious place in the Romish Calendar of Saints. Neither the infant nor either of his parents was in a position to be canonised, but the day received a secondary mark of sanctification in this manner. A Queen of Scotland—Margaret—had long been illustrious alike as a monarch and a saint.[1] Her festival had been as usual on the day of her death or "translation," the 16th of November, but under the authority of Innocent XII., its celebration was changed to the 10th of June, the day of the infant's birth. If this had any effect in Britain, it was only to give a little strength to the chain of events making the birth so entirely and conspicuously a special boon to the Church of Rome, as to excite suspicion that the boon had not been honestly obtained.

The day is memorable from the impulse it gave to a new feature in public feeling. The queen, Mary of Este, a woman of many unostentatious virtues—had been an object of compassion and sometimes of less amiable sentiments. She had not been childless; but the gloomy history of her royal nursery left even less hope than had she, like her predecessor, been lampooned as "a barren queen." She had been the mother of four children, all dead and almost forgotten, for their history was an affair ten years old, and only one of them had existed long enough to have a hold on life. Then the daughters of Anne Hyde were both confirmed heretics, one of them married to the great champion of the sect. But there was a remedy for all—a male heir would yet be born and trained in the faith. To doubt that it should be so was impiously to arraign the manifest dispensation of the divine will. Accordingly the promised child appeared. At all the European Courts

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[1] See chap. xi.

many pomps and ceremonies attend a royal birth. Under the plea of proffered reverence and duty they are guarantees against the plots and frauds that so momentous an event may afford temptation and occasion for. In England all was made as decorous as might consist with security. But it was observed that on this occasion, far from courting the full attendance and services that prudence would have suggested, there were such omissions and misarrangements as suggested to the world that they were studiously adjusted for passing on the country a spurious heir to the throne. To reasonable men who did not believe in this charge, it seemed as if the fanatical king and his fanatical advisers had scorned all dictates of common secular prudence, in their reliance that the joint destinies of the British throne and the true Church would all be perfected by a higher power.

However that might be, it is necessary for fully understanding the spirit of the Revolution, to realise the fact that the bulk of the English and Scots population, high and low, believed the child to be spurious. The imposture was the object not only of endless conjectures, but of distinct narratives showing how it was accomplished. It was not until many years afterwards, when men had thought over the probabilities, and looked calmly at the evidence, that the Chevalier de St George was believed to be the son of King James and Mary of Este—and what most readily reconciled the sceptic to such a belief was discovering in the character and conduct of the poor youth, an exaggerated example of the defects attributed to his father and his grandfather.

It being settled that the infant was an imposition, it was natural to ask, For what purpose was the fraud committed? Who was the real heir to be displaced by the spurious offspring? The heir likely to succeed to King James if he died without a son was his elder daughter Mary, the wife of William, Prince of Orange. The next in order was the younger daughter Anne. Next after her was William of Orange, as son of a daughter of Charles I. That he was sage in counsel, a tried warrior, the leader of the Protestant interest, and the protector of northern

Europe from the aggrandising projects of Louis XIV., had rooted him as a favourite in the hearts of the people. But that which gave occasion for looking practically at these claims was his nearness to the throne, and the attempt by a criminal fraud to wrest from him his chances of promotion to it.

The princesses were young and healthy, and that they should leave offspring was among the most natural of human events. Anne, indeed, was near the crisis of bearing that son who, as it befell, alone among her many infants gave promise of reaching maturity. The schemes of the Revolution party thus promised to be effected by a very slight disturbance in the succession. The claim of the nearest heir was to be merely anticipated by placing Queen Mary on the throne. If a young heir was to appear, it was well that the throne were kept for him by a firm hand. The nearest heir that could be was any child born to the Princess Mary, and so the throne would be held for him by his own father. In Scotland there was a precedent for such an adjustment. It was the inversion of the revolution of 1567. There a son was set to reign instead of his mother; now it was to be a daughter instead of her father. On that occasion Scotland had to adjust her critical affairs friendless and alone; but now the great partner of her lot had on the 13th of February 1689, proclaimed William and Mary as King and Queen of England.

As the Revolution in England approached its crisis, men belonging to the governing classes in Scotland were observed to be thronging into London. Some of these were supporters of King James, hoping to find their opportunity at the centre of all the critical movements of the juncture. They soon found themselves in a disappointed minority, and disappeared from the active stage. This was occupied by a cluster of statesmen who met in the "Council-chamber at Whitehall" in the beginning of January. It made a brief episode in their proceedings that the Earl of Arran proposed that they should request the Prince of Orange to advise the king to return and call a free Parliament. No one seconded the proposal, and

there was an understanding, rather tacit than expressed, that the Scots assembled at Whitehall were to deal with the prince to become their king. They spoke of him as delivering them from the encroachments on their laws and fundamental constitutions. They desired him to accept in the mean time the administration of the Government until the Estates should assemble to consult on a further settlement. They seemed to call for more demonstration of actual government than he deemed prudent, but he promised all assistance. He concurred in their opinion that the Estates of the realm should be invited to assemble; and to this end he addressed "circular letters" to the permanent members—the Lords and the Bishops—and to the clerks of the elective constituencies. Care was taken in all the public documents to treat these steps not as the equivalent to the royal summoning of a Parliament, but as the friendly assistance that might be given in the emergency by one who was so near the throne, and had a sympathy in the aspirations of the country. An Act of the Estates was passed approving of the good service thus done "lately in London" by "the noblemen and gentlemen of this nation."[1]

"Convention"—a meeting of the Estates without any royal summons—was no such novelty in Scotland as it was found in England. On the 14th of March a Convention was opened at Edinburgh accordingly. When it had completed the settlement of the crown, it sat as a Parliament, and all its Acts belong to the statute law of Scotland.

On the 4th of April, the Estates passed a vote declaring that King James had forfeited his right to the crown, and that the throne had thus become vacant.

This Vote contains an arraignment of the fugitive monarch for the offences held to justify the doom pronounced on him. Among these, his efforts for the establishment of Popery are of course conspicuous. They are followed by a catalogue of outrages against the liberties and rights of the people of Scotland: He had converted the limited

[1] Act. Parl., ix. 14.

monarchy with which he was intrusted into an arbitrary despotism; he had imposed oaths and tests contrary to law; he had exacted money without consent of Parliament; he had covered the country with an irresponsible and oppressive standing army not sanctioned by the constitution; he had made the soldiers of this army supersede the constitutional judges, and inflict penalties, which reached even to death itself, without legal trial; he had extended the use of judicial torture beyond its legal limits; he had imposed fines and forfeitures, without trial or on stretches of old obsolete laws; he had suppressed the privileges of the municipal corporations, because they were a refuge from his tyranny; he had corrupted and intimidated the bench, dictating the judgments they were to give, and altering the constitution of the courts to make them pliant. For all these offences, "The Estates of the kingdom of Scotland find and declare that King James the Seventh, being a profest Papist, did assume the regal power and acted as king without taking the oath required by law, and hath by the advice of evil and wicked councillors invaded the fundamental constitution of this kingdom, and altered it from a legal limited monarchy to an arbitrary despotic power, and hath exercised the same to the subversion of the Protestant religion and the violation of the laws and liberties of the nation, inverting all the ends of government, whereby he hath FOREFAULTED the right to the crown, and the throne is become VACANT."[1]

Thus by one vote the Revolution was completed. The declaration had been prepared for the acceptance of the House by a committee, and the same committee was immediately appointed to prepare an Act for settling the

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[1] In an unauthenticated but apparently accurate copy of the minutes of the Convention, it is said to have been unanimously agreed to that the word "forfault" in the declaration should imply no other alteration in the succession than the exclusion of King James himself, of "the pretended prince," and of the issue of either of them. This was for the purpose of keeping unquestioned the claims of Mary, believed to be the true heir to the throne by those who held the infant prince no child of James's queen.—Minutes of Convention, MS., Adv. Lib.

crown upon William and Mary, who were then King and Queen of England.

The Scots Estates in Parliament thus at once assumed the right to declare that a king had forfeited his throne, and to elect a successor. The simple logic of the act, and the bold sententiousness in which it was expressed, have sometimes been favourably contrasted with the hesitating deliberations and inconsistent announcements of the two Houses in England. These, seeming to make out that the throne had become vacant in the course of natural events, without their intervention, endeavoured to apply the usual daily tactics of Parliament to its unusual position; and in their desire to adhere to precedent, contradicted in their words the great act in which they were engaged. We have already seen examples of an impulsive nature in the action of the Scots Estates, eminently in contrast with the precise and steady progress towards the desired end ever held by the English Parliament, whether it be working out a revolution, or adjusting the tolls and pontages of a new highway. However admirable this precision is in itself, and however Scotland has profited by it since the incorporating union, the impulsive method was the most suitable, as, to use their own words on the occasion, "the best means for attaining the ends" before them, "as their ancestors in like cases have usually done for the vindicating and asserting their ancient rights and liberties."[1]

The Convention assembled under conditions of signal excitement and personal danger. Sitting, speaking, and voting in that assembly, were men outlawed and virtually condemned, who were now rulers, and might be expected to take vengeance on the statesmen sitting on the other side of the room who had sought their lives. But among these was the dreaded and unscrupulous Claverhouse, ready to bring his troopers to the door, and fall on the revolutionary majority like a conventicle of the hillmen, if he got encouragement to act,—and he was not one to hide his enmity, or hesitate to strike on the first fair oppor-

[1] Preamble to Declaration, Act. Parl., ix. 39.

tunity. The castle held out for the departing Government, and it might easily throw a shell into the Convention. Claverhouse's troopers were seen in the streets by the members as they came and went. On the other hand, the stern Cameronians of the west, who had shown their capacity so signally in battle, who had so many injuries to avenge, and whose nature had so little of the placability of the Master they professed to follow, swarmed in the city, and were ready to be led forth against the enemies of their cause and of themselves. They were men whose firm singleness of purpose, and resoluteness of action in the one direction they thought right, were sometimes more feared than liked even by the friends of the Revolution. If Claverhouse's presence was the token that daring and violent counsels might be apprehended, he and his friends had, at the same time, abundant ground for personal solicitude. Along with Mackenzie, who had earned an unenviable reputation as the Crown lawyer of the persecution, he sought the protection of the House against plans of assassination. It was shown that as he passed through the streets, some Covenanter had spoken to another about serving the dogs as *they* had served better men; but the Convention did not deem that a case had been made out justifying interference for the protection of men likely to be only too formidable.[1]

No man deliberating and voting in the Convention could say in how many hours or minutes he might have to fight an equal enemy, or flee before an overwhelming force. It was a time for immediate and stern action rather than debate. The Parliament of England met in peace and safety, for if there were to be a civil war there, it would be deliberate and systematic; and the very largeness of the forces likely to be engaged made a calm all around, within the influence of which the Legislature could proceed deliberately with its labours.

The decision of the English Parliament was no doubt

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[1] The threats issued against Claverhouse, so extremely natural, have been doubted; but the statement of Balcarras is confirmed by the Minutes of Convention, MS., Adv. Lib.

a great strengthener to the Revolution party in Scotland. It created a power on which they could in the end fall back, while it gave, in the mean time, an impetus to those prepared to seize this opportunity for ridding the country of such a Government as it had been enduring. Without such a supporting influence, the revolutionists might not have had their Parliamentary majority; for owing to this and other disheartening causes, many legitimists lost an opportunity of mustering in the field where the battle was to be fought, by declining to join in electing representatives to a body which they called illegal. But with all the overwhelming strength of revolution principles in the Convention, violence was daily expected in the streets of Edinburgh, and on the floor of the Parliament House. At one juncture of their proceedings, it was announced to them that the formidable Claverhouse, who had just abruptly and angrily left their Convention, was seen by the citizens to ride at the head of a body of horse along the road corresponding with the southern front of the new town of Edinburgh, and alighting, to scramble up the western face of the castle rock, and hold conference at a postern with the governor of the fortress.[1] The scene caused general excitement and confusion without. Of its influence within, we are told that the doors of the Parliament House were locked, on the plea of preventing a treacherous minority from communicating with armed accomplices without. And thus the representatives proceeded with the business of the nation, uncertain whether the tumultuous sounds which from time to time penetrated to their conclave, might not indicate that the matters before them were more sharply and rapidly settled

[1] In the outer wall of the castle, the outline of the postern, where it is likely that this conference was held, may be seen, if one standing in Castle Terrace draws with his eye a horizontal line from the spring of the turret in the north-western angle of the wall southward. It was pointed out to me many years ago by Robert Chambers, when we were both attending in St Cuthbert's churchyard the funeral of a common friend. It has since then been rendered more distinct by what is called "pointing."

elsewhere. It was in the midst of such exciting elements that the Estates went through their legislative duties, and it is wonderful that these were so well done.

In the transactions between the Convention and the new monarch, there was a decorous acknowledgment throughout of the entire independence of the kingdom, and not a trace can be found of any desire to dictate to the Estates of Scotland either by the English Parliament or by the armed prince to whom they had given submission as their sovereign. Ireland was scarcely even noticed in the arrangement which carried her sovereignty as a dependence of the crown of England. But until he had taken the oath tendered to him by the Scots Estates, William, in his intercourse with Scotland, was still merely the monarch of the neighbouring kingdom called England. He took a deep interest in Scotland. He had suggested the convening of the Estates; he assisted their labours, permitting them to appeal to him as their director in the absence of a king. But he treated them, and they treated him, as if the choice might fall on the Prince of Orange and King of England, or might fall elsewhere. Had the Scots Convention adhered to their old king, or made any other choice different from what England made, there would doubtless have been days of turbulence and ultimate humiliation for Scotland. But the fact is not the less noticeable, that a certain sternness and self-possession in the character of the country had purchased respect for its national independence; and the negotiations went on, with no servility on the one side, and no assumption on the other.

On the 11th of April the Estates adopted a "Claim of Right," passing it along with an offer of the crown to William and Mary. This Claim involved in general a condemnation of those acts with which James had been already charged, as acts contrary to the laws and privileges of the kingdom; in fact, it was the enumeration, slightly altered and enlarged, of the list of political offences for which it was declared that he had forfeited the crown. This solemn list appears in the proceedings of Parliament three times. First, it makes the

reasons for forfeiting the crown. Second, it makes the reasons why the crown being forfeited is at the disposal of the States. Third, it is a fundamental assertion of the rights of Scotsmen that must be binding on whoever may at any time become a king of Scots. To this purpose it bore the short but distinct title of "The Claim of Right." It is in this last shape that we must take it as fully revised and set forth as a standard of government, and in this view it received a few significant alterations and additions. Thus, turning from the personality to the generality, it was declared that no Papist could be king or queen of the realm, or even hold any government office; and that no Protestant successor could exercise the regal power before taking the coronation oath.[1]

Another paragraph, peculiar to the abstract Claim of Right, as separate from the personal accusations, will require attention when we come to the ecclesiastical history of the Revolution Settlement. It declared that Prelacy, and the superiority of any office in the Church, is a great and insupportable grievance, contrary to the inclinations of the generality of the people, and ought to be abolished. It was demanded that, for the redress of grievances, and amending, strengthening, and preserving the laws, parliaments ought to be frequently called and allowed to sit, and freedom of speech and debate should be secured to the members. Along with these safeguards were demanded a removal of the sources of judicial corruption, an appeal to the high court of Parliament, and protection to the subject from imprisonment without specific cause assigned, and from long detention without trial.

The resolution adopting the Claim of Right then sets

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[1] This doctrine was extremely offensive to the promulgators of the divine-right opinions of the later Stewart times, but it was never lost sight of by the constitutional parties in either kingdom; and Mr Allen, in his essay on the royal prerogative, aided by the minute knowledge of Sir Harris Nicholas, has shown it to be a distinct condition, by the old constitution of England, that no regal acts were legitimately performable until the monarch had sworn the coronation oath.

forth the reliance of the Convention on the Prince of Orange, as one who would surely perfect their deliverance and preserve them from the violation of their rights. Thereupon it declares William and Mary, then King and Queen of England, France, and Ireland, to be also King and Queen of Scotland; the reversion of the crown going to the longer liver, and the king administering the joint authority during both lives. The farther destination of the crown was, in the first place, to the heirs of the body of Mary; next, to her sister Anne and her heirs; and, thirdly, to the heirs of King William. On the same day, the new monarchs were proclaimed at the ancient cross of Edinburgh. The sound of the ceremony reached the Jacobite garrison in the castle; and Gordon, the governor, was censured by his friends for not having thrown a shell into the crowd assembled round the heralds.

On the 13th of April, and before the Estates had held official communication with their selected king, another string of resolutions was voted, called "Articles of Grievances." Between this document and the Claim of Right there was an important constitutional difference. The Claim laid down fundamental laws and rules of government which had been outraged by King James. The Articles, on the other hand, set forth practices not in themselves illegal, but done under the authority of bad laws, which ought to be repealed. Most of these laws, indeed, were the acts of the Estates themselves, and to count the executive culpable for executing them would have been alike illogical and unjust. Thus among them is "That most of the laws enacted in the Parliament, anno one thousand six hundred and eighty-five, are impious and intolerable grievances." Another grievance condemned the reference of legislative proceedings to Permanent Committees, and demanded free Parliamentary Discussion. This demand opened, as we shall find, a formidable question for immediate discussion. Another grievance was the Act of 1669, which made the monarch head of the Church, not merely in the English sense of the term, as the first director of an established system, but with legislative powers over the very constitution and character of

the ecclesiastical establishment. Among the other grievances declared on this occasion, were the imposition of customs or imposts by royal authority; the levying a standing army in time of peace without the consent of Parliament; the want of effectual remedies against the Highlanders; the trial and punishment of juries for finding verdicts against the Crown; the marriage of the sovereign with a Papist; and some minor judicial irregularities peculiar to the preceding reign, which were not likely to be repeated by a constitutional monarch. Two grievances were added to the list on the 24th of April; but they were, properly speaking, resolutions for bringing some other more important grievances under immediate discussion.

The difference between the nature of the Claim of Right and the Articles of Grievances entered into the conditions under which each was to be presented to the King of England, and it was afterwards disputed whether the proper order for the occasion had been faithfully observed. Neither of them was to be offered offensively as the terms of a bargain to be acceded to by William, King of England, before he could be accepted as king also in Scotland. It was held, however, that the Claim of Right expressed the constitutional claims of the community, of which he was invited to be sovereign. It defined what was offered to him in the crown of Scotland; therefore it should be read over to him before the offer was made. The Articles of Grievances merely set forth certain reforms in which it was desired that the new monarch should co-operate with the Estates, and therefore it was better that the document should be brought to his notice after he had accepted the offer of the crown.

In the letter containing the offer of the crown, it was stated, that the commissioners were to attend with the offer "and humbly to represent the Petition or Claim of Right of the subjects of this kingdom." As to the other document, they were instructed "to represent some things found grievous to this nation, which we humbly entreat your Majesty to remeid by wholesome laws in your first Parliament."

Three commissioners were sent to London to convey with due ceremony the offer of the crown. They were the Earl of Argyle, Sir James Montgomery of Skelmorlie, and Sir John Dalrymple—one from each of the three Estates, the Peers, the Barons, and the Burgesses. They were instructed to read the Declaration of Right to the king and queen, or to see it read, and to present to the king the list of Grievances. They were to offer the oath, and see it sworn and signed. The oath was taken in the Scots form, the monarchs standing and holding up the right hand. This document has often been noted as strong, decisive, and earnest in tone, without articulating the practical conditions it sets forth. The king is to be a good, and not a bad monarch; to profess the true, and not a false religion; to give all aid and support to truth and righteousness, and to discourage heterodoxy and unrighteousness. He is to govern his people according to the true Word of God and the ordinances of the true Church. The only definite condition—and one which, on that account, created some discussion—was the concluding sentence, in these words, in reference to persons guilty of schism from the true religion: "and we shall be careful to root out all heretics and enemies to the true worship of God, that shall be convicted of the true Kirk of God of the foresaids crimes, out of our lands and empire of Scotland." The tolerant ear of the new monarch caught the denunciatory term, and he remarked that he would not become a persecutor. But, according to usual practice, when pliant official people are met by objections of this sort, he was told that the words were but a form, and implied nothing in practice; and as the Dutch soldier could not be expected to be deep in the casuistry of Scots statecraft, he so accepted the oath, and endeavoured faithfully to perform it.[1]

The king addressed the Estates in a brief message, telling them that he and the queen had taken the oath,

[1] Minutes of Convention. History of the Affairs of Scotland from the Restoration, &c., and of the late Great Revolution, by T. S.: London, 1690.

which, he said, "by God's assistance, we will religiously observe." He referred to the Claim of Right and Declaration of Grievances as documents presented to him on the occasion; and without any specific comment on their tenor, he attested the readiness of the queen and himself to protect the Estates, and assist them in making such laws as should secure their religion, liberties, and properties, and prevent or redress whatever might be justly grievous. He concurred in the desire of the Estates that the "Convention" might be turned into "a Parliament," though apparently with a reluctant deference to the urgency of the occasion, which did not admit of the members dispersing and permitting themselves to be made into a Parliament by the king's summons. The difference between the two arrangements was considerable. A great mass of legislative business transacted by the members sitting in Convention became acts of the Estates; and had a new Parliament been called, the separate items of business would have had to be re-enacted, with all the risks of such a process.

Such was the Revolution as it stands on the national records. It was a piece of valuable statesmanship well managed, and showing no outward symptoms of discord in the triumphant party. Unpleasant disputes, however, broke into life when the Estates found their position firm. In the subsequent debates, it was eagerly and angrily demanded whether the three commissioners had done their faithful duty to the Estates and their country. Supposing it to have been the order of sequence desired by the Estates that the Claim of Right should be read first, next the offer of the crown, and thirdly the Articles of Grievances, yet there were opportunities for critical differences in so subtle a logical arrangement, and these opportunities were increased by the diversity of resolutions and instructions over which the whole business was spread. One thing stands distinct on the authority of the king's message to the Estates, that the monarchical oath was not taken until after both the documents were read.[1] But the other

[1] "My lords and gentlemen, the commissioners sent by you have

question was available for dispute in three forms: Had the intended sequence been exactly followed? Had both documents been read before the offer? Had the offer been made and accepted before either was read, so as to convert the Claim of Right from a stipulation into a petition?[1] It is easy to see how in hot debate on counter-accusations of treachery such a triple inquiry could become ravelled. On the surface of all the confusion it is apparent that Dalrymple was the man chiefly suspected. He was hard pressed by the opposition, who charged him with an attempt to betray the liberties of his country; and it is difficult to say whether this charge created the enmity entertained in Parliament against him and his father, or, enmity otherwise suggested, led to the discovery of Dalrymple's subserviency.

Until the new king could appoint a ministry and assemble a Parliament, the Convention had still the executive authority of the nation in their hands, involving much critical and important business. They acted in full house down to the 29th of April; when adjourning, they deputed their executive functions to a large committee. They were now, to a certain extent, protected by regular troops sent to Edinburgh by King William. Finding the Scots troops in England, whither they had been moved on the crisis of his approach, he accomplished with some difficulty the political arrangement of transferring them to his own country, judging that they could not be well trusted in a conflict with their old commander, Claverhouse. On the other hand, almost from the date of their independence, the United Provinces had been accustomed to employ a Scots force, called in Holland the Scots Brigade, and in Scotland the three Dutch Regiments. Commanding this force was a veteran officer, of an eminent Highland family,

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presented your letter to us, with your Petition or Claim of Right, the Grievances, and your address for turning you into a Parliament, which were all read in our presence; after which the queen and we did take and sign the oath tendered to us by your said commissioners, which by God's assistance we will religiously observe."—Act. Parl., ix. 93.

[1] Whoever desires to exercise himself in unravelling the discussion may consult the "Melville Papers," 158 *et seq.*

Hugh Mackay of Scoury, in Sutherland. He had been thirty years in foreign service; and by honest sentiments, a pure life, and strict attention to his military duties, he had secured the good opinion of his master. He had reached Edinburgh on the 25th of March, intending to recruit his regiments, then in a mere skeleton condition, in Scotland. But though thus protected, the Convention felt that the retreat of Claverhouse to the north, and the rumours they heard of gatherings among the clans, might cause an immediate struggle, in which they must act as the executive. They promptly strengthened the popular cause in the burghs, which had been subjected to nominees of the late Government, by appointing new elections, under the supervision of persons named in the Convention. But their more critical duties were in the arming of the country. They called out the fencible-men in the districts where they could be trusted, and sanctioned the Earl of Argyle, Lord Kenmuir, Lord Blantyre, and other persons of territorial power and Revolution opinions, in raising regiments. They authorised the Cameronians to form a regiment under Lord Angus. They gave authority and injunction to those who possessed towers or fortalices to hold them for the Revolution Government, and issued orders of all kinds, from general levies down to foraging and victualling instructions; nor were these restricted to territorial operations, but comprehended the petty naval force which Scotland could then support, as well as the military levies.

So early as the 13th of April, the Estates required all the clergy to pray publicly for the new king and queen, and to read from their pulpits the proclamation dethroning King James. This was the beginning of a policy fruitful in divisions and disputes of various kinds. In the mean time, one of the most frequent functions of the Convention and their committee was the prosecution and deprivation of clergymen disobedient to the injunction to pray for the king and queen. A stringently inquisitorial survey was kept of the conduct of the various persons who possessed any local or territorial power, many of whom were known to be passively on the watch for

decided indications to induce them to declare for the one side or the other. Any suspicious movements by those who were not very decidedly the friends of the Revolution were scrupulously noticed, and they were sharply questioned on matters which appear in themselves of a purely private and trifling character.[1]

It was resolved to compel all who had seceded to return to the Convention, or commit themselves to rebellion. The feudal institution of Parliament sanctioned calls of the House, or injunctions for the attendance of members, whose contumacy was punished with forfeitures. Such an order was issued, with a condition that those who failed to obey it should be treated as disaffected. On those who were supposed to have gone to England to avoid committing themselves, an ordeal was ingeniously brought to bear in the ceremonial of offering the crown. It was ordered that all the Scots nobility and gentry who happened to be in England should be present on that occasion; and the absence of any person of considerable importance became, of course, a very significant fact. The States, however, wisely set themselves more zealously to secure friends than to punish enemies. Though a crop of State offences was fast ripening in the insurrection of Claverhouse and the private machinations of the Jacobites, there was but one man treated as a criminal for his conduct in the previous reign.

This was Drummond, Earl of Perth, the Chancellor, who had become amenable to the law against the tenure of office by Roman Catholics. He endeavoured to escape abroad, but was caught and imprisoned under popular

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[1] Thus there are frequent inquiries as to the real health of those who profess to seek retirement, or to live "at the bath," on account of bodily ailments. There was, of course, a special watchfulness over those who held intercourse with Claverhouse. He had, for instance, dined with Lord Stormont at Scoon Palace, and the entertainer, when called on to give an account of his conduct, pleaded that the invitation was involuntary, since the formidable guest had taken his hospitality by force. But the excuse was not deemed satisfactory, and he was required to repair to the committee to give further explanations.

ebullitions of great violence and ignominy. This was the solitary instance in which the triumphant party showed a spirit of vindictive cruelty, and it is not unlikely that official title and other associations may have paralleled him in the popular mind with his ruffian fellow-chancellor Jeffreys, whose desperate adventures among the sailors at Wapping were almost parodied by Drummond among the seafaring population of Leith and Burntisland. But Drummond, if he had been rash and too ready in his compliances, and not without reproach of cruelty, was a far more respectable man than his brother officer. He had not betrayed his religion, or sold himself to the promulgation of an alien creed. Though a convert in the nomenclature of his new, and an apostate in that of his old friends, he became a sincere, zealous, and perhaps bigoted, member of the Church of Rome, who rather desired to retire to those countries where he could follow his new creed in fulness and safety, than to plot against his country and the religion which, to his great grief, it still obstinately retained.[1] And thus, after a somewhat rigorous imprisonment, the only statesman of the beaten system against whom harsh measures were taken for past offences, was permitted to leave the kingdom, on giving security to remain abroad.

In transmitting the offer of the crown, the Convention desired that they might be turned into a Parliament; and when we rejoin them on the 5th of June, they will be found transacting business with as many sanctions of parliamentary authority as ceremony could impart to their substantial power.

In the mean time, indications of the new king's policy were naturally sought in the advisers he selected, and the persons whom he promoted to high office. A more difficult task than the disposal of the Scots offices cannot be conceived. The leaders of a triumphant revolutionary party, however few they may be, are more difficult to satisfy in the disposal of office than a larger body attached

[1] See "Letters from James, Earl of Perth," printed by the Camden Society.

to a settled government; because, where there has been suffering, exertion, and danger, every champion considers that he has earned his portion in the rewards of the victory, on which, like the spoil of a beaten enemy, there is a simultaneous rush. Every Scotsman of importance, who could claim alliance with the Revolution party, proffered his guidance to the new king through the intricacies of his position. Each recommended him not to govern by a faction, or be led by those who had their own personal objects in view, but to follow out broad views of public interest; and each one concluded his advice with an offer of his own services to direct the monarch towards the broad views of public interest so recommended. The clustering of these gratuitous and expectant advisers round the king had become so troublesome to himself, and created so much jealousy and uneasiness among those who remained at their posts in Scotland, that the resort of members of the Convention to London was prohibited; and permission to repair to Court could only be obtained by solicitation, much influence, and an explanation of the applicant's motives.

In looking to the king's position towards his necessary advisers, it must ever be remembered that the change in Scotland partook, far more than the example set by England, in the true character of the term applied to both, of the nature of a *revolution*. In England, with the one great exception that the head was changed, the well-adjusted machine of government went on in undisturbed order. The dropping of the Great Seal in the Thames might have given more solid impediment to public business even than the change of kings. No alterations in the Parliament touched its elementary constitution. The Church saw some of her old dignitaries and servants depart, and new ones come; but she was still the same hierarchy of the Church of England. In Scotland the Parliament demanded a new and more popular constitution, and a total change in its relative position to the Crown; while the Church had fallen into the hands of victorious opponents, to be entirely revolutionised. The totally distinct traditional characters of the two nations were indicated by the aspirants to office. In

England, the class who had been accustomed to govern remained placidly on the steps of the throne; and William, when he mounted it, found himself surrounded by the statesmen of the day, like any legitimate sovereign. But in Scotland, where the antecedents of the Revolution were violent and bloody, the monarch was taught to seek his confidential advisers among those whose joints had been screwed in the thumbkins, who had been hunted by Claverhouse's dragoons, or had fled to Holland to escape from the gibbet.

The career of Scotland from the Covenant downwards, had not been of a kind to nourish a body of statesmen upright, firm, and placid. There was, however, this to be said for those who had suffered oppression for disdaining to bend to the evil exigencies of the times, that their zeal was not prompted by selfishness. They could not, therefore, in their hour of triumph, be reproached, as the Lords of the Congregation and the leaders of the Covenanters had been, that the true motive of their ardour was the retention of the valuable fragments of the old ecclesiastical revenues that had fallen into their hands. It was incidentally fortunate, too, that the few who could fairly be esteemed as sufferers for conscience' sake, belonged to the group that had clustered round King William at the Hague, and followed him to his new dominion. But these were only a small section of the men available for the purposes of a government, even if it had not been that, as persecuted men, they were not likely to retaliate and govern by a faction. The still worse and far larger class of public men had little principle and hardened consciences, and unfortunately they could gamble, as we shall find they did, with two very dangerous political powers—divine-right Jacobitism on the one hand, and Covenanting fanaticism on the other.

The man to whom the highest office fell—the Duke of Hamilton, the president of the Convention—was neither bigoted nor unscrupulous, but he was infirm of purpose. A peculiar capriciousness of political action—a wavering uncertainty which sickened all solid reliance,—seems to have become constitutional to that house, and we shall

find it still more conspicuous in the conduct of his son than in his own. Unlike the bold and profligate plotters of the age, their uncertainty lay in inaction, and in that most mischievous kind of it which leaves undone the business which it is essential to transact. Still, so indefinite and fugitive were the charges against them, that though both father and son were angrily censured by their friends, yet their enemies even seem never to have established any damning fact against them. They retired from public wrath behind a haughty passiveness—took home no accusations, gave no explanations, and neither defended themselves nor retaliated on others.

He was elected by a small majority over his competitor the Marquis of Athole. Thus selected by the Estates, and nearest among the Scots patricians to the throne, he was naturally appointed by the king to represent him as Lord High Commissioner, when the Convention was turned into a Parliament. On him was thrown, rightly or wrongly, the odium of impeding the Estates in their zealous career of constitutional reorganisation; and he is said to have palpably neglected or despised the instructions which the king had given him for the direction of the public business. A message from the king seemed to confirm these negative charges, and to sound like a protest, that he, at all events, countenanced no motionless or obstructive policy.

Although, as we shall presently see, whoever was to rule in Scotland must be a supporter of a Presbyterian polity, the Earl of Craufurd, who became president or chairman of the Estates when they were converted into a Parliament, was the only statesman of the day who adopted the peculiar demeanour and Scriptural phraseology of the Covenanters. It is to him that Burnet and others attribute the severities against the Episcopal clergymen, and the guidance of the force brought to bear on the Parliament and Privy Council in favour of a Presbyterian establishment. He certainly exercised great influence in the settlement of the Church, but he was not one of those on whose counsels King William relied, or whom he promoted to offices of trust; and his position as the chairman of the Estates and

a member of the Privy Council, was one of the incidental events of the Revolution which rather interrupted than furthered the views of the Revolution monarch.

The person who, if the monarch's chief adviser is to be called the Prime Minister, held that position in Scotland, was Lord Melville, who was appointed Secretary of State. We shall see that his function as the Minister in the king's presence, while a greater officer — the Commissioner — acted at a distance, worked inharmoniously. He had been a forfeited fugitive on charges connected with Argyle's rising. He belonged to the Presbyterian party, and that he had been persecuted, might seem a testimony to his sincerity. It was supposed, however, that his sufferings were due less to the offensiveness of his religion than to the attractiveness of his estates. He became instrumental in creating the Presbyterian establishment, but it is clear that in doing so he acted far more on political than on religious impulse. Melville was not a remarkable man in any way, but he was useful, and far more honest than some who, as we shall presently see, thought he and his friends unworthily occupied the position which should have been theirs. In the Parliament which assembled in 1690, he superseded the dubious Hamilton as Lord High Commissioner.

Every man raised to high and confidential office at that time had some bitter enemies in persons who believed themselves better entitled to advancement. Two men, James Dalrymple Lord Stair, and his son Sir John Dalrymple, excited against themselves a personally political war of memorable ferocity. They were lawyers by profession; and though immediately received as confidential advisers of the king, it was in their professional department that they were first advanced to office.

Every body of men, great or small, has its conventional idols towering above their brethren of the common level. Lord Stair has been in such fashion the unapproached head of Scots law. The field was not a large one—very different in its extent, intricacy, and importance to the world, from that on which the busy brain of Sir Edward Coke was ever wandering and gleaning. Scotland, as we have

seen, had accepted her law from the two great institutions prevailing over Europe, the civil law and the feudal. That gigantic mass of relentless barriers and dark intricate windings known as "the common law" of England, was in reality a great national fortress raised against "prerogative." This term had been unknown in Scotland, as well as the greater part of the theory signified by it in English practice. Hence the nation was fortunately exempt from the perils that made the building of the common law a grand chapter of European history. It will be observed that at this period the word "prerogative" came into use among statesmen in correspondence about the affairs of Scotland, but it refers rather to the novel practices introduced after the accession of the Stewarts to the crown of England, than to any old theories or practices of national origin. At the same time it is to be seen that the adoption in Scotland of the parliamentary part of the English prerogative as moulded into safe and useful shape by the long contest with "privilege," was necessary to save the constitution of Scotland as the Revolution had made it, from lapsing into an oligarchy. To the field of Scots jurisprudence, such as it was, Stair brought so entire an intellectual command, both in knowledge and genius, that he made his labours within it illustrious. It is perceptible in his great professional book, called after the example of Justinian "The Institutions," that while other writers of like works seem generally to acquire knowledge as they write, and to enlarge their classification as they master their details, with him a comprehensive mind had laid out all the analysis by rules founded on a larger knowledge than the practice of a small country could supply, and thus each detail as it came up found its proper place, while the great outlines remained to some extent still unfilled. He was a philosopher in many other departments, and an intellectual ornament of a rather dark and unhappy age of Scots literature. What he might have been had he shone in less evil days it is difficult to determine, for some have thought that his genius was of a kind which in calm times would have been comparatively sterile, and required the

excitement of restless politics to rouse it into action. His career had been such as to place him among the most extensively hated of his countrymen. In the lottery which the convulsions of the previous thirty years had made in the distribution of office, he had drawn more prizes than were likely, as it was thought, to fall to the lot of an honest man. At the present day, when much of the minor malignity of such disputes is lost, and people only care for their main outlines, it only gives credit and strength to a host of fugitive malignant pamphlets, to find the illustrious Lord President publishing an apology for his conduct.[1]

His career was open to the reproach that in as far as he excelled the other lawyers of his age in breadth of knowledge and dexterity in its use, in so far had he also given a more subtle assistance to the Governments that had been working out designs inimical to the old free institutions of the country; and it was suggested that he was ready to put services of the same kind at the disposal of the Revolution monarch.

He was, as we have seen, a member of Cromwell's Commission of Justice, and he retained his position at the Restoration by being appointed a Lord of Session. When all official persons were required to take the declaration condemning the Covenant, he refused to do so. The law required that he should forfeit his office; but professing to pass abroad an exiled unemployed man, it fell to his lot to have audience of the king on his way, and the rather suspicious result was that the king refused to receive his resignation, and subjected him as a loyal man to the necessity of retaining his office. In 1676, he rose to the climax of his fortune by being chosen, while still in the full vigour of his powers, to the office of Lord President, to which he was afterwards reappointed. He was thoroughly Protestant in his principles, and cautiously

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[1] "An Apology for Sir James Dalrymple of Stair, President of the Session, by himself." It has been at least twice reprinted in late years, and will be found prefixed to Professor More's edition of his Institutions.

stood out against the wretched severities which preceded the fall of the Stewarts. In the filling up of a new commission, he found himself silently deprived of his office, and his official friends recommended him not to complain or draw attention to the change, but rather to travel abroad; and, with the other refugees, he found it suitable to reside in Holland. He was indicted in his absence for treason, and, in the manner we have repeatedly seen, the process was put in condition to hang over his head for formidable use. He solaced himself with literature and the society of the Dutch scholars, when events called him back. The place of his retreat made him one of the fortunate few who, having attached themselves to the prince in his comparative obscurity, threw their fortunes into the venture of his expedition, and had claims on his notice much stronger than those of the timeservers who had not borne the burden and heat of the day. The wise and erudite philosopher commanded the almost respectful attention of the young prince. He was far advanced in years, with a dignified demeanour, sedately pleasing in his manners, and rich in stores of practical knowledge far beyond the bounds of his profession. To some extent, both in his gifts and his weaknesses, his capacities and career suggest a parallel with the stained lustre of the fame of Bacon.

His son was a man of great but of less noted ability, and his name has been doomed to an unhappy celebrity by the affair of Glencoe. On him the monarch was almost invited to bestow trust and office by the Estates, who made him one of the commissioners to offer the crown. Yet so dire a hatred arose against him, even before the affair of Glencoe, and immediately on the commencement of his official life after the Revolution, that, in the course of the debates to be presently mentioned, he was in daily apprehension of a parliamentary committal to the castle.

Though it was with much unwillingness that the king consented to the Presbyterian polity in Scotland, his most esteemed adviser, both in Church and State, was a clergyman of that Church. He seems to have considered himself safer in the hands of an honest Presbyterian minister

than in those of statesmen who adopted the Presbyterian cause for political objects.

This so peculiarly selected guide through the puzzling intricacies of the Scots affairs was the celebrated William Carstairs, who became Principal of the University of Edinburgh, and was known from his great power in Church and State by the alliterative title of Cardinal Carstairs. He had suffered greatly for the cause of the Revolution, and shown valuable qualities of secrecy and sagacity. He had been some years in prison, and his hand bore the mark of torture. After suffering inflictions which brought him near the gates of death, he consented to make certain revelations, and it was in this act that his discretion was shown. He gave some substantial information as to the past and defeated Ryehouse Plot; but he was then in intimate correspondence with the Pensionary Fagel and other Dutch statesmen, who brought him deep into the secrets of the probable policy of the Prince of Orange. While driven to confession on the past and defeated plot, he kept his knowledge of intentions and possible future movements as close as the grave. A courageous zealot might have preserved entire silence, but this selection of revelations showed a discretion which, in the eyes of such a prince as William, was among the most valuable of human virtues.

Carstairs had scarcely the rhetorical and literary talents of his rival Burnet, but he was entirely free of that prelate's foppish love of consequence and dangerous incontinence of tongue. He exhibited the rare phenomenon of a powerful churchman who could look beyond his order, and use his influence, not solely for the advancement of the Church, but for the State too. But whether or not this was but a deeper plan for the success of his order, his services to the State were eminently beneficial to his Church. It will be seen, indeed, that the moderated policy adopted by his advice kept in existence its Presbyterian foundation, which more stringent measures on either side would have certainly sacrificed. It is rare that any man—that a clergyman especially—should have carried moderation, and a generous estimate of the claims of

hostile religious bodies, through that ordeal of persecution which generally hardens every original element of illiberality, and burns out any sentiments of charity or toleration with which it may be leavened. On the whole, Carstairs ranks among remarkable minds.[1] The Revolution monarch had far more liking, and even respect, for this Scots clergyman, than for many of those who legitimately, from old custom, inherited the rank of statesmen. Carstairs was much about his person, and indeed appears to have enjoyed nearly as large an amount of friendship as the Dutch king's self-relying and not communicative or genial nature was capable of imparting. Except Bentinck, it would be difficult to point out any one whom he so entirely esteemed and trusted as Carstairs.

This reliance, so far as it went, was entirely honourable to both. The Revolution king was beyond that amiable weakness which, in monarchs or other arbiters of states, becomes a vice—of being led by favourite friends. He esteemed men only as they were useful to him—that is to say, as they helped on the policy for which he fought. Carstairs was such a one, and so he secured the esteem —almost the affection—of a master for whom he had the

[1] His origin and early associations were no less inimical to such results than his own previous history. His father was one of those high-toned enthusiasts of the days of persecution, who were held to be rather inspired prophets than ordinary men. Of his influence, the following notice by Wodrow will be deemed a sufficient indication: "He was doing duty at the sacrament for a brother minister at Calder. Upon the Sabbath, he was very wonderfully assisted in his first prayer, and had a strange gale through all the sermon, and there was a strange motion upon all the hearers. Singing the twenty-fourth psalm as he came down from the tables, all in the house were strangely affected, and glory seemed to fill that house! He served the first table in a strange rapture, and he called some ministers there to the next, but he was in such a frame that none of them would come and take the work off his hands. He continued at the work with the greatest enlargement and melting upon himself and all present that could be, and served fourteen or sixteen tables. A Christian that had been at the table and obliged to come out of the church pressing to be in again, and could not get in for some time, stood without the door, and said he was rapt upon the thoughts of that glory that was in that house for near half an hour, and got leave scarce to think upon any other thing."—Analecta, ii. 149.

devotion which a clever man has for one still cleverer than himself, placed where his abilities have a wider scope, and produce a deeper influence on human affairs.

Yet the influence possessed by Carstairs was of a kind that would have spoilt an ordinary man. Sprung of that respectable middle class, to whom it has been in a manner the peculiar pride of the Scots priesthood to belong, he rose to hold in his hands the destinies of the proudest heads of the proud feudal houses of Scotland. All who desired Court influence—and they formed a humiliatingly large proportion of the Scots Estates—paid court to Carstairs. Yet he kept his simplicity of character, as one who had no aspirations after the feudal dignity of the Scots aristocracies, and was still farther off from such treachery to his Presbyterian predilections, as made James Sharp sell the cause intrusted to his keeping for an archbishopric. Carstairs's integrity has been unquestioned; and among the many dubious and treacherous men of his restless age, he remained firm and honest.

## CHAPTER LXXXI.

### CONSOLIDATION OF THE REVOLUTION.

GATHERING OF THE COVENANTERS OF THE WEST—THEIR DOUBTS AND DIFFICULTIES ABOUT ACKNOWLEDGING AN UNCOVENANTED KING—THEIR MILITARY ORGANISATION—KNOWN AS "THE CAMERONIANS"—THE RABBLING OF "THE CURATES"—ASSEMBLING OF THE ESTATES — FIRST REVOLUTION PARLIAMENT — ITS INDEPENDENT TEMPER—CONTEST WITH THE CROWN—DANGER, IF VICTORIOUS, OF BECOMING AN OLIGARCHY — CONFLICT ON THE LORDS OF THE ARTICLES—RISE OF PARLIAMENTARY CLUBS—EFFORTS TO PURIFY THE BENCH — ATTACK ON THE DALRYMPLES — THE MONTGOMERY PLOT — FERGUSON THE PLOTTER — QUEEN MARY'S INVESTIGATION OF THE PLOT—TORTURING AND IMPRISONMENT OF NEVILLE PAYNE —A WORKING PARLIAMENT—CO-OPERATION WITH THE CROWN.

We turn from the new king and his advisers to look at the structure of the popular forces predominating in Scotland. Of these the most powerful and conspicuous was a large body of men who had thronged from the field of persecution in the west. They were the representatives of those "Remonstrants" of old who attributed the defeat at Dunbar to the presence of insufficiently covenanted combatants, and who drew themselves off, and separately incorporated themselves by "The Sanquhar Declaration." They came to be known as "Hillmen" "Society men," "Cameronians," and "Wild western Whigs." They afford to us for historical study an example of what relentless persecution for a quarter of a century can make of good men. Their ruling principle was the simplest and the broadest of all human principles —that which has more or less guided mankind in all ages

and all conditions of society—in despotisms, oligarchies, and democracies — among Polytheists, Mohammedans, Jews, and Christians. It was the simple doctrine, that I am right and you are wrong, and that whatever opinion different from mine is entertained by you, must be forthwith uprooted. By another way of describing the relative position of parties, the Cameronians were the select people of God and His chosen instruments; while all who differed with or opposed them, were the children of perdition. They took their creed from the New Testament, but their associations and religious revellings were all in the Old; and if the tone of their writings were held as a sufficient indication, it might be said that they coldly adopted the one as a formal test, but that their souls yearned after the older dispensation, as a practical embodiment of their own proud, fierce, and exclusive tempers. They loved the parallels which it afforded them, in the day of oppression and bondage, followed by that of victory and extermination; and though their faith bound them to the milder dispensation, their sympathies ever unconsciously fell back on those self-sufficient and tyrannical attributes, which the principles of toleration have counted antagonistic to Christianity instead of fundamental to it.

The Hillmen, as they were isolated by the Privy Council and the dragoons from the social intercourse of their kind, isolated themselves by a far stricter spiritual cordon. The more bitterly showered on them the torrent of temporal penalties, the more sternly did they retaliate, by cutting off the wicked, and dooming them, on principles satisfactory to themselves, and with a perfect assurance of their judgment being effective—to perdition. Gradually they drew the circle narrower and narrower. Popery, the original enemy against whom they inherited an old feud from the early Scots reformers, was, like Buddhism or Mohammedanism, too far off to be deemed practically a hostile power. Prelacy was nearly in the same position in a religious sense, though its close practical position, and the actual bleeding wounds daily received from it, made it beyond doubt a practical grievance. What

they were more deeply concerned with, however, was the class of Presbyterian clergymen who had lost their own souls, and the souls of their unfortunate followers, by accepting the Indulgence granted in a sort of penitential alarm by the persecuting Government, when it found that men could not be sent from one Church to another by command, like troops changing quarters. But there was a left-handed defection, which grieved the righteous souls of the Hillmen even more than the acceptance of the Indulgence, because it came closer home to them. This was found among the class who, though they might be earnest, even to stripes, and bondage, and blood, for liberty of conscience to themselves, admitted the soul-destroying principle of toleration, and would give like liberty of conscience to the rest of mankind—yea, even to their persecutors—and open a door to blasphemy and heresy, and all the corruptions which they had in common, with the testimony of their blood, sworn to extirpate.

A considerable number of the Presbyterian party were ready at least to tolerate the moderate Episcopalians, and were thus extremely offensive to the Cameronians. But there was still a nearer circle of enemies, severed from them by a very little distance, but that distance disclosed a chasm. These persons thought that the Presbyterian system was that appointed by God, and that it ought to be supreme, and all others should be trampled under it; but, while holding this ecclesiastical opinion, and not on principle disinclined to execute it, if they had the power, they were not ready, at that precise moment of feebleness and humiliation, to come forward as the arbiters of the world's destiny, and, smiting with the sword all who opposed them, reject toleration for themselves, while they denounced its extension to others, and dealt with every Government not strictly covenanting, as a Government contrary to God's will, which ought not to be permitted to exist. This was, however, what the Cameronians deemed their immediate function, and in its performance they isolated themselves from the rest of their countrymen, throwing defiance in the teeth of all parties, and

firmly believing that, like the Jews in the wilderness, they were some day soon to march in triumph to an entire supremacy over the nations of the earth.

These zealots for the religion of peace were men eminently combative. We shall find that they had the aspirations and the capacities of the soldier, even before they were embodied in the force that still retains their name in the British army. With all their deeply seated devotion, they were not docile followers even of their spiritual teachers. They were the kind of church which constitutes itself, and selects a clerical representative—not that which, acknowledging the separate and superior order of the priesthood, humbly obeys its directions. The clerolatory which brings on people the reproach of being priest-ridden, was not one of the weaknesses of the Cameronians. A clergyman who deepened by powerful language and strong deeds the sternness of their creed, was of course powerful in their ranks as a polemical captain; one who, for the sake of popular power, dishonestly or thoughtlessly humoured their convictions, would enjoy some smaller influence; but he who questioned the opinions of the Elders, and the sternest and bravest men among them, was utterly despised, and made a mocking and a reproach.

Their clergy did not professedly sever themselves from the Church of Scotland when it was made Presbyterian by the Revolution. Nay, very earnest efforts were made, as we shall find, to keep all their ministers within the bounds of the new establishment; and it was only after trial of their utter unfitness for any Church which a State could be allied with, that they drew themselves forth gradually and sullenly to teach a peculiar people living by themselves. While some severed themselves entirely, however, there was a debatable border of those who belonged to the Church established, but entertained Cameronian sympathies; and from the Revolution, when they were counted as among the most zealous and valuable of the Presbyterian party, down to the accession of George I., they were a sore thorn in the sides of the clergy, who, the more they were inclined to the exclu-

sive opinions of the sect, were the less meekly disposed to bear the domination and critical ridicule of the rigid, fierce, and sarcastic fathers of the congregations.[1]

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[1] Wodrow often mumbles forth his uneasy sensations under their blistering applications of remonstrance and warning. There was a matter arising out of proceedings, to be afterwards noticed, in which they had the whip-hand over those clergy who, like Wodrow, sympathised with them. *They* were clear on all the standard principles of their Church, such as the disowning of Patronage or Erastian interference, or of subjection in any shape to mere human and frail tribunals, and the support of all the powers and privileges of the Christian people. The clergy, however, were obliged to merge some of these questions, knowing that what was interpreted as "the Christian people's harmonious call" for a pastor, often resolved itself into a band of Highlanders with their dirks, resolved to carry for some northern parish the presentee who, by his Episcopalian tendencies, was most acceptable to the chief; and that in the west it often involved the scarcely less offensive dominion over their clergy of the Cameronians themselves. Hence we find that Wodrow, when addressing a brother clergyman, says: "In reasoning with them I could not but grant that several things were wrong among us, which we desire to be mended as well as they, and willingly in a regular way, and in the road of church communion will witness against; but these are not of that kind as to vindicate a secession; and, in other points wherein they and I could not agree, I offered to take in their testimony, which they once seemed to relish, but never have done it. Now the question wherein I would have your mind is, How far, and in what things, is it necessary and duty for private persons to bear a public testimony against corruptions in a constitute Church, that are matter of mourning to the godly in it as well as them; and how far ministers may take it in and record it *ad levamen conscientiæ?*"—Correspondence, i. 64. The Rev. James Hogg of Carnock, having rather warmer sympathies, experienced a much more virulent irritation in his intercourse with them, and records that, "as he was, and still is, utterly displeased with the extremes to which they have declined, so it was ordinarily a pain to him, and did heighten his griefs to converse with them. What that set of people is in bulk he shall not determine; but most of them he had occasion to see were a burden to him, being ignorant, and of a pharisaical set, highly conceited of themselves, and despising others."—Memoirs of the Public Life of Mr James Hogg, p. 99. But there is still stronger testimony to their presumptuous self-reliance, in the irritable expressions of one who, in the present day, would readily be mixed up with their history and opinions—Boston, the author of the Fourfold State. He says very pathetically, "I found myself like a bird shaken out of its nest, and was as an owl in the desert. Instead of the converse I sometime a-day had with exer-

In the quiet days of the Church of Scotland, after the Revolution, they had difficulty in getting a clergy, or finding men educated in divinity who would submit to their congregational supremacy; and in fact, the men whom they had nourished in their own bosoms as their peculiar pastors deserted them, and were glad, on rather humiliating terms, as we shall hereafter find, to be admitted into the highly respectable Established Presbyterian Church. But the submission of the ecclesiastical officers of the body did not carry it over or commit its most vitally religious members. In fact this, the most thoroughly religiously fanatical set of people in the country, had worked itself into existence, and supported its intensity of fervour, with a scanty and remittent clerical supply. In an appeal to a sister Church, in which they denounce the damnable doctrine of toleration, and announce their fixed determination to extirpate all corruption of doctrine, they tell of their destitution of Gospel ordinances, and, with pathetic simplicity, describe how, of their four ministers, three "have been successively crowned with the garland of martyrdom, and the fourth hath been long a confessor in bonds." Then, explaining how difficult it was, for men who would neither submit to be ruled by persons differing from their opinions nor tolerate that others should do so, to get clergymen who would martyr themselves for such exceptional exclusiveness, they expose with their own peculiar eloquence the baseness of the men who were not delighted to meet torture and death in vindication of their infallible opinions.[1]

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cised Christians about their own spiritual case, I was engaged in disputes about the public and about separation, and how to defend the lawfulness and duty of hearing me preach the Gospel, and for the most part to no effect. So that many a time it was a terror to me to go out among them; and going to particular places I often looked very blunt, finding myself beset with contemners of me and my ministry, who often kept not within the bounds of common civility."—Memoirs, 228.

[1] "Our ministers were first divided, and then after the fatal discomfiture of a party of our brethren appearing in defensive arms for religion and liberty, lives, laws, and privileges, about nine years ago,

At the outbreak of the Revolution we find them engaged in an attempt to get a clergyman after their own heart ordained by the Classis or Synod of Emden in Holland, having first ascertained, not by report but personal mission, that the ministers there were neither Erastian nor Cocceian. But the crisis of the times speedily opened up for them a different field of labour. In it they showed, along with their religious fervour and combative propensities, practical abilities of a high and powerful order, reminding one vividly of the Independents of the Commonwealth—a body to whom, in their fervour, their dislike of ecclesiastical domination, the regularity of their lives, their methodical capacity for public business, and their stern courage in the field of battle, they bore a signal resemblance. They were sadly destitute of temporal as well as spiritual leadership. They had not abandoned the national predilection for rank and descent, but few who had worldly privileges to boast of were likely to be found among their "Societies." Of the scant array of gentry who

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were further almost universally drawn by craft, or driven by cruelty, into manifest and manifold defections from the cause and Covenant of God, preferring peace to truth, and ease to duty, consulting their own interest rather than the interest of Christ, abandoning the necessary testimony of that day in that clamant case of confession, leaving the people without a warning or witness in the midst of many errors, snares, and temptations, and refused many reiterated calls to come and declare to them the whole counsel of God.

"Since which time we have been as sheep in the midst of wolves, a prey to all devourers, killed all day long, and counted as sheep for the slaughter, proscribed, forefaulted, miserably oppressed, intercommuned, interdicted of all harbour or supply, comfort or communion with any, chased, murdered, imprisoned, tortured, execute to the death, or banished, and sold as slaves, in so arbitrary, illegal, and inhumane a way, that, in some respects, ours may be compared to any persecution, primitive or modern. And, which hath been to us an affliction more insupportable than all these miseries, we have been growing under a famine of the faithfully preached Gospel; and what through mercy we have obtained of it, was got in peril of our lives, because of the sword of the wilderness, when in the open fields exposed to all weathers we could not be without fears of bloody assaults and murdering enemies, incessantly hunting to prey upon us and mingle our blood with our sacrifices."—Faithful Contendings, 349.

professed to be of them, Gordon of Earlston was a prisoner in the fortress of Blackness, shattered both in body and mind by intense tortures. They had much reliance on the Laird of Kersland, who, as major of their regiment, afterwards fell on the field at Steinkirk. But the only man among the educated gentry who well represented alike their religious fervour and military sternness, was our old acquaintance, the hero of Drumclog, Sir Robert Hamilton of Preston. He had been compelled to seek refuge in Holland, but wrote to his friends that, on the first breaking out of the conflict, he intended to visit them and take a share in their lot.

Headless as they were, these peasants were assembled in Societies, communicating with each other in well-set official terms, and so entirely organised in their singleness of purpose, and sustained superiority to any secondary motives likely to lead them from their main object, that when the news of William's expedition reached them, they were prepared to rise and act in an organised mass, if they deemed it right that they should adopt his cause. Gravely they set to the discussion of the matter, inquiring, doubtless not without hope of light more special and direct than that which illuminates the ordinary human intellect, into such matters as "Whether duty and safety did call for a rising in arms, or to sit still and hide? If there should be a rising resolved, when this should be attempted? Who should be admitted to concur? Whether there should be an association with the Dutch, or continuing in a separate body?" and so on.[1]

On such grave questions the Societies pronounced answers, which, however strange they may seem to others, are simple and natural to those who indulge in the perusal of documents of this class. It was unanimously determined that they could not "have an association with the Dutch in one body, nor come formally under their conduct, being such a promiscuous conjunction of Reformed Lutheran malignants and sectaries, to join with whom were repugnant to the testimony of the Church of Scotland." But along

[1] Faithful Contendings, 364.

with this repudiating testimony came another, which was deemed by the sterner of the sect a sad compromise and lamentable backsliding, and it was not carried without earnest debate and solemn protestation. Referring to the Dutch in William's expedition, it announced these concessions: "That they might be treated with so far as to keep some correspondence with them, to co-operate against the common enemy, to inform them of their motions, to take ammunition from them, and to admit some of them to come and teach us the art of war, but not to take them for our officers, or come under their conduct." From this intercommuning with men who were strangers, and possibly might be latitudinarians, and who were not assuredly known to be sworn Covenanters, we are told that in the next generation, old men who then lived used to date the beginning of a declension from the principles and practice, the faithful zeal and tenderness, shown in the days of persecution.[1]

Such mists were, however, for the moment dissipated by the actual splendour of events—the coming of the liberating host—the abject flight of the monarch, and the paralysis of his obnoxious advisers. Minds wrought up to see signal interpositions of the Divine hand to work out their own peculiar objects, could not fail to accept such events as a fulfilment, and to be checked for a moment by a dazzled reverence, in their usual task of a rigid examination of the orthodoxy of all the men who acted on the occasion, and the Scriptural conformity of all their actions.

But they speedily recovered their self-possession, and recommenced the fabrication of protests and remonstrances. Their first cause of scandal was the Prince's Declaration when he arrived in England, and its proclamation at Glasgow. Some zealous members of the Societies were present, giving their sanction to it, and their conduct was censured as "a deed rashly gone about, without common consent." It was said that the Prince's Declaration might be passed over as the words of a foreigner; but the brethren were not entitled to countenance it by their presence, "for there

[1] Faithful Contendings, 366.

was no mention made in it of the Covenanted work of Reformation."[1]

But whether or not it were right to countenance the Prince of Orange and his followers, it was clear to them that they were bound to adopt the opportunity offered to them for fighting their own cause in their own place, and thus they set about the expulsion of the Episcopal clergy in that south-western portion of Scotland which they counted peculiarly their own. They did not perform this duty cruelly or spitefully. Had they been a people naturally vindictive, there were wrongs sufficient in number for rousing them to vengeance; and had they been indiscriminate in their retaliation, they might have found a sufficient excuse in sufferings and contumelies which, by their intensity, blind the judicial vision, and let vengeance loose to strike indiscriminately. The creed and professions of these men were utterly intolerant; and in their conflicts they had sometimes shown a cruel fatalism, acting, when in the absolute certainty of being crushed by a superior force, as if they were themselves transcendent in power, and removed beyond human responsibility. The essentially sound and healthy nature of the men was, however, shown in their conduct, when that which they wildly foresaw in their bonds and miseries had really taken place, and their enemies were at their feet. Thus they discriminated. Had Claverhouse, Mackenzie, Drummond, or any others held as their oppressors in high places, been at their disposal, it is not to be said how far they might have relented from their favourite precept,—Lay on and spare not. But they did not belong to a vindictive or sanguinary race, and in the full flush of victory they were humane to those who, though nominally ranked with their oppressors, had done them little palpable injury. In truth, the Episcopal clergymen in these western shires, where they were commonly called Curates, had long felt that sad depression and disheartening feebleness, which no minister of religion can avoid feeling when he has no flock, and not a particle of sympathy from the people around him. The heart that

[1] Faithful Contendings, 370.

in such utter isolation of sympathy can exult in the possession of a legal or coercive right to assume the title of pastor, and force a certain amount of external compliance from the gentler part of his flock, must be harder than a clergyman's education can tend to make it. These poor curates, indeed, were only seeking an invidious living. Whatever oppression came from clerical sources was performed by the bishops, as privy councillors and ministers of state. The humble curates had no concern with it, and their virtual innocence was acknowledged in the moderation of their assailants. In a systematic ejection of the Episcopal clergymen of the five western shires, it has not been asserted by any of the most zealous writers or speakers of the time that one life was sacrificed. The immediate business on hand was performed effectively. The clergymen, of course, complained of the usage they suffered, though they never had received much courtesy from their parishioners, and might have anticipated a worse fate,—and the Jacobite party were naturally vehement in their denunciations of these "rabblings;" but no impartial man can master the facts without admitting that these fierce Cameronians behaved towards the clergy, so offensive to them, with signal leniency.[1]

No less systematic and business-like were their preparations for military service, founded on views of their warlike capacities more rational than those which had led them to battle at Bothwell Bridge. They were tempted,

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[1] The methodical way in which the ejectments were set about is described in that curious collection, the Faithful Contendings,—and its tenor is not seemingly contradicted by any of the Jacobite narratives. It was an instance of the powerful business talents of the Cameronians. They were afraid that if their people were left to avenge local or personal wrongs, scandal might be brought on the whole body, and they therefore proceeded systematically by committees. They made out a form or style of ejection, in which, after announcing how impossible it is any longer to endure that the house of God be made a den of thieves, the incumbent is warned that he must cease from performing ministerial functions in the parish; and he is required to give up the keys of the church—being sententiously told in the end of this document, which is better arranged than many legal writs, "if you refuse you shall be forced to do it."—Faithful Contendings, 376.

indeed, by immediate and strong encouragement from the Convention, to embody themselves as an armed force. Besides such scattered weapons as they already possessed, it was voted that 4000 muskets, 100 barrels of powder, 100 chests of ball, and 1000 pikes, should be sent to Glasgow, for distribution among the western shires, a portion being sent to each town as a common centre.[1] The vote was vindicated on the ground of danger to the country from Ireland; but of course, had it not been for the known antipathy of the western peasantry to the departed Government, they would not have been thus profusely and promiscuously armed.

It is uncertain if they received the whole of these arms; but to make due use of such as they obtained, they resolved to employ scientific military trainers—not stipulating that they should be covenanted, but content that they were not from the number of their persecutors. At their own expense, and by officers of their own selection, they were formed into four companies, and were an orderly, effective, well-disciplined body, who, though they were scarcely in actual conflict, were of great use to the Convention before the arrival of the king's troops, by overawing opposition.

The existence of such an independent army, when the Government resolved itself into shape, was not consistent with constitutional principle; and the Cameronians themselves showed no reluctance to disband, should their services be dispensed with. It was thought well, however, to embody one regiment from their valuable ranks, should it be possible to prevail on them to conform with the restrictions on the soldier's free-will, and with such military usages as did not coincide with covenanting principles—a matter about which there were grave doubts. The war in Ireland, however, and the rising of the Highlands, rendered their services too important to be lost for matters of secondary etiquette. The news passed suddenly over Scotland from the west, that a countless army was on its way from Ireland to burn and slay; while their savage

[1] Minutes of Convention.

brethren of the Highlands were to attack the devoted Lowlands of Scotland from the other side, and meet in blood those descendants of a common ancestry, from whom they had been so long separated.

As the rumour of an Irish force invading England had a powerful influence in frightening the people into the support of the Prince of Orange, it has been supposed that a kindred rumour in Scotland must have been part of a basely concerted system. But there is no reason to doubt that the panic was sufficiently real, however inadequate might be its cause. In the first place, the Jacobites expected large aid from Ireland, and actually did obtain a regiment, which fought at Killiecrankie. The west of Scotland caught alarm from an inroad of fugitive Protestants, who fled across the sea for protection from anticipated slaughter, just as in the massacre of 1641, the Protestants from the native districts fled frantically to the protection of the Pale. It was not then as now, when the Saxon force could easily estimate the extent of the Celtic, and experience safety in the consciousness of an overwhelming superiority. They rather felt like Rome when the Gauls menaced the frontiers—a small centre of civilisation beset by countless hordes of barbarians, whose very numbers might trample down opposition, however firm. When the scanty Celtic population in the limited western Highlands of their own country could so often shake the Government, and threaten to take the nation's fate into their hands, it was not wonderful that men were made anxious by the rumour of an inroad from the dense millions of the same kind of men in wide and populous Ireland.

On the 30th of April, when the Cameronians were assembled in general meeting in one of their churches, deliberating on the practicability of forming the regiment, they were driven out of some of their scruples by the palpable form which these hostile rumours had assumed. Some protested that their embodiment as a regiment could not fail to be a sinful association, seeing there were in the army Malignants and men of blood, as well as Latitudinarians and Tolerants, with whom their officers would have

to sit in council, while all were to be under a commander —General Mackay—"whom they knew not, nor what he was for nor against."[1]

This protesting body afterwards, as we shall see, enlarged itself, and embittered its principles; and yet the assenting body were sufficiently rigid in the securities they demanded for the covenanted purity of all with whom they were to associate themselves, and for avoiding the sin and hazard of unlawful communings. They laid down specific conditions, that they should be under no commanders whose conduct had been adverse to their own principles—or at least that, if it was necessary to employ such sinful persons, this should only be done after they had made due and public penance.[2]

When a considerable number of the men were embodied, still further and more distinct stipulations were proposed by them. They maintained that the object of their uniting themselves in a regiment should be the furtherance of the Covenant—the establishment of godly men—and the crushing of Prelacy, sectarianism, and all defections; that especially they and their officers should co-operate in the uprooting of those seeds of wickedness from the army; and that, in the mean time, and until this

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[1] Faithful Contendings, 393.

[2] The string of conditions commenced thus: "First, That all our officers, superior and inferior, be such as we can in conscience and prudence confidently submit unto and follow—such as have not served the enemy, nor persecuted and opposed the cause, nor engaged by the Declaration, Test, or other sinful oaths and bonds, to oppose and suppress the cause we fight for—but have given proof to their fidelity, integrity, and good affection to the covenanted Reformation, and are willing to renew the Covenant engagement when duly and seasonably called thereunto.

"Secondly, Or at least, if such a number of officers cannot be found that are free of such offences—that such as are admitted who are chargeable with lesser degrees of foresaid offences and compliances, make public acknowledgment, on the head of the regiment, of their sense of these sins and scandals, and engage to submit to the censures of the Church." When a paper, containing these and a train of similar conditions, was read out, "some of the meeting said, if these proposals were granted, they could not say much against the raising of a regiment."—Faithful Contendings, 395.

were accomplished, care should be taken to keep the pure and precious band from the snares of a contaminating conjunction with them; "and to this effect, that our officers endeavour to provide and procure that we go not out in promiscuous detachments with them, nor be mixed in encampments with the foresaid criminals."

By a stipulation still more at variance with constitutional principle, they required that they should always have the selection of their officers; or that, at all events, they should be protected, by the privilege of a veto, from commanders being obtruded on them without their consent; and they claimed a similar right of objection to the men by whom any vacancies in their ranks were to be filled. These stipulations were accompanied by some of a peculiar enough but not an unconstitutional character,—for public worship, a strict inquisition into opinions and conduct, a minister chosen by themselves and an elder so selected for each company.

The statesman to whom these stipulations were presented, Sir Patrick Hume of Polwarth, said drily that they were very excellent as a statement of principles, but that it was impossible to make such specific stipulations between a Government and the troops employed by it. He proposed, instead of them, that the men should take a brief declaration of the general objects for which they were embarked. It was rather cunningly devised, since it might infer that they were to carry out the principles of the Covenant in all parts of the United Kingdom, and establish the reign of righteousness; while another interpreter could restrict it to mere hostility within Scotland to the dethroned Government and Church.[1]

The opponents of the embodying of the regiment were now more numerous and bitter. The Cameronians were divided into three parties: those who were free to enter

[1] "You declare that you engage in this service of purpose to resist Popery, Prelacy, and arbitrary power; and to recover and establish the work of Reformation in Scotland, in opposition to Popery, Prelacy, and arbitrary power, in all the branches and steps thereof, till the government in Church and State be brought to that lustre and integrity which it had in the best times

the regiment; those who protested against it as a deviation from the old path; and a neutral party who had not clearness to engage in it, yet felt not themselves called upon to lift up a testimony against those who had obtained clearness.

And thus was formed the celebrated Cameronian or 26th Regiment, with the youthful Lord Angus as colonel, and that Clelland, of whose gallant end an account will afterwards be given, as his lieutenant, and the actual commander of the regiment. It was strict and exclusive enough, according to the modern notions of the very sternest Presbyterians even in Scotland; yet the compliance of those who joined it was mourned over as a signal step of defection, which, along with others, was a cause of lamentation and despondency to the true remaining brethren.[1] And when they saw the apostates whom they charged with this sad defection, employed to further the interests of that King William who disowned the Covenant, and not only tolerated but supported Prelacy—and when they heard of their being subject to the still further horrors of fighting in the German wars, under the same banner with Papists, Lutherans, Erastians, Cocceians, Bourignians, and sectaries of all shades—they deemed such horrible pollution a judgment following on their primary defection and entrance on the path leading to destruction.

Of the services of the regiment at home, there will be

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[1] In an enumeration of steps of defection, the fourth is: "The raising a regiment under the conduct of William Clelland, one of Argyle's officers, who though once one with us, yet was afterwards a great opposer of our testimony, and a reproacher of Mr James Renwick, and our faithful brethren both at home and abroad, whereby a great part of us were ensnared into a sinful and scandalous association in war with all the perjured, murdering, backslidden, and apostate enemies of Christ, both at home and abroad (France and his associates alone excepted), contrary to Deuteronomy xxiii. 9-14; 2 Chron. xviii. 3, with chap. xix. 2; Isa. viii. 12, 13; and likewise to an owning of their civil courts, paying cess, and other impositions, imposed and employed for the maintenance of the Prince and Princess of Orange, now become the head of the malignants, prelatic, indulged, toleratists, and sectarians in these lands."—Faithful Contendings, 471, 472.

occasion to speak in another place. It was with extreme unwillingness that even those who were lax enough to take service in the uncovenanted Government, submitted to be sent into idolatrous lands to struggle for the ambitious projects of a king whose quarrel was not theirs.[1] Wherever they found themselves, however, they did their military duty with the native sternness and fierceness. In the fatal battle of Steinkirk, they were part of that small body of British soldiers which, abandoned in the van by the treachery or mismanagement of allies, and in a position where other troops would have hopelessly fled, defended themselves with a fierce stubbornness which almost turned the fortunes of the day. But while they did their duty as soldiers, their little camp was as full of dispute as their larger society meetings. Intolerance drove the weaker brethren farther off; and the regiment, ere it gradually lapsed into the uniform modified licentiousness of other military bodies, exhibited a mixture of fanaticism and profligacy which deeply perplexed its hapless chaplain Shields.[2]

To return to the civil branch of the Cameronian body.

As the reconstruction of the Government went on step by step, they, in their numerous and almost continuous assemblages, broke into divisions and debates innumerable. Wherever a position was taken, in a shape however extreme, there were always a chosen few who found and occupied some still more extreme post, whence they cursed and excommunicated all mankind, and especially those brethren from whom they had just parted, and who were still nearest to them. That they should have appeared even to join in supporting the uncovenanted king and queen, who had sworn to maintain the prelatic Church of

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[1] There is an order of the Privy Council, of 15th January 1691, to arrest all deserters throughout the country from Lord Angus's regiment, about to embark for Flanders. Standing among many orders to empty the prisons into the regiments serving abroad, and to enlist sturdy beggars, we are taught that the fellow-countrymen with whom these zealots were associated must have been as great a curse and nuisance to them as the foreign Bourignians could possibly be.

[2] See the statements in "A Collection of the Dying Testimonies of some Holy and Pious Christians."

England, was matter of much grief to them all, and was to be repented of as an offence sure to call down on them, like their intercourse with sectaries and latitudinarians at Dunbar and Bothwell Bridge, some signal judgment. They complained that in the very subscription of the Covenants they had been utterly deceived, since the acknowledgment of the civil magistrate, included in the bond, was interpreted as an acknowledgment of a Government which had not engaged itself by the same bond, and was utterly uncovenanted. Their faithless ministers recommended them to join their feebler Presbyterian brethren, that by their superior strength they might bring these to purity and perfection. These clergymen, as we shall see afterwards, adopted their own counsel, and entered the pale of the Church of Scotland, leaving their sheep in the wilderness a prey to ravening wolves. These sheep, thus deserted, sent forth upon their fugitive pastors such a torrent of execration as they alone were able to issue.

It became an open question with these zealots whether the covenanted could address the Parliament—a body uncovenanted, and notoriously likely to remain in that state. As the Estates had not yet sinned by creating the constitution of the Church, it was deemed no derogation to appeal to them, provided the appeal contained an injunction to cast forth all who were unworthy to be legislators in a covenanted country. This involved a deposition of the whole Parliament; for though there were one or two ardent Presbyterians there, it may be questioned if there was one whom the Cameronians would not hold as at least lukewarm and liable to the doom of those who are neither hot nor cold. The address was, however, ingeniously framed, since it denounced chiefly those who had been the tools of the preceding tyranny, and merely by a general expression extended the conclusion to all who were "enemies of the covenanted Reformation."[1]

Nothing, however, was done for them. They watched the sittings of the Estates, as they are elsewhere recorded,

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[1] "Many then," says the editor of the Faithful Contendings, "and some yet, think that this comprehended almost the whole."—P. 432.

and always thought that the adjournments were made with some sinister view of defeating their protestations. When at last they saw a form of Church polity without a national and legislative renewal of the Covenants; when they saw Erastian oaths of allegiance laid on the Christian people; when their own clergy deserted them, and those "old abjured, perjured, erroneous, scandalous, Episcopal curates" were permitted actually to linger within the vineyard,—the cup of abominations was filled up, and they abandoned themselves to wilder sorrows and more desolate wailings than even the slaughters, huntings, and torturings of the previous reigns had drawn from their lips.[1] And thus they went on in their own secluded den, anathematising all that mighty external world which differed by the faintest shadow from their dogmatic opinions. Fortunately, to the complaint of not being assisted in exterminating all this heresy from the world, they had not to add the accusation that they were themselves persecuted. They did not, as we shall see, entirely escape constraint; but it was gentle, and rather for the protection of the Church than the punishment of its assailants. Their vehemence thus faded after the lapse of years, but it was of a tough nature, and did not easily die.

Let us resume the history of the Estates when they reassembled on the 5th of June as a Parliament. They had scarcely begun the transaction of business,

[1] Among the sins which have "provoked the Lord in His just and righteous judgments" towards them, there is a long fervid enumeration in such shape as the following: "That sinful act in being among the first in the nation that proclaimed the declaration of the Prince of Orange, and to own it as the state of our quarrel—who was matched to a daughter of the bloody Popish Duke of York, educated in the family of her uncle Charles, and ever since adhered to these abjured prelatic principles; and while he (the Prince of Orange) is associated with all the Popish and bloody enemies abroad (France and his associates only excepted), yea, that ravenous eagle, the tyrant of Austria, who is the Pope's general, while swimming in the blood of the Protestants of Hungary; and with that old devouring leviathan, the King of Spain, and now also with that little tiger of Savoy. Likewise his unconcernedness these many years with the overturning of the work of God in these lands until his own interest was touched."

ere a conflict arose between the Crown and the representative body, bearing more resemblance to the constitutional battles of the Long Parliament than to anything that had occurred in Scotland. Immediately as they met, their dignity was touched by a president being named according to old usage by the Lord Commissioner. They let that pass in the mean time; but it chafed their temper, and made them more prompt to meet the claims of the Crown face to face.

Their first and hardest conflict was for a free debating Parliament in Scotland, such as England had long possessed. At the head of the list of grievances was the conducting of parliamentary business through the Lords of the Articles, a body whose history has been already told.[1] The ardent spirits among the Scots gentry desired the public career of an open Parliament, and panted for an arena of exertion like that where courage and talent reaped power as well as distinction within the hall of St Stephen's. In the Convention they had enjoyed the excitement of legislative debate and conflict in their most intoxicating form, and they were determined not to lose these fierce joys, and retire into the formal and silent subserviency that had been their lot during the two preceding reigns. Scotland, they said, must have her free Parliament as well as England.

This resolution at once opened the conflict with the Crown. The king desired to modify and popularise the offensive system, by making the Lords of the Articles elective, and enlarging their number; the Estates desired to abolish them, and work by the whole House, or in "plain Parliament" as they termed it, with committees appointed for each occasion that might require such a method. It was in the new king's nature to use his authority moderately; but having agreed to become a king, he was unwilling to abandon any portion of what he held that a

[1] "The Estates of the kingdom of Scotland do represent, that the Committee of Parliament called the Articles, is a great grievance to the realm; and that there ought to be no committees of Parliament but such as are freely chosen by the Estates, to prepare motions and overtures that are first made in the House."

king, even a constitutional king, was entitled to do, and responsible for doing. "We shall never believe," said King William, in the simple terms in which he accepted the crown, "that the true interest of the people and the Crown can be opposite; and shall always account that our greatest prerogative to enact such laws as may promote truth, peace, and wealth in our kingdoms."

There were peculiarities in the constitution of the Scots Estates, which made the practice of English Parliaments inapplicable to them. There was virtually no second House for revising the proceedings of a popular chamber, and giving them the benefit of a full consideration, by a body acting on other and probably calmer views. To make the three Estates of Scotland work all their proceedings in open Parliament, or merely by committees chosen for the occasion, was like proposing that the House of Commons, without a corresponding alteration in its machinery, should work without the House of Lords; or that in the United States, Congress should dispense with the Senate. It was held that a fixed committee, with known powers, was essential to the safe action of a popular legislature acting in a single chamber. But further, it was in this department that the influence of the Crown, which in England took the form of a final veto, was exercised. The refusal of consent to an act which had passed the Estates was practically unknown in Scotland; and, were it necessary to resort to it, would have the offensive character of a hostile novelty.

The immediate position of the king created inducements, on grounds about which it was impossible to be explicit, for adhering to old practice. He could not entirely trust any one to be his representative, and had immediate grounds of suspicion against the person whom he found it necessary to place in that high office. His other ministers gave him conflicting advice. It took three weeks to receive an answer to an application for instructions sent to London from Edinburgh. It was part of the constitutional forms to protect Scotland from English domination or interference, that all authoritative acts of the prerogative should be made through a vote of the

Secret or Privy Council. In the issuing of proclamations, the appointment to office, and the like, the practice was for the king to send a letter, countersigned by the Scots secretary in attendance on him, directing his Privy Council to prepare and issue the required act or command.[1] In the recent reigns the Council were complacent, and sometimes too ready to carry out the supposed royal desire; but this was no longer to be counted on.

The tenor of events in King William's reign strengthens the impression that the Scots had been losing their liberties ever since the accession of their line of kings to the throne of England. It was soon seen that a detached independent state could not be ruled on constitutional principles by one who at a distance was the monarch of a larger realm. Every day developed more distinctly the truth announced by the sagacious Marlborough, that the only safety for Scotland was a legislative union, since the monarch, meeting perpetual interruption and annoyance in the transaction of business, would, when wearied out, have recourse to English councils, backed by English strength. So conscious of this was the king himself, that his first communication to the Scots Parliament earnestly drew their attention to the advantages of a Union, and the Scots appointed commissioners to transact it. But there was no inclination for such a measure on the part of England. The sensitiveness of the country and its statesmen, on the sacredness of their trading policy, made them shudder to approach the subject. We shall see how the Government difficulties increased, and the attitude of Scotland became gradually so hostile and so fierce, that England was at last compelled, not only to admit, but to court, this disagreeable alternative.

In the mean time, high dispute was the result of the Parliament's determination to remain, as it had made itself

[1] It appears that the Council held it essential to the validity of military orders, that they should be issued by themselves. The king's directions thus required to pass their board ere they could be enforced, and they issued many instructions of their own. Colonel Hill, the governor of Fort William, thus frequently complained of the number of masters over him who were ignorant of his profession.

for the time an open debating body, while the king desired to retain at least a portion of the old arrangements for bringing the influence of the Crown to bear on their deliberations. He had sent instructions, notifying the measures which he desired that his commissioner should endeavour to pass, and indicating generally what acts would, and what would not, be in accordance with the royal pleasure. The instructions were reasonable and cautious; but Hamilton, either by design or misapprehension, threw the glove of defiance on the floor of the house, by taking the initiative from his instructions, instead of cautiously endeavouring to guide the parliamentary proceedings in their direction, as a minister gets the House of Commons to pursue the policy of the Government. So, on the 17th of June, he intimated the king's pleasure, that in future the Lords of the Articles should consist of twenty-four persons, eight chosen freely from each Estate; and that, while this body, as of old, was to transact the legislative business committed to them, there was to be a remedy by motion in full Parliament, against their absolute rejection of any measure laid before them.[1] Next day, when the commissioner's draft of the Act was brought in, it was met by a counter-motion, that a fixed committee was a grievance; and this counter-motion was carried.[2] When the Estates met on the 21st, the Opposition were prepared with a bill or draft of an Act for regulating committees according to their own views. Proceeding on the vote that there was to be no permanent working committee independent of the immediate pleasure of the House, it made provision for temporary committees being appointed to prepare

[1] "His majesty's High Commissioner signified to the Estates, that he had instructions from his majesty anent choosing and regulating the Lords of the Articles—that eight lords, eight barons, and eight burroughs, should be chosen by the respective branches to sit upon the Articles, and prepare matters for the Parliament in the usual manner; and that albeit any matter were rejected in the Articles, it might nevertheless be brought in to be considered in full Parliament."—Minutes of the Estates.

[2] Ibid.

motions and adjust projects of law, or other matters brought on in full Parliament.

The commissioner begged that they would consider the matter well before an ultimate decision; and four days later, after a long debate, they modified their plan so far as to propose that each Estate should elect its own representatives in the committee. But another element in this vexed question had come up for consideration,—how far the Government, whose servants used to have a voice among the Lords of the Articles by right of office, should retain this power; and it was distinctly voted that the officers of state should not be members of committees unless they were so elected. The commissioner then intimated to the House that, as the measure did not agree with his instructions from the king, he could not give it the royal concurrence without communicating with his majesty.[1]

A spirit now gradually predominated in the Estates which showed that the king was well justified, on popular grounds, in holding to his claims as monarch. The majority, finding themselves compact and powerful, resolved not to lose the powers they had found themselves enjoying while they worked without a head. The quarrel about the powers of the Estates in working by committees grew daily deeper, and it was aggravated by their passing other measures, which the commissioner declined to touch with the sceptre as the attestation of the royal assent or concurrence. Perhaps if Scotland had been a detached state —if the adjustment of her government had not, by the unavoidable influence of the larger state, moulded itself into some analogy with that of England, the great houses who adopted Revolution principles would have made the country an aristocratic republic like Holland or Switzerland. To the vote against the Government on the Lords of the Articles, there was at first attached a significant clause, importing that if measures could be obtruded on the Estates contrary to their solemn determination, their vote of the crown to the present sovereigns might have

[1] Minutes of the Estates, 25th June.

less efficacy than it ought to have; but this was withdrawn.[1]

In the parliamentary conflict, remarks were dropped about the folly of dismissing one tyrant only to embrace another; and there were inquiries into the power of the Stadtholder of Holland, as if it were unworthy of the dignity and independence of the country that the holder of that limited supremacy should enjoy a greater power in Scotland.[2]

The parliamentary majority organised themselves by meeting separately in a tavern, kept by a man named Penston, where they settled their plan of consolidated operation by discussion and vote, appointing a clerk and otherwise systematically conducting their proceedings.[3] Thus acting through organisation, they received the name of the Club; and they were sometimes stimulated by extra-parliamentary bodies, who met to discuss the practical politics of that stirring time, and were also called clubs.[4]

It was justly observed, that the parliamentary club thus pursued that method of arranging business by a fixed committee, which it was determined to deny to the Government. They brought their measures before the House prepared and digested, with a pre-engaged majority for their support; while the officers of the Crown, denied the usual means of arranging their measures, and unpossessed of influence to carry them, were in the position of an ill-organised opposition, tabling proposals which were only subject to the contempt of a capricious assembly.

The party thus becoming organised was thoroughly oligarchical. It was believed that there was one popu-

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[1] Minutes of the Estates, 25th June.

[2] Melville Papers, 105.

[3] Ibid., 153 *et seq.*

[4] The terms of mystery and doubt in which the occasional notices of these clubs occur in the correspondence of the day, in connection with the real dangers of the time—for they sat during Claverhouse's campaign—have often a tone of similarity to the accounts of the state of France at a juncture too well known. The analogy is incidentally heightened from the first form of the name given to the followers of the exiled prince, and derived from his Latin signature. It afterwards became *Jacobites*, but it was then *Jacobins.*

lar power to which it must bow—that of the triumphant Presbyterians. But it is noticeable that the oligarchy, at the beginning of King William's Parliament, felt themselves too strong to need such aid, and thrust the claims of the Presbyterians contumaciously aside, while asserting their own. In the perplexity of these difficulties, Sir John Dalrymple recommended that the Government should proceed to the settlement of the Church, deeming that so exciting a question would draw the club off their political chase; but he was mistaken.[1] In debate, on the 28th of June, it was determined by vote to postpone the settlement of the Church to the secular matter before the House.[2] Sir John Dalrymple bitterly remarked on the occasion, that the members preferred the destruction of the State to the settlement of the Church.

The secular business to which it was postponed was of a formidable and exciting kind. The club wanted to make some victims among the king's ministers who opposed them. They had angry debates, already alluded to, about the terms in which the crown had been offered, and maintained that, if the king felt himself at liberty, by these terms, to restrain the power of Parliament by fixed committees, the commissioners sent to offer the crown had forgotten their duty and betrayed their country. The Earl of Argyle, who was the chief commissioner, became alarmed by a view which seemed to hold him responsible indefinitely for the conduct of the monarch, and begged earnestly that the House would examine the matter, and "discharge" the commissioners as having fulfilled their duty.

The House passed from this point to questions about

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[1] Letter to Lord Melville, 25th June 1689; Melville Papers, 83. This long letter is instructively filled with curious State information, for which, however, we have not to thank its writer, who says, at its conclusion,—"There are many things here in confidence, not fit to fall by—therefore read and burn." All who are accustomed to read State letters must have noticed how frequently the existence of this request carries the evidence of its being disregarded. Its frequent occurrence would tempt one to believe that it was generally treated as a reason for preserving the dangerous document.

[2] Minutes of Estates.

the advice that had been given to the king to resist the desires of the Estates, and the responsibility of the advisers for their conduct. But they found a more emphatic way of striking a blow in a very sensitive place. The two Dalrymples were the ablest and most effective advisers of the king in his resistive policy, and the younger, as we have seen, was suspected of having begun it with the offer of the crown. They had both held office under the Stewart kings; and a measure was brought in to disqualify for office all who had rendered themselves offensive to the country by partaking in the illegal proceedings of the late reigns. This was the project which the House took up in preference to the settlement of the Church, brought before it with the vain hope of drawing attention off so formidable a topic. By those who stood out in its support, the question was asked, if it were reasonable that a king should be dismissed for his evil deeds, while the men who recommended and executed them were retained in the public service? The House adhered to this project, and carried it into an Act, to which, however, the commissioner would not give the sanction of the Crown.

On the 9th and 10th of July, that discussion about parliamentary powers, which the Estates deemed the most momentous to themselves, again rose in the consideration of new instructions from the king. He offered a compromise, according to which the Lords of the Articles were to be enlarged from twenty-four to thirty-three—from eight for each Estate to eleven; and they might be chosen monthly, or even at shorter intervals. But the Estates were still obstinate. The commissioner again attempted to draw them off the stubborn assertion of their own plan, by placing the settlement of the Church before them. But though he coupled it with a proposal which should have had personal attractions for many of these pertinacious politicians,—a proposal to restore all forfeitures carried out since the year 1665—the effort was again made in vain. The discussion was, however, effectually broken up for the moment, by a startling intimation by the commissioner, that a formidable conspiracy against the Government and the Estates of Parliament had been

discovered in operation at their very door. As earnest of sincerity, he announced that he had ordered the arresting of the Duke of Gordon, and of thirty-seven other persons of various degrees in rank. When the matter was examined, it dwindled down from its portentous magnitude, embracing nothing beyond some arrangements about the avowedly hostile force under Claverhouse; and the commissioner did not escape the suspicion of having exaggerated the danger, for the paltry purpose of producing excitement, and withdrawing the attention of the Estates from their favourite measures.[1]

The rest of the session was spent in other unavailing efforts—which it would be tedious specifically to describe,—to draw the attention of the Estates away from the objects on which they had fixed their determination. They would neither turn to other objects, nor accept the king's proffered compromises. While this dispute was at its climax in the middle of July, the suspicious inquiry which had been directed against the conduct of the commissioners sent with the offer of the crown was sternly resumed. A list of searching questions was drawn up, and it was carried that, in imitation of the Scots method of conducting criminal investigations, each of the commissioners should be interrogated apart and alone.[2] It has been mentioned already, that there were differences of opinion among the commissioners, which the investigation would have revealed; but it was interrupted by adjournment, and never pursued.

Ere this unpromising session came to an end, the

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[1] Minutes of Estates; History of the Affairs of Scotland, &c.

[2] Among the interrogations were,—

"Did you, or any person for you, put any gloss or interpretation upon any article or point of the Claim of Right, or of the Grievances, not leaving them to the plain and literal sense?

"Did you offer any advice to his majesty upon the first Grievance, concerning the committee called the Articles, or concerning choosing committees of Parliament, or concerning the officers of State, their being supernumerary in committees—if you did, what was your advice?

"Did you advise, or draw the instruction to the commissioner relative to the grievance anent the Articles?"—Minutes of Estates.

Estates opened a new source of debate with the Crown, intimately connected with their other quarrels, since it involved an attack on the elder Dalrymple, whom the king desired to put at the head of the law. The bench, thoroughly diseased, required to be totally reconstructed; and the Estates wished to take at least a large share of this work out of the hands of the Crown. If the history of the previous reigns were a justification of their doing so, the project was amply justified. It was not wonderful that, after what they had seen during the past twenty years, the Convention Parliament desired to have the appointment of the judges. But, whether the king anticipated the view, that responsibility to Parliament is most sensitively exercised by Crown nomination under parliamentary responsibility, or acted merely on the suggestions of his own stubborn Dutch temper and sense of regal due, he would allow no interference with this function of the sovereign.

It was admitted by the Opposition that, in the case of ordinary vacancies, the Crown had the appointment of the successor; but now, they said that, as the whole machinery of the State had to be readjusted, from the monarch downwards, it behoved the Estates of the realm, who had given a head to the Government, likewise to aid in the reconstruction of those courts of justice on which so much of the stability and efficiency of the new settlement depended. And there was a technical reason of some weight started by them—the Crown never had the absolute appointment to a vacancy. The nominee was subject to an examination of his qualifications by the existing bench, and if they were dissatisfied, they had a veto on his appointment. Since a totally new court was to be made, there was no existing bench to try the qualifications of the nominees. It was thus, they said, judicious, and no more than fair, that the Estates should have the choice. They carried an act to this effect. It also authorised the judges to choose their own president—a privilege which the king arrogated to himself, and which, they knew, he was to exercise in favour of the offensive Dalrymple. This was among the measures which did not receive the touch of the sceptre.

In the mean time, the Estates, to show their sincerity, took such steps as they could to stop any system for administering justice until the question was settled. Until arrangements were made for completing the bench, it was technically said that "the signet was shut." The signet was a stamp or seal by which the royal authority was conveyed to judicial executive writs. It has been usual to speak of it in Scotland, like the Great Seal in England, as the visible representative of the regal authority in its executive capacity. It was preserved in the custody of the secretary of state, as the adviser of the Crown. It might be supposed that no administrative duty of the sovereign could less legitimately come within immediate parliamentary control. Yet, when a royal proclamation was issued opening the signet, as preparatory to the nomination of the bench, the Estates ordered "the signet to be shut," until, as they decorously professed, they should receive his majesty's pleasure on their own measure for reconstituting the bench; and this obstructive order was obeyed, without any immediate resistance on the part of the king.

In autumn, when the Estates were not sitting, and, from various causes to be presently noticed, the Opposition had lost much of their strength and determination, the king reopened the signet, and appointed a new bench of judges. Their commissions bear date on the 21st of November. He found a plausible and ingenious method of meeting the difficulty about the examination of nominees. Three of the new judges had been previously on the bench, and might be supposed capable of examining their brethren. They formed a nucleus of examiners, which increased as each nominee went through the form of being questioned, and on his qualifications being admitted, took his seat with the examiners. Sir James Dalrymple was named President, and his brethren courteously observed that he was the only one on whom their selection could have honourably and fairly fallen. He was, indeed, one of those men whom, from their transcendent reputation, it is always safe to promote; because if they should fail, the world, which has trumpeted

their fame, may be justly blamed for making the mistake of which the dispenser of patronage seems the innocent victim. His high repute in walks far beyond the bounds of his profession has already been spoken of. Had he been even less illustrious as a lawyer, such incidental claims might have gone far to justify the prince's selection. But there were elements of opposition which no claims, however transcendent, could neutralise, for there were others who wanted the office; and one of them, as we shall see, became so frantic with disappointment as to plunge into a plot for the restoration of King James.

We have seen what the bench was in the two preceding reigns. If the old president had honesty enough to effect an entire change, which was doubted, his firmness seems to have been insufficient for such an achievement. There was one of far more limited genius, but greater strength of character, who would have continued to occupy the supreme chair, had not a tragic end, symptomatic of the social condition of his age and country, overtaken him in the middle of the Revolution. This was Sir George Lockhart, who was shot in the High Street by Chiesly of Dalry, for giving a decision which had prevented this man from following up a scheme of domestic tyranny by starving his wife and children. It is true that Lockhart had been made President by King James; but he had rather taken the place by storm than gained it by unworthy concessions; and his opposition to many of the unconstitutional acts of Charles's reign had been so stern and effective, that James deemed it wise to have his aid and countenance in office. Like all men placed as he was, the sincerity of his conduct, in becoming a party to toleration projects which were known to be hollow and treacherous, exposed him to suspicion. His vindication was a simple one—he had all his days fought against intolerance, and he was not to resist a policy decidedly in that direction because people suspected farther projects, of a totally different kind, to be concealed beyond it. When the evil plans were opened up, he would not be wanting to his principles in resisting

them. The question of his sincerity is buried in his bloody grave; but there is little doubt that with his strong hand and resolute purpose, the Augean stable would have received a different cleansing from any that the venerable sage of the law could carry out. Some remedies were attempted by statute, to reduce the opportunities for dishonesty, by making the causes go through a regular routine, so that those who had a design to pervert justice in any particular instance, might possibly have no opportunity of doing so. Another regulation required that when the assembled court came to a judgment, it should be written out in their presence and immediately authenticated; for it appeared that no officer, however high, could be trusted with the duty of honestly setting forth the decision.

The Parliament with which the working of the Revolution Settlement opened so unpropitiously, was brought abruptly to a close on the 2d of August. The Estates, thus dispersed in the middle of their contests, left but faint traces of their labours in the transaction of the weighty business before them. The contest with the Crown indeed ran so high that the adjournment was made avowedly to put a stop to business, and terminate assemblages in which something that Sir John Dalrymple called a "prerogative" was sacrificed every day. It showed the apprehension of the Crown's advisers, that the essential business of raising a revenue was abandoned with other things, and the Government had to keep the troops on accommodations or loans from England, with such advances for occasional emergencies in the war as could be obtained from private persons or corporations on the credit of future supplies.

The Opposition could point to no fewer than six important acts which had passed the Estates, but had not been touched by the sceptre. On the other side, the king published his private instructions to the commissioner, bluntly maintaining that he had shown his anxiety to promote measures for the public good. This was an unprecedented withdrawal of the veil of secrecy which usually shrouds the individual policy of a monarch. The

act was characteristic of King William's ideas of government. He was a working king, who courted responsibility, and submitted his performance of his duties to the criticism of those most nearly concerned in them. This responsible activity is a quality not desired in the constitutional monarch of a systematic government; but without it the Revolution Settlement would not have been adjusted—or at all events would not have been what it was.

After the Parliament was over, the dispute between the king and the Estates took a more formidable shape, and in its climax developed an incident which effectually broke the parliamentary opposition.

On the 15th of October, a "humble representation" was presented to the king by certain commissioners of shires and burghs, complaining bitterly of the Government policy, and censoriously pointing to the acts which had passed the Estates, but had not been touched by the sceptre. The representation might have passed off with other forgotten discontents, but for an offensive pamphlet written in its vindication. This was attributed, from its venomous tone, to Ferguson, the celebrated Plotter, who could not take up the pen without immediately dipping it in poison.[1] The writer, whoever he was, spoke out at once the vulgar and sordid motives of his employers, in rude jeers about the incapacity of the secretary of state, and the wretchedness of the Government which could prefer such a man's services to those which were otherwise obtainable in the person of his disappointed competitor. This production gave high offence. Diligent inquiry was made after those who had most deeply concerned themselves in the representation and remonstrance, and the envious allusions to the disposal of patronage furnished a clue to some disappointed aspirants, who had become zealous supporters of parlia-

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[1] "The late Proceedings and Votes of the Parliament of Scotland, contained in an Address delivered to the King, signed by the plurality of the members thereof, stated and vindicated:" Glasgow, 1689. Reprinted in State Tracts published during the reign of King William, iii. 469.

mentary power and the Presbyterian Church. The malcontents in their representation said: "We in the first place most solemnly protest and declare, in the presence of God and men, our constant and inviolable fidelity and adherence to your majesty's royal title, rights, and interest, so frankly and cheerfully recognised by us in this Convention Parliament, wishing and praying for nothing more under the sun than your long and prosperous reign, as that wherein the securing of all our lives and liberties, and also of our holy religion, more dear to us than both, is infallibly included."[1]

The narrative now following leads us to those persons, and indicates the character of their zeal for the Revolution Settlement and their holy religion. Bishop Burnet states that one day he received a letter from a person who did not reveal himself, but who opened a channel of communication through which the bishop might master the secrets of a plot, deep-seated in unsuspected quarters, to overturn the Government and bring back the exiled king. By the arrangements made to follow up the inquiry, a person named Williamson was seized at Dover, in the expectation that in his custody would be found letters from persons in the confidence of the Government, sent to the Court of France to aid a Jacobite descent. Williamson was roused from sleep in his inn, but not a scrap to implicate himself or any other person was found in his possession. This disappointment, which was not entirely concealed, called out some ridicule on the bishop's well-known propensity for diving into State mysteries. His information, however, was substantially correct, but he did not exercise enough of the requisite science in employing it. Williamson had not received the bundle of important letters which he was to carry to France. He was waiting for them when he was caught. A man named Wilson had charge of them, and as he approached the inn where he was to deliver them to Williamson, he saw there the alarming bustle of State search. Thus warned, for his own

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[1] State Tracts published during the reign of William III.

safety as well as that of his employers, he did not attempt to meet his confederate, but took boat and conveyed his burden across the Channel.

The matter was almost forgotten in grumblings against the suspiciousness of the upstart Government when the other end of the clue was picked up in Scotland. There, one of the conspirators had been charged by the others with secretly opening a letter-bag bearing the seal of King James intended to be examined only in full conclave, withdrawing essential documents from it, and then resealing it,—but not so skilfully as to prevent eyes sharpened by suspicion from discovering his treachery. Thus detected, he deemed it his best course to go to Lord Melville and reveal the plot. The person who went to betray his fellow-traitors was Sir James Montgomery of Skelmorlie, a privy councillor, one of the three commissioners sent by the Convention to offer the crown to King William, and an exceedingly zealous supporter of the utmost Presbyterian claim. He impeached two colleagues, the Lords Annandale and Ross, both privy councillors, and officers in the army. They had been among the most earnest and active in the furtherance of the new Government, being of those who literally oppressed the king with advice how to baffle his enemies. Ross had made his zeal for the new king memorable by moving that the members of the Estates should take the oath of allegiance before beginning to business. The working means on which the conspirators calculated was the perverse zeal of the Cameronians; but they were incapable of appreciating the nature of honest bigotry.

The motives of the chief conspirators were of the simplest kind. They had not got the offices they wanted. Montgomery desired to be secretary of state—Ross to be lord president of the Court of Session. The aspirations of Annandale have not been so distinctly announced. They were all identified with the party which, at the end of the session of Parliament, when the chief offices were disposed of, had demanded further concessions from the Crown. But there was nothing in this to awaken any suspicion of their machinations. Their open demands

were ultra-revolutionary—their plots were for the restoration of the exiled house.

When the clue to their treachery was obtained, there was a competition among them each to save himself by fully informing on his colleagues. Lord Ross, apparently the least active, attempted to hide himself when he saw suspicion roused. He wrote to the secretary of state to say that he was innocent; but as there were unworthy suspicions against him, which might cause his imprisonment, and as a life of restraint to one who, like him, had been accustomed to the free air of heaven, was likely to have baneful results, he thought fit, on reflection, to retire to England.

Thither the whole question was carried. Lord Melville saw indications so formidable and indistinct behind the revelations made by these traitors, that he thought it would be well to assure them of safety as the price of further information.

This incident was but one element in the gloomy horizon which then seemed closing around the Revolution throne. Queen Mary was then alone in London. She showed resources in courage and capacity which well justified the high respect which her husband entertained for her as a ruler. It was, indeed, to her a time of doubt and anxiety. She had just heard that the Dutch troops had suffered a defeat by the French at Fleurus. The one naval humiliation of Britain before France had occurred at Beachy Head. The French fleet swept the Channel, and threatened and insulted the coast. The battle of the Boyne had not been fought, and she only knew that her father and her husband were at the head of armies which must come into conflict. The royal messengers both from Ireland and Scotland were intercepted, and for weeks nothing had been heard from the responsible officers of the Government in Edinburgh. In the midst of all this doubt and anxiety came the Montgomery plot, which it was necessary that the queen should herself investigate; for one of the impeachers, endeavouring to obtain a confessionary audience of the king, reached Chester for the purpose, just after William had passed on towards Ireland.

The investigations which she personally and in privacy conducted, are of a kind more naturally associated at the present day with a Crown lawyer or a commissioner of police, than with a woman of distinguished rank.

The queen met the traitors severally alone, examined them rigidly, and kept business-like notes of their revelations. But there was evidently one point on which the two parties did not understand each other. The queen thought that she was dealing with criminals, desirous each to buy his safety by informing on the others, and so treated them; while they seemed to look on themselves as statesmen, who were making conditions for their services. Lord Ross desired, for instance, that to save him from the suspicion of his accomplices, he should be admitted as if to an audience, and was angry and alarmed when he found himself denied the etiquette of his rank, and bluntly asked to give categorical answers to a series of questions. The approvers, in fact, founded on a social distinction not easily recognised at the present day. They stipulated that they were to be treated as gentlemen; and it was part of this condition that they were not to be produced as witnesses in open court, but were merely to afford secret information. This was a favourite distinction at that period, and is often found accompanying the revelations of political plotters.

It is not easy at first to see how secret information should be deemed less dishonourable than open testimony. Before utterly condemning the distinction, however, we must remember that the stipulation for secret information involved the condition that it could not be used, like testimony, against the persons implicated by it, and could only be employed by the Government as protective knowledge. This was the view which Ross and Montgomery professed to adopt. Ross was alarmed by the queen demanding written answers to her questions. He said it was beyond their bargain that his handwriting should remain to be seen, and possibly made use of. The queen then charged him straightway with concealment and prevarication, and had him committed to custody on a warrant for high treason. This promptitude alarmed the other two con-

spirators, and appears to have given much concern, to Carstairs who had promised his intervention for indemnity in favour of Ross, and to Melville who had made a similar engagement for Montgomery. They knew that the queen always stood for hard measures against the enemies of her husband's Government; and she seems to have been extremely unwilling to let go her hold on this little group of traitors.

Annandale was the most explicit of the three. He bluntly said, that Montgomery came "and proposed to him that, since there was no hopes of doing anything with the king, we ought to apply ourselves to King James, who was our lawful prince, and who no doubt would give us what preferments and employments we pleased."[1] They came presently to an understanding with the Jacobites, and, being accomplished tacticians, arranged, as the commencement of a bold movement, that the adherents of the exiled Court should lull suspicion by flocking to take the oath of allegiance.

Among the papers in possession of the conspirators was a commission by King James to a cabinet of five. Of these were, of course, Annandale, Ross, and Montgomery. One of the places was left blank. The other was filled with the name of the Earl of Arran, the Duke of Hamilton's son; and as the duke himself was to be president of their privy council, these documents had no tendency to allay the suspicions he had raised by his doubtful conduct. A general amnesty was to be granted, six persons only being excepted. Among these, Lord Melville had the satisfaction to see his own name and his son's. They were accompanied by that of Sir John Dalrymple, whom the conspirators had just been endeavouring to ruin, with the aid of the ultra-Revolution party, for not being sufficiently devoted to that cause. The list was completed with the names of General Mackay, General Douglas, and Bishop Burnet. There were other documents of a confidential nature, which Annandale could not describe, as they were those which

[1] Melville Papers, 506.

Montgomery had stolen out of the letter-bag. Among the miscellaneous persons whom they compromised in Scotland were the Duke of Queensberry, Lord Athole, and Lord Breadalbane. Their direct allies in London do not seem to have been either numerous or powerful. Most conspicuous among them was Ferguson the Plotter; but he appears so fugitively and indistinctly, as to rouse a suspicion that he was among them as a spy. He had worked the deepest and most dangerous plots against the Stewarts; had come triumphantly over with the Dutch army; and had been appointed to a comfortable Government office in London. That he should have so suddenly become an anti-revolutionary plotter is not easily to be believed. But he is one of the historical characters to whom it is often deceptious to apply ordinary rules of credibility; and if we take the word of Annandale, he was the master-demon of this plot, as he had been of the conspiracies on the other side.[1]

Another person connected with the plot in England

[1] Ferguson, when he changed, after the Revolution, from a Presbyterian or an Independent in religion, and a revolutionist in politics, to be high Episcopalian and Jacobite, published two lists of his works,—the one, of those which, as written before his conversion, he repented of—the other, of his later and favourite works; but the vindication above mentioned is in neither. A small volume bears the following succinct title: 'The History of the Revolution, by Robert Ferguson, London, printed in the year 1706.' The object of this is to prove that William of Orange was an accomplished and unscrupulous agent of the Jesuits, and that the Revolution was a bold stroke for the ultimate furtherance of the Church of Rome. It must be remembered that, in taking the measure of probabilities and improbabilities in this as in other specimens of the prophetic literature of the day, we have had now nearly two hundred years of experience on the question whether the Revolution has furthered Romanism. Taking this little book, with a future open to all anticipations of reaction, and taking a few small statements at the beginning as true, we have a very wonderful piece of ingenious manipulation of cause and probable effect, that might vie with any of the efforts by ingenious men to show what rhetoric and a dexterous management of formal logic can do in support of some palpable paradox. Ferguson's achievement is indeed more complete than theirs, for he writes not to astonish but to convince. This little book might be a good study to the vindicatory school of historical critics.

was a country gentleman called Neville Payne. Being threatened with a prosecution for high treason, he escaped to Scotland. There is reason for thinking that he was designedly frightened across the Border, that an expedient for extracting secrets, fortunately obsolete in England for many years, might be applied to him. Lockhart, the Scots solicitor-general, wrote from London to Lord Melville, saying that Payne knew secrets that would "hang a thousand," but he would only part with them under torture. "Pray you," says the law-officer, "put him in such hands as will have no pity on him; for, in the opinion of all men, he is a desperately cowardly fellow,"—a censure which the result was far from vindicating. Torture had been denounced by the Claim of Right; but an opening was kept to award it in special and important cases. To the scandal of the Revolution Government, it was applied in this instance; but the incident gives an opportunity for recording the extinction of the brutal practice, for Payne was its last victim, at least for political offences, and it did not last many years after the Revolution in any shape.

The Privy Council records show that Payne was subjected to torture on the 6th of August, on suspicion of "a treasonable and hellish plot," along with three obscure accomplices. He revealed nothing. It is remarkable that he was a second time tortured, under instructions signed by the king, and countersigned by Lord Melville, on the 10th of December. They directed the Council, "in case he prove obstinate and disingenuous, that you proceed against him to torture, with all the rigour that the law allows." Thus King William's name is not free of reproach in this matter—but it must be remembered that the law of England was the only code in Europe which then dispensed with judicial torture. Again the victim revealed nothing, but "in a boasting manner bade them do with his body what they pleased." [1]

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[1] Lord Craufurd next day gives the following sad description of the scene, which contains a strange estimate of what he deems "consistent with humanity:"—

"Yesterday, in the afternoon, Nevill Payne (after near an hour's

On the 6th of January 1691, Payne's nephew presented a petition to the Council, stating that, in the present condition of his health, with the pain from torture in his thumbs and leg, close confinement would speedily cut him off. Referring the matter to medical considerations, the Council addressed his majesty, humbly representing that, in the Claim of Right, the delay to put persons to trial is declared to be contrary to law; and desiring that either the lord advocate should be instructed to prosecute him, or he should be removed to England. We shall afterwards find that his examination was resumed in 1693, and that, to the scandal of the judicial institutions of the day, he was kept ten years a prisoner without trial.

While this inquiry went on, it was known, from other

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discourse I had with him in name of the Council, and in their presence, though at several times, by turning him out, and then calling him in again) was questioned upon some things that were not of the deepest concern, and had but gentle torture given him, being resolved to repeat it this day;—which, accordingly, about six this evening, we inflicted on both thumbs and one of his legs, with all the severity that was consistent with humanity, even unto that pitch that we could not preserve life and have gone farther—but without the least success; for his answers to our whole interrogatories, that were of any import, were negatives. Yet he was so manly and resolute under his suffering, that such of the Council as were not acquainted with all the evidences, were brangled, and began to give him charity that he might be innocent. It was surprising to me and others, that flesh and blood could, without fainting, and in contradiction to the grounds we had insinuate of our knowledge of his accession in matters, endure the heavy penance he was in for two hours; nor can I suggest any other reason than this, that by his religion and its dictates, he did conceive he was acting a thing not only generous towards his friends, but likewise so meritorious, that he would save his soul and be canonised among their saints. My stomach is truly so far out of tune by being a witness to an act so far cross to my natural temper, that I am fitter for rest than anything else. Nor could any less than the dangers from such conspirators to the person of our incomparable king, and the safety of his Government, prevail over me to have, in the Council's name, been the prompter of the executioner to increase the torture to so high a pitch. I leave it to other hands to acquaint your lordship how several of our number were shy to consent to the torture, and left the board, when by a vote they were overruled in this. I shall not deny them any charity that this was an effect of the gentleness of their nature; though some others, of a more jealous temper than I am, put only another construction on it."—Melville Papers, 582.

sources, that the exiled king desired to send his natural son, the great Duke of Berwick, to command the army of restoration, and it was supposed that the King of France was ready to contribute a large force. But it was not clear how far the Scots intriguers were associated with so great a project. No one was brought to trial for the affair, though Montgomery made a narrow escape. The possession of a pass from Lord Melville brought him under suspicion with the Jacobites; and though he told them that he had forged the pass, they thought him too thorough a traitor to be farther trusted. At the same time, he had to flee from a warrant of commitment. He spent the remainder of his days chiefly abroad, associating himself with miserable plots, and trusted by no one. Such was the end of an able man, who had not principle and firmness enough to exercise even the moderate restraint which passed for honesty in that age.[1] His fellow-conspirators, Annandale and Ross, repented of their folly, and rendered themselves so important as to be appointed to places of high trust.

Ere the Estates reassembled on 15th April 1690, many things had occurred to promote a desire of conciliation between them and the king. Among these were Montgomery's plot, the war in the north of Scotland, and the war in Ireland. In his instructions to Melville, who now succeeded Hamilton as commissioner, the king promised

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[1] He seems to have narrowly escaped capture in 1693—a year of deep plotting. Alexander Johnston, the secretary's brother, writing to Carstairs on 19th September, says: "Yesterday I met accidentally Sir George Campbell, and delivered your message, and invited him to dinner. As he was going to his lodgings in King Street, Westminster, 'twixt the Privy-garden wall and the Kockpit, a gentleman in a hackney-coach called to him and spoke to him, who was Sir James Montgomery. They stopped not, but drove on beyond Whitehall. Within half an hour or less he sent for me, and told me the story, which surprised me exceedingly, both on account of Sir George's sillyness and Sir James's boldness. It was too late to retrieve it; so I scolded Sir George exceedingly. How easily he might have had him seized, there being two sentries upon the guard at Whitehall and in the Park House, and so but calling out 'a traitor,' the very people had stopped the coach and taken him."—Carstairs's State Papers, 193.

all encouragement and goodwill to the Presbyterians, desiring that they would pursue moderate counsels. He directed that the acts passed in the last session tending to favour their interest, should be touched with the sceptre, and proposed to carry out a final settlement of the Church. At the same time he gave up the main points of difference about the method of parliamentary proceedings, trusting that the Estates would, on their side, abandon the hostile measures of the previous session. One of these measures —the reconstruction of the Court of Session—had, by the king's firmness, been, as we have seen, taken out of the hands of the Estates. Had the question been left open, it might have created serious discussion; but though some hostile expressions were dropped, and sharply noticed by the commissioner, the House did not venture on a serious conflict by attempting to undo what had been done.[1]

Along with the formal published instructions for conducting the business of Parliament, the commissioner received others of a nature so peculiar that they certainly cannot have been intended for publicity. They empowered him to deal with leading opponents, adjusting the distribution of office to that end, and only too certainly sanctioned direct pecuniary bribery, should it be found necessary for carrying on the Government.[2] Whether King William took this course from Continental experience, or felt himself driven to it by the instances of baseness dis-

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[1] Minutes, 7th June 1690.

[2] "You are allowed to deal with leading men in the Parliament, that they may concur for redressing of the Grievances, without reflecting upon some votes of Parliament much insisted on last session, which, upon weighty considerations, we thought not fit to pass into laws; and what employment or other gratifications you think fit to promise them in our name, we shall fulfil the same.

"You are to deal with all other persons as you shall have occasion, whom you judge most capable to be serviceable unto us, that they may be employed as instruments of taking off these leading men, or for getting intelligence, or for influencing shires, or royal burghs, that they may instruct their commissioners cordially to comply with our instructions for redressing of the Grievances; and what money or other gratifications you shall promise them shall be made good."—Melville Papers, 417.

closed to him in the Montgomery plot and other incidents, it was—and it is satisfactory to know that it was—a mistake. There were traitors in the country no doubt, but degradation or punishment according to the grade of their iniquity was their proper lot, and the wholesale purchase of the good and bad was not a successful speculation.

It seemed, however, in the session of 1690, that the Crown and the Estates had come to good terms. The most important question before the House was, whether they were to conduct business as an open legislative assembly, or work through fixed committees—the same that caused so much angry discussion in the previous session. On this point the king virtually yielded everything. There were to be no permanent committees like the Lords of the Articles, but the Estates were to appoint their committees from time to time to digest measures submitted to their consideration. There was so much of the external appearance of the old system, that in every committee there must be an equal number of representatives from each of the three Estates. The only difference between the act as it received the royal assent, and that which had been refused it in the previous session, was, that the officers of State might attend such committees, with the privilege of moving and debating, but not of voting.[1]

Though the Parliament of 1690 got through a large amount of business, it underwent disputes and squabbles likely to shake confidence in its form and procedure as precedents for permanent use. It was debated at length whether the acts of the previous session which were to be accepted by the Crown required to be voted again. It was maintained that they were acts of the Estates,

[1] Minutes of Estates. The officers of State at that time were—the Chancellor, the Treasurer and his Depute, the Keeper of the Privy Seal, the Secretaries of State, the Lord Register, the Lord Advocate, and the Lord Justice-Clerk. "The officers of State" is one of the terms of denomination frequently used in Scotland, but not easily fixed down to an exclusive meaning. By usage it seems to have come at this time to apply to those officers of the Crown who had seats in the Estates by right of office, whether they had votes or not.

which perhaps required the touch of the sceptre to authenticate them, but this, supposing it to be necessary, they might obtain at any time. The conciliatory intentions of the Estates prevented this from becoming a serious question, by the formal readoption of the measures; but it is clear that a legislative body, where so essential a question stood unfixed by a sufficient train of precedents, was in no condition to support constitutional liberty.

An incident still more curiously indicative of the jealousies that might arise, from members avowedly belonging to different orders working in one legislative chamber, occurred at the beginning of the session. The committees for trying controverted elections, used, like those of the Articles, to be permanent; and now that the matter was to be managed in open Parliament, the peers were in doubt whether they should remain in the general Parliament-hall, or retire into the "inner house," appropriated to their casual accommodation. Some of them retired, others remained. There was some question which portion was right; and had there been serious cause of quarrel, it might have swollen into a great national question. Indeed it was a rehearsal in miniature of the momentous question at the opening of the first French Revolution, when the third estate would not proceed to business until the clergy and nobles sat with them.[1]

Disputes and difficulties of this kind were naturally to be expected in a Parliament released from the old thraldom of stationary managing committees, and consisting of classes fully as far distinct from each other as the peers and the municipal representatives in the English Parliament—yet working in one assembly, and possessing, by the theory of the reformed constitution, equal individual weight in it.

Among the more important constitutional acts of this

[1] Oddly enough, the dispute in this instance was on the same subject—a committee on elections, or, as the French called it, for verification of the powers. But the Scots dispute went no farther than to call forth some bitter sarcasms from Sir Patrick Hume of Polwarth, who was the wit of the House.—See Minutes, 29th April, 1st May, 2d May.

Parliament, twenty-six representative members were added to the Estates, by alterations made in the representation of the larger counties. A measure was passed, important to many of the members, reversing the forfeitures of the preceding reigns. Eminent persons, such as Lord Melville, Fletcher of Saltoun, and Carstairs, were restored to their position by special Acts; but a general Act was passed, revoking condemnations and forfeitures on religious grounds, from the year 1665 downwards. It contains a long list of names, curious in the historical celebrity of a few, and the utter obscurity of the far greater number, whose designations assign them to the humblest social position. These measures, with a complex precision which need not be here followed, were directed to the obvious end of restoring so much of the forfeited estates as could be rescued out of the hands of the greedy recipients or "donatories" who had acquired them from the Crown, and without injury to persons who had obtained any portion of them in fair traffic.

These acts of restitution were accompanied by proceedings for the punishment of those who had been concerned in the Highland war under Claverhouse and his successors —a story yet to be told. This conflict, though it may be called small from the numbers engaged in it, was so large in political importance, that it demands a separate narrative. At the same time, for the purpose of continuity and distinctness, it is found useful to render a separate account of the ecclesiastical settlement, which was the most important labour of this and of succeeding sessions of the Estates.

# CHAPTER LXXXII.

## THE MILITARY HISTORY OF THE REVOLUTION.

THE HOLDING OUT OF EDINBURGH CASTLE — THE CAPITULATION — JOHN GRAHAM OF CLAVERHOUSE, VISCOUNT DUNDEE—COMPARISON WITH MONTROSE—MACKAY, HIS OPPONENT—THE HIGHLANDERS—THEIR GATHERINGS AND DISPERSALS — MARCHING AND COUNTER-MARCHING OF CLAVERHOUSE AND MACKAY — THE CONTEST FOR BLAIR CASTLE — THE BATTLE OF KILLIECRANKIE—THE DEFENCE OF DUNKELD — THE ATTACK AND FLIGHT AT THE HAUGHS OF CROMDALE — PLANS FOR THE SUBJUGATION OF THE HIGHLANDS—THE MASSACRE OF GLENCOE—CLAN HATREDS AND CONTESTS—THE SEIZURE AND DEFENCE OF THE BASS.

THE Revolution was not to establish itself in Parliament and the Church without military resistance. This resolves itself into two prominent forms—the siege of Edinburgh Castle, held for the forfeited monarch, and the Highland war. The garrison of the castle consisted of only 160 men commanded by the Duke of Gordon. Their efficiency was shaken by religious disputes. An intoxicated Irishman—a Roman Catholic—had stabbed a Protestant, and a rumour spread among the Protestants of the garrison that this was the commencement of a massacre. There were daily desertions, and before the end of the short siege, the number of effective men scarcely exceeded forty. There were no trained artillerymen, and the guns were served by ordinary soldiers. Nor was there any high commanding mind to infuse a spirit into the small feeble garrison. They did little more than close their gates, the natural strength of the place doing all the rest.

Before a regular besieging force, even in that day, the fortress must have fallen at once; and what made the siege of Edinburgh Castle a protracted affair was, that the feebleness of the garrison was balanced by the incapacity of the besiegers. On the 2d of March, a deputation went from the Convention to require the surrender of the castle, on an indemnity to the governor and the garrison. The duke offered to yield, if the indemnity were made general to his friends; and when he was asked whom he included in this expression, he mentioned all the Clans of the Highlands—a claim treated by the deputies as preposterous.[1] Two heralds, with pursuivants and trumpeters, were next despatched in all their pomp to summon the garrison to surrender, under pain of treason. When they had performed their office the governor had an amicable conversation with them; gave them money "to drink the king's health;" and, in allusion to their tabards, told them, that before they came with the king's coat to summon one of his castles to surrender to his enemy, they should have taken the precaution of turning the coat. On the 18th, a regular investment was made by the Cameronians. Had the affair been one of open combat, these formidable enthusiasts would have settled it at once; but, resolute and skilful as they were in battle or defence, they were utterly ignorant of the art of assailing fortified places; and though seven thousand in number, the great rock proved an impassable protection to the trifling garrison.

The assailants ran lines of circumvallation, and took up some points of attack, such as the tower of the West Church and the West Port of the city. It was observed by the cavaliers, that had the governor not been merciful, he might have destroyed all the men at their rude, clumsy works; but it must be remembered that he had very little ammunition. In reality, however, it was not the object of the besieged to enrage their opponents. They desired merely to hold out until the greater conflicts of parties

[1] See a thin quarto volume, called 'Siege of the Castle of Edinburgh,'—a very minute diary of the affair, printed for the Bannatyne Club in 1828.

should decide the question who ruled in Scotland, and then take advantage of, or yield to, circumstances. It is supposed, and is very likely, that Claverhouse recommended stern measures, for the purpose of operating on the Convention; but there were no trained soldiers, or men in responsible positions, prepared, like him, for desperate extremes; and the duke conducted the defence with signal consideration and humanity.[1] The possession of this renowned fortress seems to have been, in the mean time, deemed momentous by the friends of the Jacobite cause at a distance; and among other inspiriting messages, one came from Tyrconnel in Ireland, promising to relieve the castle with twenty thousand men, if it could be held for six weeks. It was on the 19th of March that Claverhouse held with the governor the conference at a postern or sally-port as already told. He is believed to have persuaded Gordon to hold out for three weeks, saying that he would then be at the head of a Highland army. It is to the influence inspired by his sanguine and commanding spirit in this short conference, that we must attribute the continued defence of the castle. The siege became a mere blockade, which must in the end prove successful, by starving out the garrison. An occasional shell came from either side, but few of them were destructive. One attracted special commemoration from the historian of the siege, by staving the cask which contained the garrison ale, so that on the 29th of May, in commemoration of the Restoration, they "cheerfully drank a

[1] Still it was impossible to avoid casualties to the citizens. In a paper published in London, called 'An Account from Scotland of the proceedings against the Duke of Gordon in the Castle of Edinburge' (7th June 1689), it is stated, that at one time much small shot or grape was fired on the town, "which only killed one woman, two men, two horses, and a dog." In the Privy Council records, a certain John Barclay is found applying for indemnity for the losses suffered by him from the siege. He includes "the servant-woman shot through the thigh, and likewise a man-servant through the shoulder." The garrison held a sort of telegraphic communication with their friends in the city, by signs exchanged with a Mrs Anne Smith, a granddaughter of Dr Aitken, Bishop of Galloway, whose window was conveniently placed for such a purpose.

health to the king, queen, and Prince of Wales in a mortifying liquor." The long-expected capitulation was not completed until the 14th of June. The garrison obtained favourable articles, receiving an indemnity for themselves and those who had aided them, and retiring with their arms and baggage. The duke, in a chivalrous spirit, declined to ask terms for himself, saying, he "had so much respect for all the princes of King James the VI.'s line, as not to make conditions with any of them for his own particular interest."[1]

Before the end of the siege a war of peculiar and strangely incidental character had been for some time kept alive in the north by the active energy of one of the most gifted soldiers of his day. We have to renew our acquaintance with John Graham of Claverhouse in a more heroic character than that of local oppressor of the peasantry. The two Grahams who have passed across our history, James and John, have naturally been associated together by community of name and origin, and there were other incidental points common to their career. Both were enthusiasts and men of genius. The triumphs of the two were in affairs small but brilliant. Each was devoted to the house of Stewart and became a martyr to the cause, and each had the fortune to bring to his adopted cause a new power in that Highland element that in the military opinion of the age was utterly worthless. The titles even of the highest rewards achieved by each—Montrose to the one, Dundee to the other—assisted in uniting the two together in the memories of men.[2] But there remained points of contrast. Montrose was signally successful in scattering before the fierce onset of his Highlanders great herds of burghers and agriculturists untrained to war, but he was crushed whenever he attempted to measure himself in tactics with an accomplished general.

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[1] Siege of the Castle, &c., 76.

[2] The patent raising John Graham to the peerage by the title of Viscount Dundee bears date 12th November 1688 (Napier, iii. 477). For the brief period that remains we may retain his older title, for the better continuity of the narrative.

It showed the effect of many years of strife upon the common people, that Claverhouse was driven from the field by a half-armed peasantry; yet in the end he inflicted a memorable punishment on one of the most experienced and trusted commanders of the day.

Montrose was a man of cultivated intellect and scholarly pursuits, but the other had not quite enough of the common intellectual culture of the day to save him from ridicule as a blockhead. He seems, indeed, to have been too entirely under the dominion of fanaticism to have any liberty for the lighter affairs of life. It helped him, however, that this fanaticism was of a kind raised socially above the current fanaticism of the day, since its worship was dedicated to Church and King. We have good portraits of both heroes, preserving faces that haunt the memory. That of Montrose is as of a large-built, strong man, with well-formed, grave, inscrutable features, unsullied by any expression of wickedness or weakness. Remove from the likeness of the other anything identifying the soldier, and we have in flesh and lineaments a woman's face of brilliant complexion and finely-cut features. But there is in it nothing of feminine gentleness or compassion—it might stand for the ideal of any of the classic heroines who have been immortalised for their hatreds and cruelties. They were both remarkable in ruling over a class of men who have ever shown themselves jealous of any assertion of superiority—the Highland chiefs. No Highlander could have accomplished this feat. There was more than mere personal jealousy in the conditions that forbade it. The supremacy of a Lowlander, humiliating or not, was but temporary. That of one chief over others might in their peculiar social organisation become a permanent institution. The descendants of him who had led his brother chiefs to battle might in all time to come claim authority over them as bound to fight under his banner.

Claverhouse was not at first prepared to deal with a force so alien to his training as that placed at his disposal by the Jacobite chiefs, but he soon learned how to make it available. The old chief Lochiel tells us

that while the small army already at his disposal waited for reinforcements from the clans, Claverhouse proposed that the interval should be employed in disciplining the men. The younger chiefs seemed to like the proposal, but the veteran raised his voice against it as fraught with danger. The Highlanders, he said, were already disciplined for their own impetuous way of fighting, by discharging the firelock in the enemy's face, and then falling on him with the broadsword. They must be left to do this in their usual way, and under their usual leaders: an attempt to exercise them in companies would only do them harm. The introduction of the slightest unaccustomed movement might confuse them in following their own course; and for the new movements themselves they would not be more apt in them than raw recruits. And he concluded with the potent argument, that "when they come to be disciplined in the modern way, and mixed with regular troops under stranger officers, they are not one straw better than their neighbours." [1]

Of the extreme caution required to avoid irritating the pride or disturbing the etiquette of these capricious warriors, a few warning instances occurred in the wan-

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[1] Memoirs of Lochiel, 251. This veteran chief, who died of fever in the year 1719, in the ninetieth year of his age, was a good specimen of the Highland warrior and clan statesman. "He was," says his biographer, "of the largest size, his countenance fresh and smooth, and he had a certain air of greatness about him which struck the beholders with awe and respect." He went to Court in King James's reign, and was there received much as an Affghan or Zulu chief would be at the present day. The last of the Stewart kings is reputed to have been a man of one joke; but, according to Lochiel, his majesty did him the honour to be particularly jocular about himself and his pursuits, representing him to the courtiers as a renowned thief, and recommending them to be careful of their horses and silver plate while he remained near them. This appeared to be infinitely gratifying to him, and the biographer exultingly records that when the king met him "he had always the goodness to inquire about his health, and now and then to put some jocose question to him, such as, if he was contriving to steal any of the fine mares he had seen in his majesty's stables, or in those of his courtiers."—Memoirs, 220. The very curious memoir of Lochiel, supposed to have been written by a certain John Drummond, was edited for the Abbotsford Club by James Macknight, Writer to the Signet.

dering campaign to be presently described. The Camerons had a quarrel with the Grants, who had seized some of their men and hanged them, for reasons which, however satisfactory to the one party, were of course not so to the other. The Camerons took the opportunity of being embodied in arms, to march to the Grant country to take vengeance. The Grants were in the Revolution interest, and the attack was legitimately agreeable to the conditions on which the Camerons were in arms. But there happened to be a member of the Macdonalds, a clan in alliance with the Camerons, among these Grants, who told the Camerons that he considered his presence among them entitled the Grants to be spared. The Camerons maintained, on the other hand, that the presence of Macdonald in the camp of the Grants made him an enemy. In the skirmish which ensued, the Camerons were successful, carrying off a satisfactory booty, and the Macdonald was killed. His chief sped in hot wrath to Claverhouse, demanding satisfaction, by the signal punishment of the clan Cameron. The general was puzzled, tried to laugh off the affair, but found it too serious to be so disposed of; for the Macdonald chief threatened vengeance with his own hand if he did not obtain satisfaction through his general. Claverhouse showed the skill of a ruler by receiving the angry chiefs at dinner, and accomplishing a reconciliation over the goblet.

Claverhouse, after he left the Convention, was ostensibly living as a private gentleman at his mansion of Dudhope, in Forfarshire. This character was, however, belied in many shapes. He had, quartered around him or living in his house, some choice followers—the same who had ridden off with him from Edinburgh—and, far more momentous, he was found to be busily corresponding with the Highland chiefs. He sent an express to Cameron of Lochiel, who, using his influence with his neighbours, secured a force of 800 men, apparently before any attempt was made to disturb Claverhouse in his retirement. According to the account of his friend Lochiel, he met Drummond of Bahaldy at Dunblane, who reported to him the condition of the clans, and "confirmed him in his

design" to embody them.[1] On the 18th of March the Convention cited him, according to ancient practice, to appear in his place in Parliament,—a command which he disregarded; and a few days afterwards a herald was sent to require him to disarm, under the pain of being denounced a traitor, and so dealt with. On the 27th he wrote to the Duke of Hamilton, from Dudhope, a short indignantly expressed letter.[2] Was it, he said, fitting, that when a man was living in peace in his own house, he should be summoned by a herald and trumpeter to lay down arms? There were others who had far more formidable bodies of men in arms at their command, who were not impugned, and whose hostile position and dangerous intentions made it unsafe for him to obey the order to appear; and because when he left the Convention others followed him, and some had done him the favour still to accompany him, must that be called being in arms? He concluded with a more softening appeal: "If there be anybody that, notwithstanding of all that is said, think I ought to appear, I beg the favour of a delay till my wife is brought to bed; and in the mean time I will either give security or parole not to disturb the peace."[3]

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[1] Memoirs, 235.

[2] This letter is transferred to the correspondence of Claverhouse, printed by the Bannatyne Club, from a copy annexed to a pamphlet called "The case of the present afflicted Clergy in Scotland." It seems in its general tenor to be genuine; but those who read its writer's letters in their *literatim* shape, will see that it has been modelled by the pamphleteer.

[3] Lady Dundee shortly afterwards gave birth to a son, who died in early infancy, surviving his father only a few months. A singularly eventful history is attributed to the widow. She married the Lord Kilsyth, who was forfeited for the rebellion of 1715. Two years after this event it appears that, with her young son, she was killed by the fall of a house in Holland. The body of the mother and son were embalmed in liquid antiseptics, and laid together in a vault of the church of Kilsyth. In 1795 their coffin was opened, when, according to the clergyman of the parish, those present, "to their utmost astonishment, found the body of Lady Kilsyth and her child as entire as the hour they were entombed." "Every feature," he continues, "every limb, is as full, nay, the very shroud is as clear and fresh, and the ribbons as bright, as the very day they were lodged in the tomb. What renders the scene truly interesting as well as striking, is, that

As formidable rumours were now heard about the organisation of the Highlanders, a force was sent northward to seize him and his friend Balcarras. This secondary object was accomplished, but the vigilant Dundee successfully evaded a carefully arranged plan to surprise him in a small remote house to which he had retired in Glen Ogilvie.

He went northwards by Athole and the wilds of Rannoch to meet his Highland supporters. Mackay, who, from his name and race, might be expected to have had more influence among the chiefs, attempted to induce some of them to intercept his movements; but those who did not deceive the worthy general appear to have evaded or neglected his admonitions. It is among the anomalies of this historical episode that Mackay, who could only command trained soldiers, was himself the head of a Highland house, while the leader who brought a Highland force upon him was a Lowland laird. We have seen that there were reasons why the Highland chiefs could not acknowledge a commander-in-chief in one of themselves. To the followers, so that each clan was under the immediate command of its own chief, it mattered not who it might be that undertook the organisation of the combined

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the body of her son and only child, the natural heir of the titles and estate of Kilsyth, lies at her knee. His features are as composed as if he were only asleep. His colour is as fresh, and his flesh as full, as if in the perfect glow of health. He seems to have been an infant of the age of three months. The body of Lady Kilsyth is equally well preserved; and it would not be easy for a stranger to distinguish with his eye whether she is dead or alive. For with the elegant style in which she is dressed, the vivid colour of the ribbons, the freshness of her looks, and the fulness of her features, she arrests the attention and interests the heart."—Old Statistical Account of Scotland, xviii. 301. A passage in Cunningham's History (i. 124) is in favour of the singular story, but dates throw some improbabilities in its way. The lady, a daughter of Lord Cochrane, was married to Clayerhouse in 1687, and is supposed to be killed, along with an infant son, thirty-three years afterwards. Lord Kilsyth had a second wife, a daughter of Mr Macdougall of Mackerston, by whom he had one child, a daughter (Douglas Peerage, 38); so that if the clergyman is right in saying that the child in the Kilsyth vault was a boy, the mother so singularly well preserved was doubtless the widow of Dundee.

force. Their commander's motions were influenced by a mercurial rapidity which makes attempts to trace them often unsatisfactory. He returned home for a brief space, to find there the crisis which has its strongest claims on a husband's anxious care; but if he was liable to domestic anxieties, the other cares he had taken upon him had more urgent exigencies for his active exertion, and he had no time to indulge in home satisfactions.

Mackay marching northwards left, under Livingston, a considerable garrison at Dundee, where, judging that the fate of the country must be decided north of the Tay, he appointed his headquarters and general gathering centre. Thence he started with about 450 men, chiefly dragoons, and endeavoured to track his fleet opponent. Claverhouse, who had full information of his motions, suddenly, when within a few miles of his pursuer, swept far beyond him by obscure paths; while Mackay took the usual central road by Brechin, and the pass of the Grampians, called the Cairn O'Mont.[1] When he reached Kincardine, on the Dee, he learned that his adversary had crossed the river at Braemar, thirty miles higher up among the mountains. With his more active motions, he was thus describing a circle round his sluggish pursuer, and he proceeded across the wild stretch of mountain-land which separates the Dee from the Don, went some miles down the strath of that river, and again crossing the mountain boundary, descended into the basin of the Spey.[2]

When Mackay reached the Dee, he was met by the Master of Forbes at the head of forty horsemen, and with about five or six hundred northern peasantry from the agricultural lowlands of Aberdeenshire. A force, however, of men from the spade and plough did not satisfy the military fastidiousness of the formal general. He thought they "were so ill armed, and appeared so little like the work," that he would not take the responsibility of embodying them; but desired that they might keep themselves ready for the protection of their own country, should

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[1] On the Cairn O'Mont, see chap. i.

[2] Mackay's Memoirs, 12 *et seq.*

it be attacked. He had trusted for more efficient aid from the Laird of Grant, whom he had instructed to guard all the fords of the Spey, and prevent Dundee from reaching his Highland friends on the other side. The Laird of Grant, however, though he had given in his professed adherence to the Revolution Settlement, probably waited the turn of events to decide his course of action, and in the mean time remained at Edinburgh. Thus when he reached Strathbogie, Mackay learned that his fleet enemy was beyond the Spey, and advancing on Inverness. When Claverhouse reached that Highland capital he found a characteristic scene. Keppoch had arrived there to join him with nine hundred men; and the incorrigible marauder finding himself at the place of meeting before his commander, and under no superior control, had invested the town with a view to its pillage, and was only kept at bay by the arming of the citizens, too well accustomed to visitors of his character. When Claverhouse censured this unmilitary conduct, the wily old freebooter said he was but taking his own, for the inhabitants were owing him moneys, which he had no other means of recovering.[1] It was the general's interest not to scrutinise too severely the motives and conduct of a force which joined him so opportunely; but he insisted on the freebooter naming a certain sum as the amount of his claim, and it was collected and paid over to him by a subscription among the inhabitants.

As Mackay approached the venerable quiet cathedral town of Elgin, he learned that the inhabitants were threatened by an invasion from the pillagers of Inverness, and they implored the presence of the Revolution general to save their houses from being sacked by the Highlanders. The alarming news received a ready sympathy in the general himself, who, with not quite four hundred men, tired with hard marches, found himself threatened by an overwhelming force. It was his interest immediately to throw himself into Elgin, where the towers of the cathedral and the bishop's palace would afford him a fortifica-

[1] Lochiel's Memoirs, 237.

tion of considerable strength against any ordinary force of that time, and especially a Highland force. The urgency of his position stimulated the rapidity of his troops; and the foot keeping up with the horse at a trot for several miles, he entered the city of refuge and brought up his stragglers in time to make the post effective. Thus established, he was in a position to communicate with the northern gentry and the chiefs favourable to his cause. He complains that he found them very lukewarm, and with few exceptions unendowed with "a true sense of the deliverance which God had sent them."[1] Besides the amount of political coldness or enmity with which he had to deal, there was a very substantial cause of reluctance in the imminent risk, approaching in some instances to certainty, that those who joined the Revolution army left their lands to be pillaged by the Jacobite Highlanders. He obtained, however, between four and five hundred men, including those of the Laird of Grant, who now joined him; and the two small armies gathering by degrees, might be considered, for a time, on a numerical equality.

For reasons of his own, however, Claverhouse was not inclined to action; and instead of remaining at Inverness, he retired into the wilds of Lochaber, where the promised detachments from the clans joined him day by day, while yet he waited to receive his master's authority to act as commander-in-chief of the forces in Scotland.

Inverness was occupied by Mackay, who considered it preferable in strength to Elgin. Not relying entirely on the castle or citadel on the hill, he palisaded the ends of the streets, and made the town a roughly fortified camp. Here he found three hundred of the citizens armed for the Government, and, from practice in encounters with the neighbouring freebooters, in condition to form effective recruits.

It would be impossible to follow the trace of these rapid shiftings, but for occasional small but significant incidents. We know that Claverhouse descended to the Lowlands early in May, because on the 11th he pounced with his

[1] Mackay's Memoirs, 16.

horse, amounting to about eighty, on the city of Perth, where he seized a party commanded by the Lairds of Blair and Pollock.[1] The prisoners were dragged about with the restless little army for some time, and were afterwards sent for safe custody to the Isle of Mull, deemed secure by the possession of the strong castle of Dowart.[2] Claverhouse next threatened the seaport town whence he derived his new title of Dundee; but satisfied that he had no opportunity there, he augmented his small cavalry force in Perth and Angus, and proceeded by one of his usual rapid movements back through the passes to rejoin his Highlanders.

In the mean time, Mackay, from his convenient station at Inverness, was pursuing his design to secure some of the influential northern clans. His efforts were almost in vain, except on his own clan, from which he drew two or three hundred men. He tells a misty story about an attempt to subsidise, or, as it was otherwise termed, to bribe the chiefs, and in this view he seems to have actually expended four thousand pounds. But when he believed that this prescription was producing its healing influence, he was awakened to a consciousness that the chiefs were laughing at him, by the wary old Lochiel, with whom he chiefly corresponded, recommending to him the example of

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[1] This date, and some other minute particulars, are ascertainable from the "Depositions of witnesses in the Process of Forfeiture against the representatives of the late Viscount Dundee."—Act. Parl. ix., App.

[2] Claverhouse, who was still acting on his own responsibility, while the Revolutionist troops were acting under the authority of the Convention, when asked on what authority he seized these lairds, made the characteristic answer: "You take prisoners for the Prince of Orange, and we take prisoners for King James, and there's an end of it."—Deposition of Lieutenant Colt in the Process of Attainder.

It has been said, on traditional authority, that when certain traitor dragoons in Mackay's force were apprehended, Claverhouse threatened that if they were punished, he would cut up his two captives, joint by joint, and send the fragments to the Privy Council. On the 3d September, the Privy Council appoint a certain John M'Lean to go to Mull with provisions and other things, sent by their friends, to the two lairds, and to treat for their ransom. This not apparently being an effectual arrangement, we find, on the 17th, Campbell of Calder appointed with full powers to negotiate for their release.

Monk, who employed the army he commanded in restoring the true king.

In the hope that the skeletons of his three Dutch regiments were becoming filled, he had sent to Colonel Balfour, the officer left in command of them, to despatch Colonel Ramsay with a force of 600 through Athole to Badenoch, where he proposed to meet them. Had these troops departed at the intended time they would have met Claverhouse on his brief expedition southward. Either from his own blundering, or the superior skill of the adversary, Ramsay's efforts to effect a junction without fighting his way through the enemy's force were abortive. Mackay, in endeavours to aid him, made the disagreeable discovery that his own cavalry were not to be trusted. Among other incidents rousing alarming suspicions, the governor of Ruthven Castle, on the Spey, was obliged by scarcity to surrender to Claverhouse, stipulating for the garrison's freedom. When he had passed a couple of miles beyond the Highland camp, he met two horsemen from Mackay's, who professed to be on a mission of inspection, but whose extreme confidence, close to the enemy's lines, showed that they felt no danger in discovery. The person who brought this information had noticed that, in Dundee's camp, the horses were saddled and ready; and speedily the scouts brought notice that he was on the march towards Mackay's station, about ten or twelve miles distant.

Ruthven Castle stood on the bank of the Spey, opposite to Kingussie, where the ruins of Ruthven barracks are now conspicuous. Mackay was thus far northward in the Highlands with no friend but the Laird of Grant, and close to an army much larger than his own. These conditions suggested a retreat to the Lowlands as the prudent course. The dragoons had been placed in the van and rear; and he so managed as to keep those whom he most suspected in the former position, whence a junction with the enemy was the least practicable, and the more trusty in the position which, in a retreat, is the post of honour. The Dutch infantry, who had no inducements to draw them from under his command, marched immediately behind the suspected dragoons. He dismissed the Highlanders

levied from the Grant country, who would have enough on hand in endeavouring to keep their property from the Highland marauders, and probably would not have abandoned their homes if they had been commanded. The enemy were within three miles of him when he began a silent night retreat. He took great credit, and not quite undeservedly, for the effective rapidity of his motions, which not only saved his being severed, by an overwhelming force, from the feeders of his little army in the south, but brought him immediately up to reinforcements sent to join him under Barclay and Leslie.

In Strathdon, in the upper part of Aberdeenshire, where the Highland army was encamped round the house of Edinglassie, it seemed again that conflict was imminent, for Mackay, with his army recruited, went northwards to seek his enemy. It befell that enemy, however, to be in the mean time otherwise disposed of, and in a fashion peculiar to Highland warfare. Whether it was that the Highlanders had been longer embodied than they chose to be without a decisive action, or that they had got possession in the Lowlands of movables which it was desirable to carry home, the army, estimated at 3000, disappeared like a snow-wreath, leaving the leader none but his small body of horsemen and a few personal friends.[1] Whatever those acquainted with Highland warfare might surmise, to the world at large the hopes and the fears that centred in the prospect of a critical battle were alike ended. While his nimble opponent was seeking safety, Mackay had but a few trifling affairs in hand. Some Jacobite leaders were assembled in council, in the square tower of Farquharson of Inverey, a noted freebooter of high descent. The commander of a detachment sent to surprise them was himself surprised and routed, and required the presence of an augmented force to enable him to bring the remnant of his men back. The two most

[1] Sir James Stewart, writing on the 11th July, says: "Our news from Dundee say that he has again almost evanished—scarce 200 with him, and these in great want of all things."—Melville Papers, 165.

remote fortalices on Deeside—Braemar and Inverey—were burned in this conflict; and Mackay left a small garrison in Abergeldie to overawe the strath. Dividing his army, he left one half under Livingston to occupy Inverness as a central post, and with the other marched towards Edinburgh. His chief object in returning was to impress on the Government that it was not by sending armies and gaining battles that the Highlands were to be subdued, but by the establishment of fortresses in the central avenues of the country. The nature of Highland warfare, effective as it was on the native ground, was the feeblest of all against places of strength, and the mountaineers looked with superstitious awe on ramparts edged with cannon. Cromwell had seen this with his instinctive sagacity, and he was afterwards followed by others when much blood and strife had been wasted in less effective warfare. Meanwhile, however, Mackay paid dear for his sound opinion—it was in an attempt practically to realise it, that he met the great catastrophe of his career.

Blair Castle, a fortified mansion—strong in the age when large-calibred guns were not used—commanded in front the strath of the Garry, through which troops might march by the line of the Highland road through Drumouchter, while behind it covered the narrower passes leading to the Spey and the Dee. Mackay considered its possession of infinite moment, and it was naturally the policy of the other side, if possible, to defeat his object. Claverhouse had begun about the middle of the month to reassemble his Highland friends; and the customary promptness of his requisitions soon brought round him a considerable force at Moy, the chief strength of the Macintoshes, in the eastern border of Inverness-shire.[1]

[1] He writes from Moy, June 23: "Captain of Glenrannald is near us these severall dayes. The Laird of Baro [*i.e.*, Barra] is there with his men. I am persuaded Sir Donald [M'Donald] is there by this. M'Clean lands in Morven to-morrow certainly. Apen Glenco Lochell Glengaire Keppock are all raidy. Sir Alexr. [M'Lean] and Largo have been here with there men all this while with me, so that I hope we will go out of Lochaber about three thousand. You may judge what we will gett in Strathharig, Bade-

His ultimate views were now connected with the prospects of a large victorious army from Ireland landing on the west coast, and seconded by a French descent on the east. These were to be masters for "the king" in the south, as his own force was to be in the north. Of these wider operations, while busily doing his work of bringing together his scanty Highland force, he indulged in the most majestic and visionary expectations.[1] These dreams,

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nock, Athol, Marr, and the Duke of Gordon's Lands, besides the loyall shires of Bamf Aberdeen Merns Angus Pearth and Stirling. I hope we will be masters of the north as the Kings army will be of the south. I had almost forgot to tell you of my Lord Braod Alban who I suppose now will come to the feelds. Dumbeth with two hundred hors and eight hundred foot and said to be endeavouring to join us. My L Seaforth will be in a few dayes from Irland to rais his men for the Kings service."—Letter to the Laird of Macleod; Letters of John Graham of Claverhouse, Bannatyne Club, 41, 42.

This fragment, printed *literatim*, may stand as a fair specimen of the great warrior's epistolary capacities—an interesting subject, since Sir Walter Scott has denounced his spelling as that of a chambermaid. It certainly exceeds the average spelling of the day in circuitous variability, but it would be easy to find worse specimens in his class and rank. Take the following sentences from Sir Thomas Livingston, afterwards commander of the forces in the north:—

"The raport we have had so long tyme heer of a Frens invasion, is now generaly by il and wel inclyned beleeved. If it coms we schal fynd our selfs in great straits: for notwithstanding my frequent representations of lying in provisions, nothing is done, so that we schal be a great deal wors provyded as thoas that coms to invade us." —Melville Papers, 601.

But there is a more curious and interesting feature in the spelling of Dundee's letter than a comparison of literary accomplishments. It shows utter unfamiliarity with Celtic sounds and Highland names. He spells them more like a Cockney tourist than a Highlander, or one whose ear has been familiarised to Highland enunciation.

[1] We find him writing to Lord John Murray from Strowan, on the 19th July, thus: "I need tell you no news, you know all better than I doe who dwell in deserts: yet I can tell you that the Frensh fleet consists of 80 capitall ships, and is at sea, with 10 fireships, and 400 tenders: that the Dutch, who designed against them are beat back with loss; that the English dare not appeir; that the Frensh have 15,000 of the old troops aboord to land in Ireland or Brittane; that ther are 30,000 more camt at Dunkirk waiting for our Kings service; that the King is now maister of all Ireland, and hes ane army of 60,000 men in good order ready to transport; that Schom-

however, did not interfere with his immediate project, the possession of Blair Castle, and the incidents connected with its acquisition are curious. Had the Marquis of Athole, or his son and representative, declared for the Jacobite cause, there would have been no difficulty about the acquisition of their fortress and the employment of their clan. The Marquis of Athole was, however, in London, watching for himself how the political wind veered, that he might trim his sails accordingly. It might be questionable if he would declare for King William; it was clear enough that he was not in a position to declare for King James. Claverhouse wrote successive letters to the son, Lord John Murray, calling on him to hold his paternal fortalice for "the king;" and though Lord John became afterwards a Revolution statesman, these letters are written in a tone inferring that the writer had his reasons for believing that they would be complied with. They remained unanswered, and Murray seems to have communicated their contents to Mackay.

At last Claverhouse found a means of breaking through all scruples. Stewart of Ballochin, a member of the old Stewart family possessed of the Athole territories and dignities before they came, by female descent, to the Murray family, had the management of the estates as steward or factor, and commanded the castle in the absence of its lord. A commission was prepared, bearing that the king had appointed the Marquis of Athole to command a garrison for his majesty's service; but as the Marquis was absent in England, and it was necessary that the service should not be neglected, the commander of the forces appointed Stewart to act in his place.[1] Claverhouse then, after placing a garrison in the castle, wrote to Murray claiming merit for this transaction. He heard, he said, that the rebels, meaning the Revolution Government, had demanded possession of the strength; and knowing that this would put Murray to the disagree-

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berg knows not where to goe for defence of England, and is not thinking of Ireland."—Letters, &c., 77.

[1] The commission is dated 21st July.

able alternative of refusing to give it up, or appearing to side with the Revolution Government, he had relieved him from the dilemma by ordering Ballochin to hold it for King James.[1]

These machinations perplexed the clan, who were at a loss to find the proper direction of their allegiance. Had either the marquis or his son declared for a side, and held the castle garrisoned, the clan would not have hesitated to follow, without inquiring which king they were called to support. But with the marquis absent, the manager of the estates and the custodier of the castle on one side very decidedly, and the representative of the family on the other rather faintly and equivocally, it was natural that they should be all along divided, and that when Claverhouse came among them with their fellow-mountaineers, the greater number of them should declare for Ballochin and the Highland army.

In the mean time Mackay, getting his Dutch regiments filled up with Scots recruits, was carefully training and gradually enlarging his force, and, abandoning other purposes, determined to seize Blair Castle ere the enemy could reach it.[2] His force appears to have amounted to 3000 infantry, with cavalry and dragoons amounting to nearly 1000 men.[3] He passed Perth on the 23d of July, and when he reached Dunkeld, he heard that his enemy was posted at Blair, and that the object for which he had moved northwards was defeated.[4] It was at an early hour of Saturday the 27th, that he approached the fatal pass of Killiecrankie. There he met his ally, Lord John Murray, who apologised for having brought only some two hundred men to hold the pass.

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[1] Dundee's Letters, 79.

[2] Memoirs, 46.

[3] Memoirs, 46. "Six battalions of foot, making at most 3000 men, with four troops of horse, and as many dragoons;" but from the worthy general s ever hazy narrative, it is difficult to say whether this is the force he meant to take westward, or that which he actually took northward.

[4] He says, in his Memoirs, that he reached Perth "about the 22d or 23d of July." It is difficult to reconcile this with his reaching Killiecrankie no sooner than the 27th. Of the latter date, however, there is no doubt.

Mackay, it must be noted, was not so heedless as to enter a gorge where a small hostile force in previous possession could have destroyed his army, without assuring himself that it was held for him by friends. Yet he feared that he had been snared into such a peril, for he saw nothing of Murray's party. He passed safely, however, to the open ground above. The battle was to be there, but that the pass was close behind made it what it was.

The most picturesque of Scots battle-fields is stamped by the hand of nature with marks that seem destined to remain while the crust of the earth holds together. Both in their greater and their minuter features these still indicate their influence on the character of the combat, and fit with singular accuracy into the mournful story told by the defeated general. At the same time it may be of interest to note that, studying these events on the spot where they came to pass, affords an emphatic lesson on some great features of the geological structure of the Highlands of Scotland.

It must be understood that in this, as in other such instances, there are two contiguous basins or valleys, the one higher than the other, and that the pass cleaves the barrier between them. Hence the clearing of the pass at its upper opening would not bring the army to a hill-top or a plain, but to a higher basin with gradual acclivities on either side sloping upwards towards craggy mountain-ranges. Whether we follow those who attribute such formations to some general convulsion lowering the level of the ocean and drawing the waters of narrow seas out of these high valleys, or follow those who believe that in them fresh-water lakes had accumulated until they burst the barriers that interrupted their descent to lower levels,—it suffices for the present purpose that all the superficial structure conforms to the action of waters, that by torrents below have emptied their places of expansive rest above. We have, in the one case, the cleft rock through which the torrent continues to wend downwards, and above we find flat haughs and terraces which exactly fit as the beaches of broad waters at different stages of subsidence. We

shall see how these flats had their part in the conditions of the battle.[1]

To fresh recruits and old soldiers trained in the Low Country wars it cannot have been encouraging to find themselves marching in narrow procession through the grim gorge of the pass. Above were piles of rock where enemies might be hidden in multitudes, and at their feet swept the terrible torrent. When it struck or tumbled over rocks it raged in dingy white—elsewhere between walls of rock it shot, deep, and smooth, and black, with restless traces of rapidity on its surface; but all through, to him who, through force or accident, lost footing on the narrow edge, there was no hope of life.

On reaching the top of the pass, a diluvial plain was found, of small extent, but level as a Dutch polder, where the troops formed as they came in a string through the pass, and rested while the general set himself to the vain task of seeking a good position. He sent onwards an

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[1] Dr Robert Chambers, in his extremely interesting book, "Ancient Sea-Margins as Memorials of Changes in the relative level of Sea and Land," held that a uniformity of level in these terraces in different parts of the world showed them to be the beaches of the ocean as it sank from level to level; and among "the gravel terraces, so conspicuous throughout the Tay basin," he thinks "it may be set down that *Gramius notabilis* received his death-wound on the 497 feet beach."—P. 46.

The forces, whatever they may have been, that cleft the barrier after the crust of the earth had been moulded by the older geological adjustments, now serve the purpose of the engineer. A railway clinging to the rock is lifted from the lower to the higher valley in easy gradients, with only a few yards of tunnel. It happens that what makes the pass visible to so many who would not otherwise see it, has spoilt its interest to others. The railway line makes a fence, shutting in the lower range of the pass, which is locked up and committed to the care of a showman. It used to be pleasant rambling ground, where it was curious to trace vestiges of the ancient track, now covered by a gravel walk. All this is done, of course, for the benefit of the tourist tribe, who having a deal of duty to do, feel grateful to those who facilitate the doing of it. People disinclined to visit such scenes in custody, may enjoy more of the spirit of the place from a footpath on the other or western side, and the best way of comprehending the whole is to get to the top of that bank and look across to Urrard House.

advance to announce any traces of the enemy, who were but a little way on when they gave the announcement; and Mackay, riding to the spot, saw them appear on the sky-line of a bend in the hill above him to the north, from six to eight hundred feet higher than his position, and not a mile distant from it. Rising close over the small plain where his troops were forming, was what he describes as "an eminence of a steep and difficult ascent full of trees and shrubs." This is the terrace or "raised beach" already referred to. Within memory it had been stripped of its trees and shrubs, but it is again clothed. Observing that the high ground on which the enemy appeared carried them directly, by an almost unvaried descent, to this elevated plain, Mackay saw that the enemy, reaching it while his troops remained on the flat close under it, would undoubtedly force them "with confusion over the river." And no one who looks at the narrow strip of meadow, with the abrupt ascent rising over it, can have the least doubt that his apprehensions were well founded.

An immediate movement was necessary; and, by what he calls a "quart de conversion," he turned his battalions each facing to the right, and marched them straight up the ascent, where they were on ground level so far, but bending into a slope that leads by a sweep towards the higher craggy summit, along the sides of which the Highlanders, all accustomed to that kind of ground, were ranging themselves. These had behind them the craggy top of the mountain-range as a place of retreat in case they were defeated; while below was a continued though gradual descent to the place where Mackay was doomed to draw up his men without room for a reserve.[1]

[1] Among the many hazy efforts at description by the worthy general, that of the place where he was defeated is distinct enough, and so accurate that the most casual perambulator of the ground would at once recognise it. He calls it "a ground fair enough to receive the enemy, but not to attack them, there being, within a short musket-shot to it, another emmence before our front, as we stood where we were, up the lowest hill near the river, whereof Dundee had already got possession before we could be well up, and had his back to a

He must have now seen that his only chance lay in a steadiness which it was almost vain to expect from his raw levies. The mountaineers had the whole range of the heights, from which, like birds of prey, they could pounce on him wherever he disposed himself. He thought of wheeling to the left and crossing the river in the shallows above the pass. While incurring the risk of being attacked in flank in so delicate a movement, if he had accomplished it he would not have improved his position; for his nimbler enemies would have crossed farther up, and gained the heights above him. They had, in fact, the power of choosing the higher ground in the amphitheatre of hills, while Mackay had only the choice of that basin or elevated valley, which, being cut through by the cleft or pass, forms the terrace-ground on either side of it already mentioned. To retreat from this upper basin and the presence of his enemy on the surmounting heights, he had no other recourse than by plunging through the gorge of the pass—an operation which would have brought on an immediate slaughter. His fatal mistake had already been committed, in passing into unknown ground, from which the very nature of his approach to it cut off a retreat.[1] But when his difficulty, in finding that his adversary had the best and himself the worst possible position, was inevitable, he seems to have conducted himself with coolness and intrepidity.

Haunted by the ordinary military superstition of the day—that a commander's great means of safety consists in guarding himself from being outwinged—he formed in a long line three men deep. Leven's regiment was on the right, and the Scots Fusiliers on the left.[2] In the

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very high hill, which is the ordinary maxim of Highlanders, who never fight against regular forces upon anything of equal terms, without a sure retreat at their back, particularly if their enemies are provided of horse."—Memoirs, 51.

[1] And yet it is wonderful that it should have been quite unknown to him, and that, passing previously near it, as he must have done, he should not, as a soldier, have made himself acquainted with a piece of country so remarkable for military purposes.

[2] The former is now the 25th, and the latter the 21st.

middle he had a considerable opening, where he placed, in the rear, two troops of horse. He placed them thus, he says, not that they might directly meet the charge of his enemy's cavalry, who, chiefly from their commander's old brigade, were picked men in the highest state of training,—but to operate in flank, if the charge of the Highlanders should be steadily met. He had three small leathern cannon, apparently of the kind that astonished the English force when Leslie carried his Covenanters across the Tyne at Newburn. But, an astounding novelty then, they had now become antiquated; and while they played away almost inoffensively, the Highlanders, from their superior ground, took aim at the general and his staff as he passed along accurately forming his line, and wounded some officers before the battle began.

Let us now look to the other camp. When it was known at Blair Castle that Mackay was entering the pass, the Highland chiefs were clamorous for a battle. They said it was not in the nature of their followers to keep together unless they came quickly to some decided result; and Claverhouse, from his previous experience of their rapid dispersal when he could not give them fighting or plunder, agreed to the proposal. There was yet another reason why they must either fight or disperse—provisions were becoming scanty, and their commissariat could only be replenished from the more fruitful country below the pass. They swept round, keeping the upper ground to the elevated bend on that ridge looking down on Killiecrankie, where we have seen that their approach was first noticed from below.

The usually overpowering effect of a superior force of disciplined and equipped troops would be lost in the vast arena on which the mountaineers looked down, confident in the strength of their position, their command of an impetuous descent on an enemy with a pit behind, and their ability to regain their rocks if their charge proved ineffective. It is easy to believe Lochiel's assertion, that their own shout sounded loud and full, and that of the enemy below them faint and feeble.

As in many another battle, there are disputes about the numbers engaged, which are not to be easily settled. There are, however, evidently false notions of the inequality of numbers. We have seen that the whole embodied force of Mackay was about 4000 men, and he speaks of having left part of his cavalry at Perth. Claverhouse expected, as we have seen, to march out of Badenoch with 3000 men; and one partisan account of the battle says he had 2500 foot and one troop of horse.[1] Mackay's force was certainly not double that of his adversary; but, had it borne a far greater proportion, the trained warriors and the command of the ground, when in the hands of one well fitted to use them, were advantages outweighing a large numerical preponderance.

Claverhouse formed his men by clans, and they adjusted themselves into something like unequal battalions—the larger clans dividing, and the smaller clustering together. In the centre were Lochiel, Glengarry, and Clanranald, each forming a battalion or phalanx. They had beside them the valuable little troop of cavalry, and another body less respected, being a regiment or band of Irish recently brought over under Cannon.[2] There were on the right Sir John MacLean's men, divided into two bodies; and on the left one body of the Macdonalds and one of the MacLeans. A very well written document preserved among the papers of the dethroned king's secretary has been accepted as the commander's "Speech to his Troops before the Battle of Killiecrankie."[3] This speech he certainly never delivered, for the excellent reason that not a tenth of his audience could have understood a word of it, and he was not a man tempted either by capacity or inclination to the useless composition of flowing sentences. Though it has been the fashion for historians, following Livy and Tacitus, to make every battle be preceded by a fictitious speech, we may yet readily believe General Mackay's

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[1] Account published in MacPherson's Papers, i. 369.

[2] Lochiel, in the spirit of rivalry, calls them "three hundred new-raised, naked, undisciplined Irishmen."—Memoirs, 257.

[3] MacPherson's Papers, i. 371.

statement as to the few homely sentences about the preservation of their religion and liberties which he says he dropped to his men as he formed their accurate front line.

The armies faced each other, after they were formed, for more than two hours. The midsummer sun shone full on the Highlanders, and Dundee would not charge until it had touched the western heights. The object of his adjustment was to cut through Mackay's thin line with his impetuous bodies of Highlanders — to cut it effectually through in several places, and yet with so broad a blow at each as not merely to pass through, but to throw the whole into confusion. To make the blows effectual, it was necessary that his line should not be too thin; to make them tell fully along Mackay's line, he must not make his own too short, or the intervals between the battalions too wide. If he erred, it was, as we shall see, in this latter cautious direction.

The ground had an admirable slope for the necessary impulse. When the charge was given, the Highlanders came on at a slow trot, received the fire of their opponents, and, while these were screwing on their bayonets discharged their own fire, threw down their guns, and rushed on with their slashing broadswords, as sailors board with their cutlasses. Nothing but strong columns, or squares with the fixed bayonet, could have stood the rush. The result was instantaneous; and those who were not cut down were swept into the gulph of the pass. An accident created some hesitation in the charge of the troop of cavalry. It had been commanded by Lord Dunfermline; but a commission from James to a gentleman with the illustrious name of Sir William Wallace, to supersede him, had just arrived. The men, not quite sure whom to obey, or unaccustomed to the method of the new commander, did not charge right forward at once. Claverhouse had ridden on, supposing that he was in their front, and, looking back, was surprised not to see them at hand. Lord Dunfermline told Lochiel, that above the smoke he saw the general wave his hat over his head, as he rose in the stirrups to signal them onwards.

It is then that he is supposed to have received his death-wound; for it was by a bullet that entered his side, some inches within the breast-plate. As he dropped from his horse, a soldier named Johnson caught him. The dying man, with the instinct of the enthusiastic commander, asked anxiously how the day went. The supporter said it went well for the king, but he was sorry for *him*. Claverhouse answered, it mattered not for himself, if the day went well for the king.[1] He appears to have died almost immediately; and when some of his friends, finding him before life was extinct, endeavoured to remove him, they were obliged to abandon the attempt by the fire from Leven's battalion remaining on the field.[2] Those who were present said his body was wrapped in two plaids, and conveyed to Blair Castle. Within a short time afterwards he was buried beneath the secluded church of Blair; and never vaulted roof or marble monument covered the last abode of a more restless and ambitious heart than that which has slept in this quiet spot amidst peasant dust.[3]

The field itself, and a decreasing tract along the broken line of retreat, showed all the hideous relics of a victory gained by sword-cuts, where the fatality of each casualty depends on the size of the gash. The loss by death and capture in Mackay's army was said to amount to 2000,—that of Dundee's to 900.

Had the Highlanders been checked, they would have turned and scampered up the hill—not in fear, but to renew the battle in their own way. Breaking easily through, they carried down before them at least all that they faced; "so that," says Mackay, "in the twinkling of an eye, in a manner, our men, as well as the enemy, were out of sight, being got down pall-mall to the river, where our baggage stood. At which sad spectacle it may be easily judged how he was surprised to see at first view

[1] Johnson gave his account to Lieutenant Nisbet, a witness in the attainder, who had been taken a prisoner to Blair Castle.—See Depositions, &c.

[2] Memoirs of Lochiel, 269.

[3] Depositions, *ut sup.;* Dundee's Letters, 83.

himself alone upon the field." But he was not quite alone. The disposal of the rude phalanxes of the clans had not been sufficient to sweep the whole thin line of Mackay's force, and consequently a portion of it was left untouched, and without an enemy whom it could, by the legitimate rules of war, attack; for both pursuers and pursued were away behind them, buried in the dark gulf of the pass. He found this group to consist of the greater part of Lord Leven's regiment, with its colonel and nearly all its officers. Lord Dunfermline and a few other leaders attempted to collect stragglers to attack this body, but none of them could speak Gaelic or make known their objects. They were obliged to retire, after, as we have seen, endeavouring to remove their dying commander. Mackay's coolness and courage, in which he was not deficient, were now put to use. He found that the flanking operations of his horse had signally failed, but a portion remained, and were brought up. Such stragglers as could be found were hastily formed, as it was expected that the victorious enemy would charge the small band; but the plundering of the baggage gave them a respite, and there was time to deliberate on a methodical course. Mackay seems to have first thought of defending himself within the garden of Urrard, but on further reflection he wisely resolved on a systematic retreat. He had first the perilous operation of passing the river; whence, by rugged, mountainous ground, cut by the Tay and other rapid though smaller streams, he took his way to Drummond Castle, where he had a garrison. The first and most difficult part of the journey was passed in so immediate expectation of pursuit, that Mackay's military knowledge suggested to him that Dundee must have been killed, for, had he been alive, there would have been pursuit and further conflict.

The first intimation of the battle came to the Government in Edinburgh in a shape which appalled them. It was brought by fugitives, who always exaggerate disasters to make their own flight less despicable. It was believed that Mackay and all the chief officers had been slaughtered, while Dundee was following up the victory with his usual ferocity. The books of the Privy Council show that body

meeting next day, which was Sunday, and writing to the friends of the Government throughout the country, urging them to arm and be vigilant. The news thus received was conveyed, unmitigated, to London, where Melville, the Scots secretary, received it, accompanied with condolences for the fate of his son, who was numbered, in the exaggerated rumour, among the slain. So lazily did genuine intelligence then travel, that on the 29th—two days after the battle—the letters of official people in Edinburgh show them ignorant of the death of Claverhouse, and apprehensive that he had marched southward and seized Stirling Castle. It was supposed that the Highlanders might even be marching straight on Edinburgh; and it was proposed, as the safest policy, to abandon in the mean time the protection of the country north of the Tay. In this crisis Mackay was required to march southwards; and coincidently a body of English troops were on their way from Chester. Observers of the immediate aspects of the times said that, on the first burst of the exaggerated intelligence, faces were seen in Edinburgh which had disappeared since the forfeiture of the crown; while some who had been passively opposed to the new order assumed an aspect of expressive interest; and avowed friends of the Revolution who were under suspicion, were evidently preparing to change their tack. The genuine intelligence, which arrived on the 1st of August, was so great a relief to the friends of the Government, that it elicited the rejoicings due to a victory, and gave them the invigorating influence of a great success.[1]

Mackay, in his adversity, showed political tenacity of purpose. He opposed the project of abandoning the northern counties to the Jacobites—it would unite the most warlike part of the country to that cause, and a nationality would be immediately created, with something like a regular government and a system of taxation. He resolved, as commander of the forces, to act on his own policy, by marching to Perth, and ordering outlying detachments and new levies to join him.

The first news of the victory, as it startled and frightened

[1] Melville Papers, 203 *et seq.*

the Government in Edinburgh, sounded like a war-trumpet through the Highlands. On the third day after it, there came to Blair Castle 500 of Lochiel's men, 200 under Stewart of Appin, 500 MacPhersons and MacDonalds, with all the Athole men, and a crowd of little groups from smaller clans. The headless army speedily swelled to 5000 men.[1] What might have followed had Claverhouse or another such as he been at hand to rule such a force, is open to all speculation. In fact, however, this army, so large for Scotland, fell to pieces. The command of it fell to Colonel Cannon—like Mackay, a regular disciplinarian—who set about his business systematically, as he had been taught it. The Highlanders soon felt his incapacity to deal with their peculiarities. A sort of general council was held, in which the Lowland and Irish gentlemen who held rank as officers mixed with the chiefs. These potentates said courteously that they would thank the officers for their professional advice, but could give them no vote in a matter where they alone, as the leaders of their people, were interested ; they considered the pretensions of the officers as offensive as if the generals in a campaign were to profess to act in congress with the monarchs employing them.[2] The chiefs, however, were overruled, and became disgusted. Lochiel immediately retired to his own country "to repose himself," and other chiefs dropped off one by one. While the force, however, was still about four thousand strong, Cannon marched northwards with no distinct object. Whether by accident or intention he prudently kept his men on the slopes of the Grampians. As they moved on, Mackay with a much smaller force kept in a parallel line on the plain, and thus they wandered northwards, leaving each other unmolested, like distant companions rather than enemies.

While they proceeded, a new and powerful element was brought into the strife. The armed Cameronians were like so many demons raised by the Revolution, which demanded work of their own destructive kind from it,

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[1] See Lochiel's Memoirs, 283, confirmed by Mackay, 65.

[2] Lochiel's Memoirs, 284.

otherwise they might rend the new settlement itself. Their new-formed regiment was sent northward by the Council to aid in the subjugation of the Highlands, and it does not seem to have been thought necessary to grudge them the honour of holding the post of danger. It was now that the true ferocity of a social war showed itself for a brief period, those who were aliens in blood and habits, and opponents in religious and political creed, encountering with all the more deadly hate that they lived within the same land and were nominally under the same Government. The Mountaineer, with all his ferocity as a professed lover of war and plunder, and a national hater of the Saxon, was now indeed to encounter a keener and sterner hatred still—a hatred heated in the furnace of enthusiasm, and hardened on the anvil of persecution. Both knew and abhorred each other; but the Covenanter had a special ground of wrath against that savage horde, that in the evil hour of persecution had been let loose upon him like the wild beasts of old upon the Christian martyrs. They were led by a remarkable commander, their lieutenant-colonel, William Cleland, not yet in his thirtieth year. His comparative youth might have rendered him unacceptable to the grave stern fathers of the Societies, ever unwilling to yield to any authority that could be plausibly resisted; and it is still more wonderful that they should have submitted to one endowed with worldly accomplishments and heathen learning, and even addicted to the vain art of poetry. His muse, it is true, was dedicated to the satirical flagellation of that Highland host which had inflicted so much misery on the righteous, and might thus be deemed within the laudable category of sacred poetry. But his true command over them was in a powerful response to the highest tones of their own enthusiasm. Like Cromwell and Lambert, he could feel all they felt, yet point the strength of his zeal to a definite object by the unerring guidance of a clear judgment; and he crowned his short life with an achievement fit to have given another laurel to those more renowned heroes.

The place where the Cameronians were directed to take up their position was Dunkeld. It is difficult to imagine

one, by the nature of the ground, more dangerous for a Lowland force, for it is deep sunk among hills commanding it, and cutting off a retreat, while a rapid river forms the diameter of their semicircle.[1] All the regular troops seemed to avoid the Cameronians in their fate as doomed men. Mackay remained in Aberdeenshire while he heard that Cannon, informed of so tempting an opportunity, was marching to Dunkeld to crush them. Sir John Lanier, with a considerable force, was at Coupar of Angus, within an easy march of Dunkeld, when he was told of the fate hanging over the Cameronians; but he had no special instructions, and delayed taking any order in the matter until it was too late. We shall even find that a body of troops actually on the spot, left them at the most critical moment.

But their spirits rose with the occasion, and for once these men gave up their self-opinionativeness and fatalism, and, taught by previous calamities, relied on the operations of their able commander. The cathedral tower was as strong as many of the feudal fortifications of the day. Its architecture had that massive, close character of the Norman age, which, probably not without a consideration of its capacity for defence, was continued to a later period in these northern works than in those of England. Besides the body of the church, as an outwork, Dunkeld House, which stood on a spot a little eastward of the celebrated larch-trees, made another fortress. It was not strictly a castle, but a large, square, new mansion in the English style, with a flattened roof and many windows; but though not thus so strong as an old Scots keep, it had one seemingly providential advantage, that from the roof, which was of lead, the garrison replenished their exhausted store of bullets.

It was on Saturday the 17th of August, that the Cameronians reached their quarters; and next morning, see-

[1] Mackay says they were thus sent to a place "separate from all speedy succour, and exposed to be carried by insult, without the least prospect of advancement to the service by their being posted there, but an assured expectation of being attacked."—Memoirs, 69.

ing signs of hostility around, they did not hesitate, though it was Sunday, and they were observers of that day to the utmost rigour, to set practically about the work of defence, by cutting trenches and making barricades. They were first threatened by the Athole men, assembled by the old war-symbol of the *crosteric*, or fiery cross. At first a few wild figures appeared upon the hill-tops, looking down upon the busy Cameronians; and as they gathered thicker, this message was sent by them: "We, the gentlemen assembled, being informed that ye intend to burn the town, desire to know whether ye come for peace or war, and to certify you that, if ye burn any house, we will destroy you." The answer was: "We are faithful subjects to King William and Queen Mary, and enemies to their enemies; and if you who send these threats shall make any hostile appearance, we will burn all that belongs to you, and otherwise destroy you as you deserve."

On Monday morning Lord Cardross arrived with two troops of horse and three of dragoons. With a portion of the garrison, they marched out on Tuesday, and had some skirmishing with the Athole people, not calculated to any definite result; and at night, after receiving repeated commands, they marched to Perth. The commander showed a soldierly reluctance to obey on the first order: but when the second came, military etiquette more than justified him, and he left the stubborn zealots to their fate. It was but human nature that some of them should misgive and desire to march off with the horse, but the enthusiasm of their colonel, and the stern determination of the majority, drew them back to share in the general lot, and there was no further murmuring.

On the morning of Wednesday it was no longer the scattered groups of the Athole people, but the whole Highland army of five thousand men, that crowned the hills. The cavalry were sent to keep the fords, while a general attack was concerted. Cleland, with great skill, drew in his outposts, signalling them how to retreat and fire from cover to cover, until they came within the general barriers. From the preliminary firing of the enemy, it was necessary now to limit the defensive lines

to the church, the mansion-house, and the walls of the park.

The wild host, like hungry hyenas, disappointed for a moment of their doomed prey, came close round to make their general rush. It was in the same shape as at Killiecrankie—a sharp trot, a discharge of firelocks, and then a wild gallop with the sword on the men lining the dykes. Nimble at surmounting minor obstructions, they expected to get over and commence the slaughter, but they were driven back by pikes and halberts, and retreated nearly as quickly as they came. The attempt was repeated over and over with the same success. In the mean time, parties were placed in the houses of the town, to keep up a war of musketry with the garrisons of the church-tower and the mansion. The Cameronians, assailed thus from covers where the numbers could be ever supplied from the general body, took to the offensive in a manner as daring and original as it was effective. A party of men were sent, with blazing fagots on the ends of long pikes, who set fire to the dry thatch of the houses, and the old cathedral city was speedily in flames. With calm ferocity, some of them, finding the keys of the doors outside, turned them and doomed the wretches within to the hideous death of fire. The Cameronian recorders of the event, with a solemn meaning, remark that every house in the small city was burnt down, save three, in which some of their own troops were posted; and that the fire and smoke kept clear of the church-tower and the mansion-house, as if a breeze specially blew them thence back upon the enemy. This ferocious warfare lasted till eleven o'clock at night. The day, like that of Killiecrankie, was signalised by the death of the victorious leader early in the fight, and the manner of it shows the ferocity of the attack. Happening to expose himself to give an order, he received, at the same moment, one shot through the head and another through the liver, and dropped while attempting to return to his garrison in the mansion-house. When wearied out with the pertinacity of the defenders, the Highlanders took no order of retreat, but scampered off at once to the surrounding hills, and the

besieged, after many demonstrations of exultation, contempt, and defiance, betook themselves to thanksgiving for a deliverance, which they believed, and as it turned out justly, was complete.[1] This affair, small as it was, had the effect of a decisive battle. While thousands of Highlanders were assembled there was still the risk that they might find a competent leader, but they swarmed rapidly homewards with such plunder as they could pick up by the way, and left their general virtually without an army.

Mackay at last accomplished with ease the eagerly desired possession of Blair Castle. He urged forward his plan for the establishment of forts in the Highlands, which had been at first but coldly received. Some ships of war were of service in overawing the islands and the narrow sea-lochs, cutting off the water communication, and thus materially abridging the means of mutual intercourse among the western clans. The more momentous war in Ireland now occupied the thoughts of the two parties, and except for one curious incident, the dying details of the war in Scotland would have been utterly barren. In spring the Highlanders were again in motion, and they earnestly solicited the king of their adoption for arms, money, and commanders. They received but little benefit in any of these shapes. An officer was sent to them, named Buchan, of whom it is enough to say that, whether skilful or not in regular tactics, he was a stranger to High-

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[1] 'The exact Narrative of the conflict at Dunkeld, betwixt the Earl of Angus's Regiment and the Rebels, collected from several Officers of that Regiment,' &c.—a contemporary pamphlet, from which the details of the affair are chiefly to be derived. They are generally confirmed by a letter from Colonel Blackader, then a lieutenant in the regiment, published in 'The Life and Diary of Lieutenant-Col. J. Blackader, by Dr Andrew Crichton.' The young man says: "Upon their retreating, our men gave a great shout, and threw their caps in the air, and then all joined in offering up praises to God a considerable time for so miraculous a victory. I must really say the Lord's presence was most visible, strengthening us, so that none of the glory belongs to us but to His great name."

The account is further confirmed by a notice in the Minutes of the Privy Council of 28th August.

land warfare. Still, a considerable number of the clans, tired of inaction, clustered round this new hope, and again we find a Highland army, as in the previous year, wandering along the banks of the Spey. Buchan's career abruptly ended in the affair of "the Haughs of Cromdale," about three miles northward of the modern village, rising into a town, called Grantown. Here are several of the patches of low meadow-land in the loops of the river, generally known by the name of "haughs." It was not on one of these, however, that the affair occurred, for they are obvious, accessible, and unprotected; and all the accounts of Buchan's camping-ground show that it was not to be easily found. Between the mountain-range of Ben Cromdale and the river there is a reach of rough low ground, a mile or so broad. It is strewn with the stony spoils of violent inundations, and here and there seamed with small streams. Altogether it would provide good ground for a large army, that could afford abundant outposts, defending itself. Here it was sought by a small army as a spot where it could not easily be found. A sheltered valley, with slight rising grounds to the south and the north, adjusts itself accurately to the details as the place where, on the 30th of April, the Highlanders laid themselves down for repose. One could easily imagine them troubled by a choice between the valley and the hill, and deciding in the cold April night for the place of shelter. If they did so it was the selection of their doom. There was no chance, it is true, that a stranger could safely approach their retreat, but a guide practically acquainted with the ground could bring a force to the spot—and such a guide was found.

Livingston, who had been left in the previous campaign with a garrison at Inverness, drew from it a detachment to watch the motions of the new-formed army, and some scouts from a hill had seen them take up their position. Knowing how formidable cavalry were to the Highlanders on such a spot, with much toil he brought up three troops of dragoons, and a troop of horse. At midnight, from a height on his own side of the river, he could see the campfires of the Highlanders on their side. Before dawn his

body crept down a corry—a cleft made in the mountain-side by the bursting of overloaded springs—to a guarded ford. An attack was made on it by a skirmishing party to distract attention, while the main body crossed another, which was unprotected.

So were the Highlanders suddenly attacked in the dark by the force they most dreaded, in the kind of ground most suitable for the enemy, and least available to themselves. It would seem that they had unwound their plaids that they might sleep comfortably. We have seen that the Highlanders sometimes threw aside their plaids when making the conclusive charge. It was a different affair, however, in a flight, for each man to leave perhaps his most valuable possession behind him. But the adjustment of "the belted plaid" of these days was a cumbrous and tedious operation, and the poor men had to take flight with two alternate difficulties,—dragging the cumbrous plaid, or running at freedom without it. In this plight they scampered up Ben Cromdale, fighting, however, as they went, and leaving some wounds to mark their progress. Morning was just dawning, and the thick mist which at that time sometimes covers the upper ranges of the hills with a down-like cap, happened to lie upon the hill-top, while all was clear, though not yet very light, below. Into this seemingly solid mass the retreating Highlanders appeared to dive upwards; and any further pursuit after them would have been attacking them on their peculiar ground, where the condition of danger would have been transferred from the pursued to the pursuers. The two commanders escaped so destitute of clothing, that no indication of their rank could mark them out for capture; and the victors reported that they did not lose one man, while upwards of 300 of the Jacobites were killed and 100 taken.[1]

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[1] 'A true and real Account of the Defeat of General Buchan and Brigadeer Cannon, their Highland army, at the battle of Cromdell, upon the 1st of May 1690. Edinburgh, 1690.' This is merely Livingston's despatch to Mackay. Thus here, as in many other instances, we have the account of the battle only from the victors; but it corresponds with the less circumstantial contemporary notices.

This may be truly counted the end of the war, though we shall see that one small fortress held out through a siege more curious than important. Some of the chiefs had been making terms for themselves, and afterwards, as we shall find, the transactions between the Government and the Highlands were too conspicuously interesting. Mackay tried a little politics as well as generalship, but he lost favour with the Court. He represents himself as a man ill-used. Yet it would have been difficult for Government, seeking talent and capacity for great things, to have caressed him. His genius lay more in tactics than in the rough fighting necessary for the crisis. He claims one of the greatest military inventions of his time—the fixed bayonet, which brought the "charge" immediately on the "fire" without the delay of screwing on the bayonet. He seems thus to have served the art of war by one of the incidental causes of his own great disaster. He so far succeeded in his fortifying projects as to lay down at Inverlochy, the principal sea entry to the Highlands, the fortress named after his master "Fort William."[1]

When the Highlanders had dispersed there remained of the Jacobite force about 150 gentlemen—Scots and English. They were admitted to terms and sent to France, where they took military service. That service, however, had changed since the days of the Scots Guard. The offices of command were insufficient to satisfy the impoverished nobles, and the Jacobite gentlemen could only be received as "centinels" or private soldiers. It was some consolation to them to form a separate corps.

They brought to their novel position the high spirit of their country, birth, and training; doing notable service in the campaigns of Alsace and Spain, and gaining, in the

"Buchan," it is said, "got off without hat, coat, or sword, and was seen that day, and in that posture, in Glenlivet, very much fatigued, concealed in a cousin's house of his. Cannon got away in his night-gown: Dunfermline had gone from them about some business, the day before." The despatch says, that owing to the robeless state of the prisoners it is difficult to determine their rank.

[1] See 'The Life of Lieutenant-General Hugh Mackay, Commander-in-Chief of the Forces in Scotland, 1689 and 1690. By John Mackay of Rockfield, Esq.' 4to: Edinburgh, 1836.

approval of their leaders, such consolation as their position permitted. But high spirit and enthusiasm could not give them that capacity to bear sordid hardship which long familiarity only can achieve. Rapidly their numbers diminished, and it was not long ere the earth closed over the last remains of the gentlemen adventurers who followed the banner of Dundee.[1]

The attempt to reduce the Highlanders to order after the war, produced a signally calamitous event, which demands careful discussion. It is too well known in history by the title of the Massacre of Glencoe.

The Lowlanders of Scotland could never look upon their Celtic neighbours of the mountains as fellow-countrymen. They resented the partial encouragement which they had received from the two last kings of the house of Stewart; and, much in the temper in which colonists demand vigorous measures for ridding them of the aborigines, set forth among the grievances presented to the new monarch, "that the not taking an effectual course to repress the depredations and robberies by the Highland clans is a grievance." The king set himself seriously to its remedy, unconscious, apparently, of the ferocious passions thus to be let loose. He was, perhaps, little acquainted with the war of extermination which had been fought against these mountaineers for three hundred years in vain; and could hardly have expected to find those who now set themselves to the task of pacifying them prepared to try new and deadlier remedies.

An act was passed for rendering the neighbours who did not concur to repress depredations and hunt the marauders into their fastnesses, liable for the injury committed; but this had no perceptible effect. It occurred to the king's advisers that a sum of money might be well spent in this service, on the principle of rewarding and caressing those

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[1] See 'Memoirs of Lord Viscount Dundee, &c.; with an account of Dundee's officers after they went to France.' But for matter more congenial to the romantic and heroic features of the story most readers will prefer the Ballad and explanatory notes, under the title, "The Island of the Scots," in Aytoun's 'Lays of the Scottish Cavaliers.'

who would come under the law, and dealing more deadly retribution against those who held out. The money was to be chiefly used for two purposes—purchasing "disputed superiorities," and paying a force of loyal Highlanders.

As to the former object it is sufficient to refer to the many instances we have seen of the antagonism of the Highland nature to the feudal system with its absolute rules of hereditary descent. The law made one man feudal superior of the district. The clan inhabiting that district chose another as their patriarchal chief. Such were "the disputed superiorities" to be settled by a cash transaction. But the quarrels thus caused were too bitter and bloody to be so appeased. In many instances the slip of parchment with the royal seal invested with feudal superiority some one who, as the hereditary enemy of the clan, dared not set foot within the territory called his own. As one instance, at this very juncture the Earl of Argyle had a right of superiority over territories inhabited and possessed by the MacDonalds, the hereditary enemies of his house. To be counted the vassals of the hated Campbell would be felt by their proud spirits as the bitterest of all human degradation, yet the law of the Edinburgh College of Justice so defined them.

The payment of Highland troops was also a difficult question. Only their own chiefs could be their colonels or captains, and to put them at the head of their clans in the capacity of military officers would thus be to train soldiers at the expense of King William, to be put at the disposal of King James when a suitable opportunity occurred. The Earl of Breadalbane, who had abundance of sagacity, however ill he applied it, suggested as the best means of solving this difficulty, that a capital sum should be funded, the chiefs receiving the interest of it as payment. The funding of the capital would thus be an assurance of the perpetuity of their source of reward, while they would live in the consciousness that it would immediately cease to flow in their direction if their allegiance became doubtful.[1]

[1] Proposals offered by the Earl of Breadalbane.—Papers illustrative

This coroneted chief was the person through whom the Government negotiated a treaty with his fellow-chiefs. His connection as a Campbell might be supposed to attach him to the Revolution Government, while his territory stretched into the heart of the Highlands, and was nearly surrounded by those of formidable Jacobite chiefs, with whose secrets he was known to be deeply familiar. A contemporary says of him: "He is as cunning as a fox; wise as a serpent; but as slippery as an eel. No Government can trust him but where his own private interest is in view."[1] He is not the only one among the Highland chiefs possessing, through their rank or riches, a political position at Court, whose character has confounded all ordinary rules and estimates. Those who live only in one kind of society, have not data by which to understand fully the natures of men who vibrate between two, totally distinct from each other. To find types of the political cunning and ruthless savageness that so strongly meet in such natures, we would require to look at the Runjeet Singhs or Ali Pashas of later days, or at those oriental potentates who create so mysterious an interest in fashionable circles by the atmosphere of terrific crimes from which they have stepped into civilised life. A sum of money was placed at Breadalbane's disposal. It was said to be as much as £20,000, but the exact amount has not been ascertained. He entered into no accounting, and was naturally charged with misappropriation and peculation.[2] The king directed particular attention to Sir

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of the Political condition of the Highlands, 1687-1696, printed for the Maitland Club, 55.

[1] Memoirs of the Secret Services of John Macky, 199.

[2] According to a tradition preserved by Dalrymple, when asked to account, he answered, "The money is spent, the Highlands are quiet, and this is the only way of accounting among friends." He afterwards stated that besides the money intrusted to him, he had laid out £2000 sterling, of which he demanded repayment.—Papers on the Condition of the Highlands, 55.

Colonel Hill writing from Fort William to Lord Melville, on the 26th of June, says: "Bredalbane is the manager, and hath met with MacLean, Lochiel, and some others; but I find he hath done nothing with them. They (especially his cousin Lochiel) will not trust him.

Donald MacDonald, MacLean, Clanranald, Glengarry, Lochiel, and the MacKenzies; and in a letter to Lord Tarbat, he authorised the person, whoever he might be, who should conduct the negotiation, to offer a sum not exceeding £2000, or a dignity under an earldom, to any chief whose allegiance it might be necessary to buy at so high a price.[1] The authority to Breadalbane to conduct the negotiation was dated 24th of April 1690. That the proffer might be accompanied by a threatening alternative, a proclamation was issued in August, requiring all the chiefs to swear the oath of allegiance in the presence of a civil judge, before the 1st of January 1692, if they would escape the penalties of treason, and of military execution upon their territories.

The warrant for this was the "Letters of fire and sword," familiar to all students of Scots history. It was so familiar, too, in practice under the Stewart kings, that the writ could be obtained almost as a matter of executive routine by any well-affected potentate who had a quarrel with some questionable Highlanders.

In what exact terms Breadalbane conducted the negotiation was a secret which went little beyond himself. It was remarked by those who brought information of the motions of the principal chiefs to the governor of Fort William, that they occasionally made secret and solitary journeys "across the braes," as the great range of the south-western mountains was called, to Kilchurn, Breadalbane's peninsular fortress on Loch Awe. He held at least one great conference with the assembled body at a place called Achallader, within his own territory. Of the tenor of the negotiations, however, it is only known that the chiefs at first refused to rely on him; and it appears that, down to the end of October, the main body were still suspicious, and had not come to terms. But, however the effect was produced, before the end of the year Sir John

He tells them the money he has for them is locked up in a chest at London; but they believe (if he say true in that) he will find a way to keep a good part of it to himself."—Melville Papers, 620.

[1] Melville Papers, 422.

Dalrymple saw, not without alarm, that the chiefs were flocking to comply with the proclamation. He enjoyed a horrible hope that a considerable number of them would hold out, and thus afford an excuse for their extirpation,—the policy which he deemed the best towards the mountaineers. It is very likely that they obtained the clue to his tactics, and resolved to baffle them by taking the oath; however it occurred, there was a remarkable unanimity in compliance.

History teaches that especially at critical junctures oaths of allegiance are the most treacherous of all political securities. Those who are loyal need them not, and enemies only take them to hide their intentions. It was said that Breadalbane told the Highlanders he was working for the interest of King James; and we find him very bluntly charged by Colonel Hill, an honest old soldier, with having so managed matters that the chiefs did not conceal their view of the oath as a means to strengthen their hands for the cause of their exiled master. Every Scots statesman knew that if an opportunity came for a rising the chiefs would laugh the oath to scorn; and Dalrymple remarked, that the only real use of it was to convey an impression abroad that the chiefs were really reconciled to the Government. It was, indeed, of more service by indicating secret enemies than making friends; for some chiefs who professed to be zealous for the Revolution—and, among others, Breadalbane himself—thought fit to take the oath for the sake of the indemnity, and had doubtless their own sufficient reasons for such a precaution.

Sir John Dalrymple was much annoyed on finding that the chiefs were coming in with cordial unanimity. He alludes to this in his letters, as a beaten politician might to a well-devised project which has been baffled. He seems to have narrowly watched the bearing of the scheme; and he was so earnest for the fulfilment of his views, that his correspondence betrays the extreme vexation with which he saw the area of alienation narrowed, so that a wholesome and extensive slaughter for nonconformity seemed every day to be less probable. Appin, Keppoch,

Clanranald, Glengarry, Lochiel—all the most powerful chiefs—had come in with the heartiest goodwill to take the oath, which they had not the faintest intention of keeping, and went home to laugh at, telling the duinewassals, or gentlemen of their clan, that they had been at the performance of a farce. There was a secondary chief, however, MacDonald of Glencoe, who had not, apparently to the last moment, taken the oath. Dalrymple expressed his satisfaction that his project would not be utterly fruitless, as at least one small body—an offshoot of a larger clan—was likely to be sacrificed. The slaughter was far within the limits of his hopes and expectations, but it was something which made his plan not an utter failure. Like men who have only gained a part of what they aim at, he magnified the value of the part; and during the time when he believed that the leader of the Glencoe men had not taken the oath, we find him explaining how, if there were any small body of men in the Highlands whom it would be, above all others, desirable to sacrifice, these are the men, for they are not only adherents of the exiled house, but MacDonalds, thieves, and Papists. It appeared, therefore, to the Secretary, that there was a prospect of their being presently destroyed, when a rumour reached him that MacDonald of Glencoe had taken the oath. He could not conceal his vexation at so untoward an event. When he afterwards learned that there was a flaw in the transaction, he expressed a joy which might be called fiendish, and set himself busily to take proper advantage of the opportunity.

Let us now turn to the unfortunate cluster of families on which the Secretary of State had set his eyes as scanty but valuable victims. The MacDonalds of Glencoe were scarcely admitted to the rank of a great power in the Highlands. They were not numerous enough to be a principal clan, and yet they seem not to have been considered a mere branch of the great MacDonald nation. There was a somewhat minute but practical distinction between the rank of their leader and that of the heads of great houses. At so late a time, Lochiel or Glengarry would not have thought it consistent with his dignity to

head a "creach" or raid into the Lowlands to "lift"—or, as it is now called, to steal—cattle. They knew that their followers lived by this pursuit, but they did not bear a hand in it personally. MacIan of Glencoe had not sufficient rank to place him above setting his hand to the occupation pursued by his followers; and he took an active part in the depredations of his small body of dependants.[1] He had, however, a position of some importance in Dundee's army, from his age, sagacity, and considerable following.[2] The district in which his people lived had remarkable physical characteristics, which have united themselves in undying association with the tragedy perpetrated on the spot. If Dalrymple and Breadalbane had dreamed of the influence of striking scenery in perpetuating the memory of political crimes, they would have sought any other place than this grand mountain solitude for the execution of their cruelty.

The tourist in Glencoe finds himself in a singularly soli-

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[1] English writers have naturally been puzzled by finding the chief called alternately MacDonald and MacIan. MacIan means the son of John; and it seems to have been the practice of the Highlanders, when a very distinguished man arose in a family, to give his descendants a surname from his Christian name,—or from that which, among the Celts of that day, had the closest analogy with what we now call a "Christian name." Thus the descendants of Donald were called MacDonald; but when a distinguished person arose among them called Ian, rivalling the fame of Donald, *his* descendants were called MacIan. Of "the clan Ian Abrach of Glencoe," Mr Gregory, the highest authority in such matters, says: "The founder of this tribe was John, surnamed Fraoch, natural son of Angus Og of Isla, and brother of John, first Lord of the Isles. His mother is said to have been a daughter of Dougal M'Henry, then the leading man in Glencoe, where John Fraoch afterwards settled as a vassal under his brother, the Lord of the Isles, and where his descendants yet remain. The early history of this family is very obscure."—History of the Western Highlands, 66, 67.

[2] This old chief is frequently mentioned in the evidence taken in the process of forfeiture against the representatives and followers of Dundee. He secured, according to one of the witnesses, a buff coat at the plunder of Edinglassie, which appears to have been so important an acquisition and remarkable a feature of his costume, that it is repeatedly mentioned by the witnesses in general, along with a "brass blunderbush" which he probably obtained in the same manner.

tary road, with conical mountains rising on either side, nearly as abruptly as the peaks of the Alps burst out of the coating of snow. There is a narrow strip of grazing ground in the main glen watered by the Cona—there are a few, still narrower, scattered here and there in the upper levels, whence start the scaurs and mural precipices. The traveller notes the solitariness of the district when in the course of many miles he passes a single farmhouse and a few shepherd huts. This solitude naturally associates itself with the tragedy of which he has heard. The imaginative nature may feel in it the curse upon the land where a great crime had been committed. To the statist or economist, it may call up the question,—Since the means of subsistence in this wild spot are so scanty, how, when there was a considerable population there, did they subsist? In equally arid districts of the Jura, we find a population subsisting by the making of watches; but we know well that neither this nor any other productive occupation fed the MacDonalds of Glencoe. In short, they lived by plunder, and were, with the exception of the MacGregors, who had been nearly exterminated, the most accomplished and indomitable freebooters within the circuit of the Grampians. If they had not lived on the reft produce of other people's industry, their arid glen could not have supported the population which made the massacre a considerable feature in the history of the seventeenth century.

As the end of the year drew nigh, the chief of Glencoe found himself standing out alone; and probably hearing of the signal vengeance preparing against him, he was thoroughly frightened, and made a desperate effort to offer the oath at the last moment. He thought, naturally enough, that he could not be wrong in tendering his allegiance to the military commander of the new fortress erected to overawe the Highlanders, and he went to Fort William, and tendered the oath to Colonel Hill. The colonel could not receive it. The nearest officer who could accept and certify it was the sheriff of Glencoe's own county, Argyle, who lived near Inverary. With a letter of protection, and an earnest appeal to the sheriff,

from Colonel Hill, the old chief set off to cross about eighty miles of the wildest mountain-land in Scotland, in the dead of winter. His son described him as pursuing the journey so earnestly, that though he came within half a mile of his own house, he would not turn aside to enter it—a statement hardly credible. With all his efforts he could not reach his destination before the fatal day had passed, and he had to wait a day or two for the sheriff, who was absent. This important local officer, who was of course a Campbell, hesitated at first to receive the oath, but was induced by the old warrior's entreaties and tears to certify it. It stood on the roll with the other oaths given in for the county, and this roll was transmitted to the Privy Council. The clerks were in doubt whether they could receive an oath dated after the last day of grace. Some privy councillors, of whom Dalrymple was one, were consulted on the difficulty, and the tendency of the discussion was ostensibly to find how Glencoe could be, in proper form, permitted to reap the advantage of his accidentally tardy submission. There was, however, at least one among them, who had totally different views. In the end it somehow occurred that the roll was returned to the clerks with the portion relating to Glencoe scored out; but as to who had done this, it could only be guessed, from Dalrymple's subsequent conduct, that he was the man, and that if the scoring was not done by his own hand, it was to fulfil his views. The commissioners who saw it in 1695, "found it was not so delete or dashed but that it may be read that Glencoe did take the oath of allegiance at Inverary, the 6th day of January 1692."

The final tragedy was now determined on. The letters of Breadalbane, Dalrymple, and one or two others in the secret, have a very fiendish appearance. They speak about "mauling" the MacDonalds in the cold long nights when they cannot live on the mountains — about not troubling the Government with prisoners—seeing that the old fox and his cubs do not escape—about striking the blow silently and secretly, otherwise the victims may flee to the mountains,—and the like. To carry out the plan, the old well-established resource of clan animosity was

appealed to. It had been, as we have seen, the policy of the Scots sovereigns for centuries. It was in every respect the most easy, simple, and economical method of destruction; and the deadly hatred which neighbouring clans had to each other was sometimes piously viewed as a wise dispensation of Providence, like that which provides for the destruction of one noxious animal by the enmity it inspires in another. The conduct of the affair in hand required so much treachery and duplicity, that nothing but clan hatred could supply the necessary amount of these vices. The Campbells were the natural enemies of the MacDonalds, and they had been embodied in an independent regiment, which gave them the means, as they possessed the hearty will, to execute what was desired. Towards the branch of the MacDonalds who lived in Glencoe, the Campbells had a special ground of hatred. Their inaccessible mountain fastnesses protruded, as it were, into the Campbell country, and were in that shire of Argyle which they loved to consider entirely their own. Glencoe was thus invested with all the hatred of a hostile frontier fortress; and these mountains, raising their conical peaks above their neighbours, were contemplated by the followers of MacCallum Mohr as Gibraltar is by the Spaniard. The Campbell territory, more productive than that of the MacDonalds, was often mercilessly ravaged by the banditti of this stronghold; and at the conference which Breadalbane held with the chiefs as ambassador, he had high words with Glencoe about stolen cattle—the main source, besides clan rivalries, of Highland bloodshed.

The person to whom the bloody work was committed—probably on a full knowledge by his patriarchal superior Breadalbane, of his discretion and capacity—was Campbell of Glenlyon. He was connected with the Glencoe family by alliance, for one of the chief's sons was married to his niece, the sister of Rob Roy; but between such hating opponents as the MacDonalds and the Campbells, matrimonial unions often only gave a special edge to the existing hostility.

Campbell acted under the special instructions of his

superior officer, Major Robert Duncanson, a person no less a member of the clan Campbell than himself, though he did not bear the family name.[1] It was on the 1st of February that Campbell appeared, with 120 men, at the mouth of the pass. The chief's son went with twenty followers to demand an account of their intentions. They pronounced them peaceable and friendly; they had only been sent as a part of the regiment which the Duke of Argyle had raised among his friends and clan, to quarter there, because the new fortress at Fort William could not accommodate them. They were received with open cordiality and reliance. This may seem inconsistent with the suspicion attending clan enmity, but there is no doubt that the MacDonalds trusted, not to their visitors, but to the Government orders. The boa-constrictor might as well be expected to visit the tiger's den as a minister of peace, as the Campbells to go in force into the country of the MacDonalds, without bloody intentions. The Glencoe people never would have relied on the protestations of the Campbells, but they did rely on the intentions of the Government.

We have the details of the tragedy solely on the testimony of the two sons of Glencoe, who were examined by the Commission of Inquiry. It may be considered that they gave their own peculiar colouring to the details; but

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[1] It was sometimes found expedient, at others not, that the secondary families attached to a great clan should bear the chief's patronymic. The name Robert Duncanson at first suggested the idea that the major was a Lowlander, and that to him the feeling of clan animosity cannot have applied. It appears, however, that a family of that name was part of the clan Campbell. In the records of the justiciary of Argyle, the name occurs frequently in the lists of the jury, in which none but stanch adherents of MacCallum Mohr would be permitted to act. But further, at the period of the massacre, a Robert Duncanson was procurator-fiscal of the justiciary of Argyle, and this was probably the same person who, as a major in the regiment, issued the instructions for the massacre. The Duke of Argyle's Court of Justiciary had the same authority within its range as the High Court of Justiciary, or supreme criminal tribunal, exercised over the rest of Scotland. The procurator-fiscal was the chief law officer of this supreme hereditary court, and acted within its jurisdiction as the Lord Advocate did elsewhere.

its influence, let us deem it as exaggerated as it can be, is scarcely perceptible in the deep general shades that darken the whole picture. They described the men, and especially their commander Campbell, as enjoying the cordial hospitality of their clan; and there is litttle reason to doubt this, for the Highlander, like the Arab, attached an almost sacred importance to the guest participating in his bread and salt. The young MacDonalds said that Glenlyon took his morning drink of usquebagh, or whisky, daily in their house, and that on the night before the massacre he sat there playing at cards. The slaughter was adjusted to external operations for stopping the passes, and cutting off all retreat, by troops from Fort William. To suit this arrangement, Glenlyon received instructions to act early in the morning of the 13th of February. It does not appear that the men under his orders were let into the mystery; and as they were not all Campbells, with a hereditary hatred to the people they lived among, it is not in human nature that they could have kept so dreadful a secret.

The first step was taken by Lieutenant Lyndsay coming between four and five o'clock, with a party, to Glencoe's house, which, it is apparent, was not a fortified place like the houses of Glengarry, MacLean, and the chiefs of great clans. MacIan got out of bed to show them hospitality, and was shot dead while he was dressing himself. His wife was used with cruel indignity, and died next day by what she had suffered in herself and others. Two followers, who were in the old chief's house, were killed, and a third left as dead. Ian, or John, the eldest son, had caught alarm by an appearance of activity among the Campbells, and going to Glenlyon's quarters, he found them arming for active service. Glenlyon himself soothed him; said that they were going to march against some of Glengarry's men, and perfidiously alluded to their connection as a reason why the young man should discard all suspicion. He went to bed, but some misgivings prevented him from sleeping, and hearing shots, the whole scope of the treacherous project burst on him at once, for it had only too close a resemblance to previous inci-

dents in the clan conflicts, and he fled instantly up the brae without seeing to the safety of his kin. His brother, Alexander, was awakened by a clansman calling to him, "Is it a time to be sleeping, when they are killing your brother at the door?" and he too, having an instantaneous divination of the whole plot, fled to the hills. It is useless to descend to particulars. Thirty-eight people were slain; and they did not entirely consist of men able to bear arms, but included at least one old man, a woman, and a boy.[1]

This turned out to be, in a political sense, a mismanaged affair. The slaughter was far less than it had been intended to be—the manner of it unfortunately conspicuous and dramatic. A party of four hundred men from Fort William were under orders to shut the mouths of all the passes from Glencoe; but a winter storm intercepted them, and not only the old chief's two sons, but apparently from twelve to fifteen times as many as the number killed, escaped to the mountains, where they prowled about until they made terms with a Government which would gladly, for its own sake, have undone what had been done towards them.

Those who could lay this calamitous history at the door of an enemy had no occasion to exaggerate it. They required merely to authenticate what, in places where the previous history of the Highlands was unknown, at first passed for a wild and preposterous exaggeration. In England it made people hold their breath with wonder. In France it was received with indignant joy, and every scrap of information bearing on it was published by royal authority, and circulated over Europe, as an event characteristic of the paternal government of the Revolution king. To those who had been charged with the cruel religious persecutions of the preceding

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[1] Of the boy, said to be between four and five years old, only the hand was found. It scarcely affects the guilt or horror of the general act, to suppose it probable that he may not have been killed, but may have wandered in the snow, died of hardship, and been eaten by beasts or birds of prey.

reigns, it was of infinite value as a means of effective retaliation.

Sir John Dalrymple, who was then in London, was perplexed, surprised, and annoyed by the views people thought fit to take of this matter. Not the respected and pious Virginian slaveholder of a century later, when he first heard the emancipator call him a robber of the worst kind, nor the hard-working conscientious law-lord, when, after laboriously carrying an act to make it death to steal five shillings in a dwelling-house, he is denounced as a murderer by the abolitionist,—could be more astonished than the Secretary of State when he heard the terms in which his meritorious services to the Government in the affair of Glencoe were attacked. All that he had to regret about it was that the project had not been fully successful—that it was, in fact, a failure. Much indignant language has been piled on the memory of this statesman, in efforts to prove that he indulged and tried to execute designs suggested by deep personal malignity against the MacDonalds of Glencoe. If it is to be called malignity, it was no more personal than the desire of a chief of police to bring a band of robbers to justice. His letters are supposed to show a savage spirit of revenge and cruelty—of horribly sportive avidity in his demands for blood. It is true that other documents connected with Highland slaughters are generally in a more stolid shape, not because the writers were more merciful, but because they were less exuberant in their style.

The letters, which horrify us by their savage playfulness, were written in his ordinary manner; for his correspondence in general is noticeably readable from its rich array of familiar easy figures, and its masculine carelessness in the handling of the difficult and dangerous subjects which make most men write gravely and cautiously. He expresses no feeling of malignity against the Glencoe men or any other Highlanders. Writing seriously to a friend, he says,—"I believe you will be satisfied it were a great advantage to the nation that thieving tribe were rooted out and cut off." He notices the fact that the Islesmen deserve more kindness than the Highlanders of

the Mainland, because they are not thieves; indeed, as they could not easily convey cattle to their homes, their branch of the predatory pursuits of their race required to be abandoned when piracy was abolished in the British waters. The Secretary sometimes excites Breadalbane with luxurious prospects of vengeance to whet his appetite, but there was evidently no feeling of the same kind in his own breast. In fact, he only pursued the old policy of Scots Governments against the Highlanders. It is true that in some instances the later sovereigns of the Stewart race had tolerated, and even caressed them. They were led for the cause of Charles I. by Montrose, and as the Highland host they were let loose on the Covenanters, with the royal sanction to their pillaging. But the more austere politicians on both sides considered these things scandalous, as in later times the employment of the treacherous and cruel Indians of America in the war between European enemies was considered. But any countenance given to them was the exception, and the rule had ever been to extirpate the wild Celts like wild beasts.[1] Cromwell would have heartily pursued the same system had he found it necessary; but his fortresses and military system, and his sagacious policy in ever checking the power of the chiefs and letting the humbler people alone, kept the Highlands quiet. He never shed blood except for an object, and he found one in Ireland, where, among his extensive slaughters, the affair of Glen-

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[1] On the light in which a military man on service in the Highlands at that time looked on the lives of the natives, take the following from Sir Thomas Livingston to Colonel Hamilton: "Edinburgh, 26th February 1692.—I received yours of the 18th, wherein you give me an account that you have taken some Lochaber men prisoners. I do wholly approve of your conduct in that business, only I must say it was a mistake that these villains were not shot in the place where they were found, seeing that the taking of them is but a burden to the Government, and at last they either break out or are set at liberty; so that if you form any more parties, as freely you may do if you find good occasion, let no prisoners be brought in, but let them be despatched in the place where they are found, for such robbers and thieves are not to be treated as regular enemies."—Papers on the Condition of the Highlands, 74.

coe would have seemed a bagatelle. If there is anything in the undoubted spirit of extermination with which our ancestors viewed the Celtic races to excite disgust, let us look at the notions which our American, African, and Australian colonists form at this day of the value of the lives of any given number of "black fellows," when compared with the advantage of promoting industry and securing property.

Certainly not the least remarkable incident in the affair is, that it should have called up a virtual parliamentary inquiry—an investigation by a royal commission, appointed to supersede that which would have been made by the Estates of Parliament. That this body should really deem it necessary, or even decorous, to inquire into the fate of a few Highlanders, was a step in civilisation, and a hopeful symptom of the influence of the free Parliaments and open system of debate introduced by the Revolution. But perhaps something might detract from the estimation of that assemblage, could we decide exactly how much of their feeling was prompted by humanity and justice to the Highlanders, and how much by hatred of Secretary Stair. It was said at the time, that the run on Dalrymple was headed by his fellow-secretary Johnston, from a desire to be sole secretary, and to push out of power a colleague not sufficiently devoted to the Presbyterian party. But Johnston himself had not a devotion towards it sufficiently sincere to justify an act of malignant rivalship; and the rooted dislike entertained against the Secretary by a large portion of the Estates, is sufficient to account for whatever proportion of the proceedings was rather directed against him than in favour of justice and humanity.[1]

After the commissioners had made their inquiry and

[1] Secretary Johnston was a son of the celebrated Covenanting leader, Johnston of Warriston, and he was nearly as able a man, but certainly not so sincere. He professed to be a zealous Presbyterian, and attached his fortunes to that cause; but his private correspondence, which has been pretty abundantly preserved, has a tendency which his clerical friends would have condemned as profligacy, and ordinary readers of the present day would call levity, at least.

reported, the Estates addressed a memorial to the king on the 15th of July 1695. They found that the inferior instruments in the outrage were beyond their reach, being engaged in the war in Flanders. They did not directly impeach Sir John Dalrymple of high treason or any other crime, but they severely censured him, and begged that his majesty would give such orders concerning him as he might deem necessary for the vindication of his Government. Lord Breadalbane was charged with high treason, but was not brought to trial; and no one was subjected to direct punishment, as a criminal, for any share in the Massacre of Glencoe.

An imperfect impression of the influence of this event would be left, were it not mentioned that a greater name than Breadalbane's or Dalrymple's has been compromised in it. The Highland chief would act after his kind, and indulge himself, when he could, in the luxury of revenge—the Scots statesman might act as Scots statesmen had unfortunately done for ages before him, and show a conventional unconsciousness of any value existing in a class of human life which, from his earliest recollections, he had been taught to deem despicable. But if a far-seeing and deeply-judging prince, coming from another land, where there was no pariah race deemed worthless both in life and death, and where the people were proverbially careful of life and property,—if such a person deserted his nature and habits so far as, for the mere furtherance of his own ambition, to countenance, suggest, and urge on the slaughter of these poor Highlanders, his guilt would assume a deeper aspect. The executors of the deed said they acted under the royal authority—said, indeed, that they were in performance of a service very acceptable to the king; but their word does not deserve to be taken. In the proclamation of indemnity, the king required all judges and officers of the law "to interpret this indemnity in the most favourable and ample manner"—an instruction which certainly had been signally scorned. To connect the king himself with the design, there was one sentence in a letter of instructions which has obtained ample publicity. It is in these terms:—

"If M'Kean of Glencoe and that tribe can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that sect of thieves."[1]

This paragraph has been repeatedly published, as if it were an entire document. It is only the concluding paragraph of a long letter, which is remarkable in having the king's signature both above and below. Burnet tells us that it was not his habit to read over the documents presented by his secretaries unless they related to ecclesiastical matters, in which he was always afraid of their running on rocks, or to great questions in diplomacy. It would be too narrow a view of the question, perhaps, to found on this, or on the fact that King William was imperfectly acquainted with the English language, and might not readily understand that the word extirpate predicated putting to death.[2] Perhaps, too, it would be hardly worthy of King William's reputation to rest on the decision of the Scots Estates, which, at a time when they were far from favourable to him, found that the king's instructions did not justify Sir John Dalrymple's proceedings.

But, in truth, it is useless to enter on such a discussion. The best that can be done for the cause of truth is to give the facts abundantly and accurately. The character of the Revolution king is one of the questions which political passion and partisanship have not yet let go, so that reason may take it up. And with those who believe that, by the very act of his heading the Revolution which drove forth the Stewarts, he was the man to order and urge on

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[1] From the Papers on the Condition of the Highlands, printed by the Maitland Club (p. 65), where the most correct version of all the documents on this affair will be found. The commission noticed that the date, "16 Jany. 1692," was "marked by Secretary Stair's hand."

[2] The old warrants for the destruction of Highlanders were wont to be of a character which left no room for criticism or cavil. Thus, the king's letter in 1528, commanding the Earl of Murray and others to pass on the Clan Chattan, empowers the holders "to invade them to their utter destruction, by slaughter, burning, drowning, and other ways, and leave no creature living of that clan, except priests, women, and bairns."—Miscellany of the Spalding Club, ii. 84.

the murder of an interesting and loyal clan, it would be quite useless to discuss the question on the ground of rational probabilities.

Those who escaped the massacre fled northward to the mountain fastnesses of their MacDonald kinsmen. Whatever spirit of vengeance they may have spread among their allies was futile; for the garrison at Fort William, and the Argyle regiment on the other side, checked any immediate retaliation. It was not the Highland fashion to cry out against oppression, or appeal to public sympathy; and the scattered clan, instead of demanding justice, humbly besought the mercy of the Crown as criminals, and were permitted to return to Glencoe on finding security to live like the other subjects of the realm, and abandon pillage.[1] Unconscious of the greatness of the crime by which they suffered—because, in the ferocious social system in which they lived, they knew nothing of the moral obligations incumbent on a higher civilisation—they doubtless were much astonished when they found themselves objects of national and even of European interest, and saw parliamentary parties seeking influence and eminence by the advocacy of their cause.

After the "pacification," as it was termed, the Highlanders, no longer required in political warfare, resumed their old clan feuds. To be at peace, unless they were disarmed and overawed, was not in their nature; and

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[1] In Inverary Castle there is one of the bonds of surety by which Sir Colin Campbell of Ardkinglass answers for John MacDonald of Polveig, and Alexander MacDonald of Auchtriachtan, two considerable men of the clan. It states that, on the solicitation of Colonel Hill, his majesty had granted pardon and remission to the people of Glencoe, allowing them liberty to return and dwell in their old habitations, upon the condition that, for the future, they shall carry themselves peaceably, honestly, and abiding by the laws as their majesties' other subjects. The surety becomes responsible that they "shall not of themselves, or others of their causing, sending, or hounding out, commit any depredations, herships, robberies, theft, reset of theft, or other crimes." A Campbell thus standing good for MacDonalds is an uncommon occurrence. Sir Colin was the Sheriff of Argyle, who took the oath from old MacIan, and perhaps he thought that the hard usage they received should entitle them to sympathy, even from a hostile clan.

neither the law nor the military power of the nation was then on a scale sufficient to have accomplished these ends. We even find those chiefs who had ingratiated themselves with the Government, obtaining, though not so readily as formerly, the writ of extermination, called "letters of fire and sword" against their enemies, with the ordinary words of style written off by the clerks as routine duty—"that whatever slaughter, mutilation, blood, fire-raising, or other violence" may be done by the persons holding the letters, shall be held "laudable, good, and warrantable service to his majesty and his government."

In at least two instances this savage warrant was granted by the Privy Council after the affair of Glencoe, and before the accession of Queen Anne. Both instances are instructive of Highland habits. In the one, the fortunate obtainer of the letters of fire and sword was the Laird of MacIntosh, who was supposed to favour the Government; the victim was MacDonald of Keppoch, the ally of Claverhouse. The MacIntoshes had obtained charters, covering a considerable district of country, from the Lords of the Isles, when they were aiming at a Celtic sovereignty, and encouraging their supporters. By some means, after the ruin of this embryo kingdom, the MacIntoshes had got their charters confirmed at Holyrood. These investitures stretched over territories which had long been in the absolute possession of the MacDonalds, whose fierce spirit would neither admit the rights founded on slips of parchment, nor brook the insult of their assertion. And thus, in more than one form, the clerks of the Chancery, or of the Privy Council, pursuing their quiet occupation in Edinburgh, sent the missives of devastation and slaughter into the Highlands.[1]

[1] On the 22d of February 1698, MacIntosh complained of the abortive result of all his efforts to obtain restitution from Keppoch, of what he called his own "lands of Keppoch, Glenroy, Glenspean, and his other lands on the Braes of Lochaber;" and having gone through the preliminary process of putting all his opponents of the clan "to the horn," denouncing them as fugitives and outlaws, and obtaining utterly futile letters of caption, or warrants to apprehend them, he now demanded letters of fire and sword. As the process

The other instance was equally significant. The Lord Lovat had died, and left his property, according to Lowland Scots law, to an only daughter. But it was seldom that a female succession could be carried into effect in the Highlands, unless the heiress were immediately married to some redoubted warrior and statesman of the clan. Simon Fraser of Beaufort, better known to infamy as Lord Lovat, claimed the inheritance and leadership for his father and himself, collateral relations of the last lord. The clan took the side of the bold, unscrupulous, and ambitious youth; and as the powerful house of Athole, for many family reasons, supported the heiress, the Privy Council was year after year disturbed by applications for assistance of various kinds, including letters of fire and sword, to enable the supporters of the heiress to vindicate the law, and crush the adherents of Simon of Beaufort.

The latest lingering incidents of the war, so far as it was political, showed how little the art of besieging places naturally fortified was then known, and forms altogether a curious and romantic train of small events. The Bass Rock, occupied as a State prison, was yielded early

had not been authorised for such a private patrimonial object for some years, there is some reasoning in the minute on precedents for this species of writ during previous reigns; and as "his majesty is pleased to declare that it is below the justice of the Government that any of his loyal subjects should be disappointed of the benefit of his laws"—and as, in fact, this is but a renewal of previous letters of fire and sword, granted to the same applicant on previous occasions—the awful warrant is issued to MacIntosh and his followers, along with the governor of Fort William. They are jointly empowered "to convocate our lieges in arms, and to pass and search, seek, follow, hunt, take, apprehend, imprison, or present to justice—or, in case of resistance, hostility, or opposition, to pursue to the death—the said Coll M'Donald, and haill persons, outlaws, and fugitives, and such persons as shall associate themselves to him or the said outlaws, or resist the execution of this our commission." If they retire to strongholds, the pursuers are authorised to "assiege the said houses or strengths, raise fire, and use all force and warlike engines that can be had for winning and recovering thereof." This document was accompanied by "Letters of Intercommunication," denouncing as rebels all who gave assistance, by affording refuge, food, or shelter to the denounced MacDonalds.—Acts of Privy Council, Register House.

in the war, the garrison being starved into submission. Imprisoned in it were four young Jacobite officers, who had been taken in the skirmish at Cromdale. They observed that when any vessel arrived with supplies, it was the practice for several of the garrison to go down to the rock without the gate, and help in the unloading, which, owing to the exposed landing-place, was an arduous task. A collier vessel was delivering her cargo, at a time when Fletcher the governor, and a considerable part of the garrison, were on shore at Castleton. The aid of all who remained was required for unloading; and the prisoners, promptly seizing the opportunity, shut the gate on those outside, and pointed the guns on them.[1] With the addition of a gunner, who agreed to join them, these four young gentlemen found themselves thus in possession of one of the strongest fortresses in Scotland. They were presently joined by several companions, who seized a boat on the coast of Lothian, with which they escaped pursuit till they came in under the guns of the fort.

The proper garrison of the fort was about fifty men. The adventurers who had thus strangely acquired it, seem never to have amounted to half the number, but they were all high-spirited men, with a love of adventure, and worth a far larger force of ordinary troops. The idea of holding out, and leading a semi-piratical life in such a place, seems to have been an imitation of the adventures of Prince Rupert and his followers, in the Scilly Isles. The French Government, learning their position, sent a ship of war, which provisioned the fort, and left two war-boats for the service of the adventurers. With these they made plundering incursions on the neighbouring coast, and sometimes on places where their presence must have been little expected,—such as the Isle of May, where a few sheep were pastured, which furnished a welcome prey. They seized several trading vessels, which had, in ignorance or confidence, come between their island fortress and the shore of East Lothian, and secured a plentiful

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[1] Siege of the Bass; Melville Papers, 622. Records of the Privy Council.

victualling for their small garrison, including abundance of brandy.[1]

At first they were inspired by the consciousness of their importance, in commanding the principal fortress at the opening of the Firth of Forth, should a promising effort be made for the restoration of the exiled family. With Britain and her seas in the hands of the Revolution Government, it was impossible that the solitary rock could long remain a token of the Stewart dominion. Yet it was held by its adventurous little garrison from June 1691, until its surrender on terms in April 1694.

The most instructive part of this little history is in its evidence of the slight progress then made in the art of marine sieges of fortified places. The Bass is a fine natural fortification. So far as this term applies to a place which primitive people cannot seize, it would be difficult to conceive a better. It is a solid mass of trap, rising right out of the sea five hundred feet, and, save at the narrow point where it shelves towards the shore of East Lothian, it is a precipitous wall, in some places overhanging the water. Though it is held to contain seven acres of mountain grass, a visitor traversing it has a sensation that, were a storm to rise, there is no part of it, save in the ruins of the fortress, from which he is not liable to be blown into the sea. A more miserable fortress than these ruins represent, cannot well be conceived. There is not a vestige of a casemate among them; and no remnant of masonry stronger than the ordinary garden walls and unfortified houses of the seventeenth and of the present century. Yet so little was the art of bombarding then understood, that, during "the Siege of the Bass," as it was called, one war-vessel, sometimes two, accompanied by a fire-ship, professed to be besieging its little nest of buildings; and were so effective in throwing away random cannon-balls, that the garrison had at one time five hun-

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[1] There are entries in the Privy Council records, authorising the owners of such vessels to treat with them for the ransom of the cargo.

dred in their possession, which had been scattered over the rock by the besiegers.

The Minutes of the Privy Council are filled with orders, "anent the Bass and its pretended garrison," which show alike the perplexity and indignation of the Government. One day an addition is made to an attacking armament — on another, a Jacobite prisoner is commissioned to negotiate. The Scots Secretary of State proposed that two vessels of war should appear in a sham fight before the Bass, and that one of them, having the French flag, should profess to be disabled, and, under pretence of seeking refuge, get in and seize the fort. There was no shelter, and no better landing-place than a little slippery point of rock, accessible only by a boat in very smooth water, and there was so little harbour even for boats, that those belonging to the garrison were pulled upon the rock by a crane. The ship could therefore have gained nothing, except coming under the battery. These indications of perplexity, and the occurrence of such a project in a statesman's letter, only confirm the impression left by the history of this petty siege, of the great progress made in later times in naval destructiveness. There had then been nothing resembling the great bombardments even of the later part of the eighteenth century; and it seems to have been thought that a thing of timber, cloth, and cordage, floating on the wave, could never be a match for the edifice of stone built on a rock.

In the end, the garrison seeing starvation before them, were received on terms of honourable capitulation. Their little romantic history has a characteristic conclusion in the negotiation. They had held out so well that their flag of truce was respectfully acknowledged. On the 18th of April 1694, Major Reid was commissioned by the Privy Council to offer to the besieged terms of capitulation, specifically set down in nine articles. These offered absolute indemnity for life, liberty, and fortune, including the arms and other things in immediate possession of the garrison. They were to be free either to remain at home or to depart for France, whither those who selected exile

were to be removed at the expense of the Government. These terms, far better than they had any reason to expect, were at once accepted. But to preserve their dignity, and perhaps to insure their safety, the gallant little band kept up their original spirit to the last, and concealed from the enemy the wretchedness of their position. Though reduced to starvation-point, they had preserved some presentable remnants of provisions for the occasion, and received the messengers with an appearance of easy liberal hospitality. The Council presently afterwards issued an order for dismantling the fortress.[1]

[1] Minutes of Privy Council. Siege of the Bass, reprinted in 'Miscellanea Scotica.' Memoirs of the Rev. John Blackader, by Dr Crichton—Appendix. That the fate of the garrison would have been very different had they not purchased terms by their courage, is shown by that of some of their number who were seized on shore. They were tried for high treason and hanged.—See State Trials, xiii. 843. The gibbet was erected on the coast opposite to the Bass, but a shot from the fortress alighting close to the spot, drove the executioners of the sentence to a safer place.

# CHAPTER LXXXIII.

## ECCLESIASTICAL SETTLEMENT OF THE REVOLUTION.

POLITICAL QUARREL WITH THE BISHOPS—THEIR ORDER ABOLISHED—THE OATH OF ALLEGIANCE—EJECTION OF NON-JURORS—THE REPLACEMENT OF MINISTERS EJECTED AT THE RESTORATION—CONFESSION OF FAITH—IGNORING OF THE COVENANT—EFFECTS OF THIS ON THE NEW ESTABLISHMENT—THE KING'S POLICY—ABOLITION OF PENALTIES ON EXCOMMUNICATION—A GENERAL ASSEMBLY AND ITS MANAGEMENT—RESISTANCE OF THE NORTHERN EPISCOPALIANS—THE PATRONAGE-REPEAL ACT—THE UNIVERSITIES—OATH OF ASSURANCE—EFFECT ON JACOBITES AND CAMERONIANS—CONTEST BETWEEN SUPREMACY AND INDEPENDENCE—LITERATURE OF THE CHURCHMEN OF THE DAY—COVENANTERS' HAGIOLOGY.

THERE is more of incident and romance than of momentous history in the contests we have just concluded, for on the issues of war the Revolution Settlement in Scotland was in no danger. It is when we pass from the military to the theological history of the times that we find ourselves in the critical arena of serious strife. It has naturally been supposed, from the apparently undisputed rapidity of the Presbyterian Settlement in Scotland, that the whole kingdom, with scarce any exception, belonged to that denomination of Protestantism. But it was not so. If the country had been polled, from Galloway to the extremity of Caithness, perhaps a considerable majority would have voted for Presbyterianism as a general principle. It predominated in the southern and more populous districts; but Episcopacy, sprinkled with a latent

Romanism, prevailed in the north, and continued, as we shall presently see, to have a tacit establishment for many years after the Revolution. Again, as to that particular form of the Church of Scotland which was actually established—a moderate Presbyterianism, resting, not on the Covenants, but the earlier and purely doctrinal standards—it is pretty clear that it had not the adherence of a majority of the people, since it was extremely unpopular in the five western shires, if not also with the common people among the Presbyterians in other districts. The established Church was, in fact, an artificial compromise created by the tact and ingenuity of King William and his advisers, backed by a triumphant political party. A little detail will bring out the development of this view.

When the Convention met there were two religious parties in the country unrepresented—the Roman Catholics and the Cameronians of the west. The former were excluded by law, the latter by their humble social position. In Scotland rank has ever held an influence, modifying or controlling that of religion. The fervid Covenanters of the west belonged to the peasant and artisan order; and even in the western towns, they neither seem to have found any of the gentry professing their own opinions, nor to have so far departed from old respect as to elect any of their own order to represent them.[1] There were, however, members of the House in abundance, ready to make use of their cause, and even of their arms, for party purposes, and to give, or at least promise them, such concessions as they demanded. It is possible that the majority of the House were moderate Presbyterians, but this may be doubted. At all events, however, an overwhelming majority were determined to bear down the old legitimist party, and were quite ready to take Presbyterianism by the hand, should that be a means of accomplishing their political ends. What was, in such a crisis,

[1] We have seen that the man of chief rank who belonged to them was Sir Robert Hamilton of Preston. He was abroad at the time of the Convention; and when he returned, his followers were condemning the Parliament as uncovenanted.

a matter of no inconsiderable moment, the Parliament met in the part of the country where Presbyterianism predominated, and it was surrounded by an armed body of the western Covenanters, who might be its protectors or masters, as events declared themselves.

It had much influence on the position taken up by Parliament, that the prelates had early identified their cause with that of the exiled house. When the doubts and perplexities were at their height, they told King James, in a loyal address, that they were prostrated in thanks for the preservation of his sacred life miraculously prospered with glory and victory, while the amazing rumours of resistance excited them to pray for a universal repentance in all orders of men. Though the greater part of them attended the Convention Parliament, and took no strenuous part in resisting its progress towards the dethronement of their favourite, yet they showed their partiality in little acts of demeanour. The Bishop of Edinburgh, in the usual prayers at the opening of the House, managed to give them an equivocal turn in favour of the exiled monarch, until he was sharply rebuked, and he then contented himself with delivering the Lord's Prayer.[1] The bishops were prohibited from giving their votes as a separate ecclesiastical order, but as a temporary arrangement they were permitted to attend as items in the order of temporal lords. The quarrel with them had widened before the Declaration of Right was passed, and then it had become sufficiently powerful to warrant the assertion that the existence of the order of bishops was a grievance. This, the first step towards the abolition of Prelacy, appears to have been the only item in the Claim of Right which met with resistance, and required to be carried by a division.[2] They had in the Convention many political enemies, and few ecclesiastical friends. Among statesmen indifferent to the conflicting claims between the divine ordinance of Presbyterian government, and the apostolic descent of

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[1] History of the late Revolution. Oldmixon's Memoirs of North Britain.

[2] Minutes of Convention, MS., 11th April 1689.

Prelacy, there was a separate objection of a purely economic nature. The example of the wealthy prelates of England had naturally affected their brethren in Scotland. A hierarchy was a costly institution, and Scotland had not, like England, protected from the grasp of powerful laymen a fund for its maintenance. Hence dispensing with the order of bishops was virtually the removal of a burden on the public expenditure of the State deemed to be too costly for a poor country like Scotland.

So early as the 13th of April 1689, a measure was adopted which, though not specially directed against Episcopacy, struck it through the side of loyalty. It appointed a proclamation to be published against owning the authority of King James, or questioning that of King William and Queen Mary. It appointed this proclamation to be read from all the pulpits, and enjoined all the clergy publicly to pray for the new king and queen. Those who disobeyed the injunction were to be deprived of their benefices; but there was to be, in the mean time, no disturbance, on other considerations, of those who complied.

It must be noticed that this Act formed the first of the Erastian grievances of which the Presbyterians subsequently complained, and a Parliament actuated by pure Presbyterian principle would not have dictated from the Government to the clergy, on the fulfilment of their spiritual functions. The spirit of party, however, carried on the few Presbyterians then officiating, and they were not eager to find objections in the Act, since it committed those who had Jacobite Episcopalian tendencies, and made room for true men by driving the false shepherds from their charge. A large number of clergymen were removed for disobedience to this Act.[1] Their removal, along with the ejections in the west, served, in a certain measure, to clear the arena before distinct legislative measures were taken to define the future Church polity. The function of depriving the non-juring clergy of their charges and benefices fell somewhat incongruously to the Convention of Estates, but there was no other tribunal to perform the

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[1] Minutes of Privy Council.

duty. Subsequently it was handed over to the Privy Council, who, on the 9th of August, issued a proclamation reducing the procedure to system and form. The inquiry was conducted at the instance of any parishioner giving information that the clergyman had failed to comply with the injunction to read the proclamation and pray for the king and queen. The time of the Privy Council was extensively occupied, and its records are largely swollen, by these inquiries, sometimes rendered difficult by ingenious equivocations.[1]

In very few instances, however, are the clergy thus charged found to have been acquitted. In general, each inquiry is followed by a "Deed of Deprivation," in which it is declared that the incumbent has lost his right to the benefice, and that the church is proclaimed vacant; while he is prohibited from preaching or exercising any ministerial function in the parish, and is required to remove from the manse and glebe at the ensuing half-yearly term.[2] Such an extinction of ecclesiastical office by a secular body, not even called to act in aid of any ecclesiastical authority, was as much at variance with true Presbyterian principle as the injunction of the oath; but since it affected only those who, according to their view, had no right to an ecclesiastical position, it was not for the Presbyterian party to call in question the arrangement. Its action was extremely lame, for it had no means of striking the nonjurors in their strongholds, where the parishioners, at whose instance only it could be moved, sympathised with the clergy. Thus, unless where there was some powerful landowner on the Presbyterian side, like the Laird of Grant, there were very few deprivations under this arrangement in the north.

The operation of this Act served, along with other conditions in the politics and religion of the times, to give effect to the king's very simple instructions to adjust

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[1] Thus, the Rev. Mr Kay of Leith was charged with putting his prayer in this form: "The King and Queen, William and Mary, and the rest of the royal family."—Minutes of Privy Council, 6th September 1694.

[2] Minutes and Acts of Privy Council.

Church government, so as to be most "agreeable to the inclination of the people."[1] Among "the people" as they were most distinctly heard in Parliament—those south of the Forth—Presbyterian opinions prevailed. Of

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[1] Among the peculiarities of the state of religion at that time in Scotland, it must be noticed that an appeal to "the inclinations of the people" was attacked even on the Presbyterian side. It may not perhaps be now discoverable if the king had in view the extreme Covenanters when he spoke of the people. If he had, he was mistaken in supposing that it was an acceptable proposal to them. They professed to belong to a higher hierarchy than the mere temporal one which they had been dispelling. In referring to the public vote as the criterion of an ecclesiastical establishment, a large portion of them were shocked by his speaking of it thus as a temporal matter, instead of seeing his proper function as a terrible arm of wrath to extinguish evil, and carry with the edge of the sword the reign of righteousness. How this was felt, even by more moderate men, the passages which follow, from the "Memoirs" of a zealous but not turbulent man, James Hogg of Carnock, may show: "That the foundation upon which the Estates of Parliament had raised the whole fabric of our Church government is very uncertain and variable—namely, 'the inclinations of the people'—which, according to their interests, humours, and the several influences of subtile men upon them, are liable to many alterations. They who of old the one day cried, 'Hosannah to the Son of David!' were as busy quickly afterward to fill the air with virulent clamours, 'Crucify him! crucify him!' Here there is no sufficient foundation for a settled and unalterable frame, and this hath given much of the rise to motions from the State and compliances with them on the Church's part, which have been dishonourable to the Lord, and greatly hurtful to us; for it was often represented to the higher powers, that a considerable body in the nation favoured the curates, besides the interest they had with many in the neighbouring nation." The principle is more distinctly stated by one of the moderate Cameronians—it would be useless to refer to what the zealous members of that party have said on such a question. Complaining of the disorders, to the stumbling of the weak and hardening of the perverse, which an unsettled rule in the national religion cannot but foster, he laments as to Church government and discipline, that there is "neither established, nor any rule determined by which it shall be established, except *the inclinations of the people*, which are in themselves very variable, and must be ruled by, and not a rule unto, the institutions of Jesus Christ. And as they are variable, so they are various and diverse, as there are numbers of persons or parties that prefer their own humours and interests to the supreme law—the revealed will of Christ. Some are for Erastianism; some are for a constant moderatorship; some for a superintendency; some, perhaps, for Independency; some for a toleration of all; some are for a continuance of the

the gentry who sat in Parliament and came from all parts of the country, there was not perhaps much Presbyterian zeal, for the higher order have always in Scotland but scantily partaken in the religious fervour so abundant among the humbler body of the people. But in the political attitude of the Estates, it brought them into alliance with Presbyterianism that they were fighting with Episcopacy.

Following up their early quarrel with the bishops, in July 1689, an Act was brought in for abolishing Prelacy and all superiority of office in the Church. Some of the more eager spirits attached to it a clause for the establishment of the Presbyterian form, but this was withdrawn.[1]

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curates, either without any accommodation with them, and excluding them from a share of the government, but suffering them still to exercise their ministry—or by an accommodation and coalition with them in the government also. Some, again, are for the continuance of patronages. However it be, we and many thousands are against all these things, as being contrary to the Word of God, abjured frequently in our Covenants, National and Solemn League, condemned in the Confession of this and all other best Reformed Churches."—Short Memorial of the Sufferings and Grievances, Past and Present, of the Presbyterians in Scotland, particularly of those of them called by nickname Cameronians, &c., p. 40.

[1] The clause proposed was, "reserving to their majesties to settle Presbyterian government in the way most agreeable to the people's inclinations and the Word of God." The "Minutes" show that the proposal was brought in by some private party, for the Commissioner craves leave to see the draft before committing himself (2d July). Next day the word "Presbyterian" was taken out without a division; and as finally adjusted, the Act stood that their majesties, with consent of the Estates, would settle "by law that Church government in this kingdom which is most agreeable to the inclinations of the people." There was, it appears, a serious critical debate, which was adjusted by the use of the word *that*. Craufurd, the parliamentary champion of the zealous Presbyterian party, says: "When one of the clerks was up to call the rolls, in order to voting, my Lord Commissioner quarrelled one word, 'The government of the Church most suitable to the inclinations of the people,' and would needs have in the place of it, 'such a government,' alleging that 'the government of the Church most suitable to the inclinations of the people,' imported only that there was but one government in the Church, and that *such* imported there might be severals. If by *the* they had intended but one, he desired they might condescend and name it; upon which severals called out 'Presbyterian government.' He then told them that there would be a need of so many restrictions and limitations

The political feuds between the Estates and the bishops soon spread wider. The clergy who adhered to Episcopacy became, at the same time, the fixed adherents of the exiled family, and gradually it came to be the political view of the question, that the Presbyterian clergy were the supporters, and the Episcopalian the enemies, of the Revolution Settlement. In the mean time, at the passing of the Act for abolishing Prelacy, the northern clergy, among whom Episcopalian principles prevailed, proposed an arrangement which looked fair, and would have well suited their own policy. It was that a General Assembly of the clergy should be called for settling the affairs of the Church; and that to prepare matters for the deliberations of such a body, a previous conference of ministers, differing in opinion on Church government, might be held, to consider controverted questions and make overtures for the peace of the Church.[1]

The Assembly so suggested was not to be constituted as the Presbyterian General Assemblies had been and were again to be; for there were evidently to be no lay members: and the project was discountenanced, for the obvious reason, that in such a body the Episcopalian and Jacobite party would have an overwhelming majority.

In the session of 1689, to turn the members from their political objects, the Government had endeavoured, but in vain, to draw them towards the interesting question of the Settlement of the Church. The measure thus laid before them declared that the settlement, as it stood by the Act of 1592, was that which had the closest proximity to the wishes of the people, and provided for its re-enactment, with certain explanations and restrictions.[2] These

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ere he could give his assent to that, that it would be a work of long time."—Melville Papers, 139. The Scots Parliament was so little accustomed to these minute estimates of the influence of words, that Craufurd quotes the clause inaccurately, using, for instance, the word "suitable" instead of "agreeable."

[1] Minutes of Estates. Craufurd mentions, with evident apprehension, a rumour that the Commissioner had sent this proposal to London, as a thing to be entertained.—Melville Papers, 140.

[2] See chapter lx.

were that the necessity of holding casual Assemblies should be first represented to his majesty, and admitted; that the rights of the lay patrons of ecclesiastical benefices should remain valid; that the jurisdiction of the Church should consist only in preaching the Scriptures, correcting ill manners by ecclesiastical censure, and administration of the sacraments; and, to prevent any meddling with State affairs, that his majesty might have, when he deemed proper, an officer to attend in Synods and Presbyteries, like the Commissioner in General Assemblies. The measure contained rather an announcement than an enactment, that his majesty, in Parliament, would curb vice, advance piety and religion, and preserve peace and unity. When this Act was presented, another draft was offered by the Lord Cardross, abolishing patronage, and otherwise furthering the interests of the independent Presbyterian party; but the House, in pursuit of its own schemes of aggrandisement, would listen to neither project.[1]

Another portion of this evaded measure became, in the more peaceful working session of 1690, the first step in the creation of a Presbyterian clergy. The first practical action of the prudent friends of a new ecclesiastical system naturally was to plant a nucleus of clergymen favourable to it in the Church; for the Presbyterian party were still external to the Establishment. Except in the parishes of the ejected clergymen, and of those who, under the old system, had accepted the indulgence, and of the few who, Presbyterian at heart, desired to transfer their ecclesiastical allegiance, the Episcopalian party had the advantage of possession, and were not to be incautiously deprived of it, without the risk of convulsions which might be perilous to a new Government.

The portion of the evaded Act of the previous session, which, thus restored, planted the seeds of the Presbyterian polity, affected the personal and pecuniary position of a considerable number of people in such a manner as to

[1] Minutes of Estates, 17th July 1689. History of the late Revolution, 180.

make some laud the new Government for its justice and liberality, while others complained of spoliation. The Act restored to their benefices the Presbyterian clergymen who "were thrust from their charges since the 1st day of January 1661, or banished for not conforming to Prelacy, and not complying with the courses of the time." In the practical arrangements of the Act, a division was made of the last half-yearly instalment of stipend, as if to show on its face that it was a deliberate and fair adjustment, not an abrupt spoliation; that it did not leave the fugitives, usurpers as they were, destitute, but allowed them to carry off a trifle from the emoluments they had kept from the right occupants, to serve them till they found another means of living.

The men so restored were the small remnant at the end of twenty-seven years, of that large body, said to have been about 350, who abandoned their temporalities when Prelacy was forced on them in the year 1662. They amounted to sixty, and as they were held by their friends to be the only true representatives of a Church numbering 900 ministers, they were called by the Episcopalians the Sixty Bishops. Those ministers who had accepted of the first indulgence, but whose scruples checked them at the contradictory test of the year 1681, begged to participate in the restoration.[1] They, however, were not a body who had high claims or prominent support, and their application passed unnoticed.

The clergymen thus restored by Act of Parliament were the last among mankind who would have admitted as a general rule that Parliament had power to adjust such an ecclesiastical revolution. But the effect of the Act was not of a character to suggest protestations, and it was not necessary that, in readopting their right position, whence wicked persecutors had driven them, they should acknowledge that any mere temporal authority had interposed. The clergymen thus restored, with such fellow-

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[1] Minutes of Estates, 31st July 1689. The Act offered by the king, however, but declined by the Estates, included the clergy deprived since the year 1681, for not taking the test.

labourers as they felt entitled to associate with them, met in Edinburgh, not as an ecclesiastical assembly or convocation, but as a body who had the duty and privilege of attending to the interests of the Church. Even in this small and venerable body, however, there lay elements of antagonism. Some of them had not merely been the martyrs of Prelacy and arbitrary power, but had been deposed by their own Church courts. Though under the Protectorate General Assemblies were suppressed, yet the clergy fought fierce battles with each other in their local courts; and where the Resolutioners had a strong majority, they deposed clergymen whose real ground of offence was their adherence to the Remonstrant party, while these retaliated in the places where they felt themselves strong. This source of dispute had disappeared with the Restoration, but the scars still remained, in the decisions of the Church courts deposing from the ministry men who were to their own friends all the dearer for their deposition. This difficulty was derisively hailed by the Jacobite pamphleteers as an insuperable one. Temper and good management, however, aided by the soothing influence of success, overcame it; and it was of so little efficacy, that, were it not for the derisive jeers of these Jacobite pamphleteers, we would now know nothing about it.

Following up these preliminary arrangements, a more decided step was taken on the 26th of May, by the parliamentary adoption of the Confession of Faith. Those who are accustomed to the strictly legislative nature of English and British statutes, may be at a loss to know in what character the articles of creed embraced in the Confession, appear on the Scots statute-book. We have seen that the documents adopted by the Scots Estates did not always take the shape of absolute law like an English statute. The preamble introducing the Confession stands in these terms: "The Confession of Faith underwritten, was this day produced, read, and considered, word by word, in presence of their majesties' High Commissioner and the Estates of Parliament; and being voted and approven, was ordained to be recorded in the books of Parliament."

There is no reference here at least to persons on whom it is obligatory to subscribe it, or to penalties for refusing belief in it, but it stands simply accredited by the approval of Parliament.[1] The Confession of Faith as an exposition standing alone, must not be supposed to embody all the assumptions of authority and denunciatory protestations uttered from time to time in what might be called the fighting documents of the Presbyterian party. And it has been maintained that there are members of the Church of England, whose actual faith would be more justly represented by it than by the standards of the Church to which they belong. It was not considered antagonistic to Prelacy—it was the nominal doctrinal standard of the Church of which Sharp was primate—and was, in fact, a part of the celebrated Test Act of Charles II. As modelled and adjusted in the Conference at Westminster, it was more full and explanatory, less brief and rugged, than in its first shape, when it was adopted in 1567. But in its fulness it left more room for gentle and tolerant interpretations than the extreme Covenanters liked to find. Some passages they might turn in their own direction; perhaps they were meant to be convertible.

Besides the Confession of Faith other documents demanded attention from the Parliament. The small centre of the Church just brought into existence, zealous as were the elements of which it was composed, was ruled by prudent counsels. The Presbyterian clergy, in their casual meetings in Edinburgh, passed an "Address of the Presbyterian Ministers and Professors of the Church of Scotland." By the moderateness of its tone it was evidently prepared to help the advisers of the Government. It desired the Estates to establish and ratify along with the Confession, "The Larger and Shorter Catechism," and "The Directory of Worship and Presbyterial

[1] It does not appear to alter the character of this simple approval, that in the subsequent Act, ratifying the Church government, it is provided that the Estates "ratify and establish the Confession of Faith now read in their presence, and voted and approven by them, as the public and avowed confession of this Church, containing the sum and substance of the doctrine of the Reformed Churches."

Church Government and Discipline." But though the Catechisms were brought formally under the notice of the Estates, they were not adopted, nor were they even urged on the attention of the House.[1]

There was, however, in the eyes of some, a far more momentous offence in the failure to restore a document which would have removed from the Confession of Faith whatever was doubtful or favourable to heresy and latitudinarianism, —a document which would have left the obligation to obey the infidel or heretical magistrate innocuous, since it would not have permitted such a person to exist in the country. It had been always a resource to those who felt any passage in the Confession of Faith a stumbling-block, to remember that it was controlled by a more emphatic testimony. This was the Covenant, containing not merely a creed to be believed, but a rule of action binding its adherents to conflict and subjugation. It prescribed not only what the adherent believed, but what he was to force all others to believe, by the edge of the sword and with zeal even unto slaying if need be.

The evident reluctance to renew the Covenant at first excited the impatience of the rigid Covenanters; and when the Confession of Faith was passed without its combative and enforcive companion, and without even its suggestion in the Estates, the alarm became deep and strong. Whatever should be the fate of Scotland, England and Ireland were let loose again to become the prey of a ravening Prelacy. In Ireland they could apply an argument which had some weight even with ordinary worldly politicians when they asked, What better original right

[1] The minutes merely say,—"Agreed that mention of the Larger and Shorter Catechism be left out of the Act, 26th May." It is said in one of the pamphlets of the day,—"After hearing the Confession of Faith read over, the House grew restive and impatient, could stand out no longer, and too gladly listened to a proposal to be content with what it had received, and forbear the Catechism and Directory." In the same account it is said that the blandishments of the Commissioner and other statesmen were employed in appeasing the discontent of some clergymen who were present.—See an Account of the late Establishment of Presbyterian Government by the Parliament of Scotland, anno 1690.

the Church of England had to exercise authority over the Roman Catholics there than the Presbyterian Church had? The Covenanters claimed the advantage of existing treaties and obligations in their favour, since the Covenant had been accepted as a supreme law for all parts of the empire.

For Scotland itself the covenanting party had a still stronger claim in legislative possession. What had become of all the Acts of Parliament from 1633 to the Protectorate? They had been swept away by the Act Rescissory, in order that Episcopacy might be restored. Episcopacy was now in its turn to fall. The Act Rescissory was a scandal to the age and the nation, that should at once be cleansed from the statute-book. Would any member of the new Government say a word in its defence? Perhaps not, but still these statesmen were not prepared to let loose upon the country a mass of legislation that had virtually been dead for forty years, and had been in its relation to the practical business of the country superseded by the legislation from the Restoration downwards.

Another opportunity was lost when an Act passed repealing what legislation of later times might impede the exercise of their old powers by the Church courts. Here was lost another signal occasion for the renewal of the Covenant. It will be easily understood by those who remember all that had passed since the assemblage in the Greyfriars' Churchyard, that this was deemed a perfidious desertion of a peremptory duty, calculated to bring avenging judgments on the land. It shows how deeply the desertion of the Covenant had entered into the minds of the more zealous part of the new-organised Church, that not merely the Cameronians, who were unceasing in the work of covenanting, but those who drew apart from the Church half a century after the Revolution Settlement, made it their immediate function, on their release from the trammels of the Establishment, to renew the Covenant.

At this juncture the proportion of public opinion that

conformed exactly with the policy of the Government was small; but its capacity, through the conflict of extremes, to find supporters on either side, gave it practical predominance. Leaving out of view the remnants of Romanism, there was a gamut of opinions from the divine-right Episcopalians at the one extremity to the Hillmen or Cameronians at the other. Had the religious powers in the country been permitted, with some modification and restraint, to adjust themselves, Episcopacy would have prevailed north of the Tay; in Fife and along the east coast, a moderate Presbyterianism might have developed itself, though perhaps not quite so moderate as that which the Dutch king, backed by the influence of England, established; the western shires would have been such as they have described themselves in the quotations made in these pages from their testimonies; but the Covenanters of all degrees would have doubtless yielded to the softening influence of advancing civilisation, and even if they retained the nomenclature of the Covenant, would have permitted its old coercive spirit to die away.

To the artificial adjustment made by the Dutch king and his able advisers, we may thus justly attribute the existence of the Church of Scotland under the Revolution Settlement. It at first included a class of men whose existence within it was not a thing to be anticipated from their precedents. However it came to pass, the policy adopted by those of the clergy who in heart dissented and were bitterly severed from the new Church settlement, was, that instead of attacking it from without, they should belong to it, and strive to work a reformation within. The most remarkable type of this principle was the conduct of the three clergymen, Thomas Lining, Alexander Shields, and William Boyd, who were the select spiritual teachers of the Hillmen, and the only pastors in whom, in such slippery times, they could place reliance. Much to the wrath of the extreme section of their people, they gave in their adherence to the Establishment, adopting, as they said, a free assembly as a means of determining

the unhappy differences between them and their brethren.[1] They led an uneasy life, for they were accounted by their brethren turbulent, factious, dangerous men; while the fathers of the ultra-Cameronian societies handed them over as lost perfidious traitors, to uncovenanted mercies. Among a number of dying testimonies of eminent patriarchs, collected together and afterwards published, where the protestations against Popery, Prelacy, and the Erastian Revolution Settlement are recorded in the usual terms, it is often found that the choice flowers of denunciatory rhetoric have been reserved for these perfidious traitors who sold the precious birthright of testifying in the good old way, for the sordid temporalities of the new Establishment.

Many other grounds of defection took shape, but down even to the very latest separation, those who have left the Church of Scotland have been the ecclesiastical descendants of that portion who, at the Revolution Settlement, grieved that the Covenant was not renewed, and joined the Church for the purpose of endeavouring to make it covenanted. Nor does it follow that this point of departure showed that the one body was marching on in the direction of bigotry, and the other in that of toleration; for in some shape or other, the advancing spirit of charity

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[1] The arrangement for the admission of these men was a very clever piece of management. They presented to the Assembly which met in 1690, two papers,—one of them very long, intended for the exoneration of their consciences, to represent those parts of the conduct of the Church which had been most stumbling to them. Along with this they presented a short paper, offering to submit themselves to the judicatories of the Church. A committee of the Assembly was appointed to peruse and report on both documents. They said of the large paper, that "though there be several good things in it, yet the same doth also contain several peremptory and gross mistakes, unreasonable and impracticable proposals, and uncharitable and injurious reflections, tending rather to kindle contentions than to compose divisions." In short, the large document was a bitter attack on the Church which its authors offered to join. It was therefore arranged that the large paper for exonerating their consciences should not be read; but that the short paper, containing their offer of subscription to the Assembly, should be received as containing the terms of their application for admission to the bosom of the Church.

has had its influence on all; and names have been retained with so entire an alteration of spirit, that in some instances we find the clerical representatives of those who maintained it to be the State's duty to help the Church in uprooting heresy, denying that the Church should have any connection with the State, or should use any other than spiritual weapons.

Having made his arrangements for placing the Church on a Presbyterian basis, and for an adjustment of the vexed question of patronage, to be afterwards mentioned, the tenor of King William's subsequent policy towards the Church was one of restraint. So far as it was practicable, without a violent rupture, he checked all efforts to achieve clerical independence of the State, determining that if he was not in form admitted to be head of the Church, he should yet have power to prevent it from disturbing his Government or counteracting his policy. As his was a constitutional and not a military Government, he could not, like Cromwell, have utterly prohibited ecclesiastical assemblages; but he was evidently resolved not to permit those scenes which had disturbed the throne of James VI. to be repeated, and insisted that, in some shape or other, the State should take payment for its countenance and protection in a means of ultimate control.

Before the first General Assembly was convened, a small unnoticed Act had been passed, which adroitly removed the most formidable weapons of the Church,—and removed them evidently at a moment when its attention was distracted by other matters. The main ostensible object of this law was to abolish the offensive powers given to the hierarchy during the previous reigns. Among these the ecclesiastical punishment of Excommunication was employed as a means of inflicting civil pains, by the sentence of the hierarchical tribunal being enforced by the courts of law. It was but apparently completing the abolition of Prelacy, to put an end to this form of hierarchical power, which it had offensively used; but to the revocation was added a brief yet very effective repeal of "all Acts enjoining civil pains upon

sentences of excommunication." Thus a little sentence swept away at once a confused mass of old sharp weapons, with which it would have been signally perilous for the Government to have meddled, in attempts to carry them off in detail or blunt their edge. Among the civil penalties incurred by excommunicated persons, one, sufficiently portentous in itself, was the confiscation of landed property, the officers of the Crown having been restrained from affording investment in their estates to those against whom the ecclesiastical condemnation had passed. The removal of this apparatus of infliction was at first welcomed as a blow directed against those who had last used it, but their successors missed it where they expected to find it, and saw plainly the ulterior object of the measure. It was better, however, that they should find out the want than be put on their guard against the removal: and thus was accomplished one of those clever strokes which are called acts of statesmanship, of statecraft, or of chicane, according to the circumstances in which they are transacted, or the point from which they are viewed.

Loud demands were made for a General Assembly. The prospect of assembling a body which had so often shaken the throne, gave apprehension to the king and his advisers, and they would fain have postponed the ordeal to a fitter time, but a farther delay would have been denounced as an indication of treachery. They knew well that an ecclesiastical body dispersed through the country among the hostile and the lukewarm, and an ecclesiastical body in conclave, with the privileges of an establishment, are two very different things. The deprived clergy had been flocking into England, to pour out their griefs on the bosoms of their well-endowed brethren there, who naturally offered them warm sympathy, and counted their sufferings, from a schismatic body of Presbyterians, a high insolence and intolerable grievance. A multitude of pamphlets issued from the English press, descriptive of the hardships which the apostolic Church had suffered in Scotland. In this conflict of antagonistic feelings, there was much fear that a General Assembly of the Presbyterian clergy might act extravagantly, forgetting

the moderation necessary to their own interests and those of their best friends. But the Church was still small in number; it was kept in control by a strengthening Government; and it had calm and sagacious advisers.

At length the time had come when the Assembly could not be avoided, and it was to meet on the 16th of October 1690. Though circumstances forced it upon an unwilling monarch and his not less reluctant advisers, the meeting was avowedly summoned by parliamentary and regal authority. The correspondence of the day shows a lively nervousness about the result of the measure, among the statesmen labouring zealously and anxiously in the arrangement of safeguards against mischief. There was an unpleasant difficulty at the commencement, in the choice of a Commissioner. The impetuous Craufurd was pointed out as the proper man, by his popularity among the more ardent spirits in the Church, and his devotion to their cause; but this was a selection, for many prudential reasons, to be avoided. Melville wrote to him a judicious letter, earnestly appealing to his zeal and affection for the king and the Revolution Settlement, deploring the dangers assailing Presbytery, and urging him to keep his friends in the Assembly in order. To accomplish this momentous object, it was necessary that he should be a free member of the body, and that the office of royal representative on the occasion, which would naturally have fallen to him, should be bestowed on one of his friends. The person fixed on was the Lord Carmichael—a prudent, quiet, firm man; and Craufurd was made the medium of offering the appointment in so adroit a shape, that it seemed even to Craufurd himself that he had made the selection. The compliment was effective, and secured the desired co-operation. Craufurd made answer, that his friends saw the momentous importance of moderate measures, and would hold a short calm session.[1] Not content with securing this one potent source of influence, Melville wrote letters of earnest appeal to such leaders of the

[1] See the Melville Papers, Melville to Craufurd, 6th October 1690, p. 540.

church as Gilbert Rule, Fraser of Brae, Kirkton, and David Williamson, in very complimentary but solemn terms, beseeching them to consider the importance of moderate counsels, and the triumph, calamitous to the Presbyterian cause, which their enemies would reap were these neglected.[1]

The king was determined that this Assembly should not throw itself loose from the control of the State. Every person living in Scotland knows that, in later times, it has been the policy both of the Crown's representative and of the Church, carefully to avoid opportunities of collision. So long as the Assemblies kept within their own ecclesiastical functions, there was no danger to be specially obviated. The Commissioner, in quiet reliance that the prescribed limits would not be broken, sat patiently on his throne, often not grieved to reflect, as he read a newspaper or chatted with a friend, that the less interest he took in the proceedings, the more he fulfilled the Assembly's notion of his proper attitude. The main difficulty to be overcome was in the principle maintained by the Crown, that no business should be transacted while he was absent. To avoid chaining him to his chair during debates which nothing but a zealous interest in them could arm human patience to stand out, some good-natured arrangements were made for resolving the house into a sort of committee, authorised to conduct a certain routine of business, set down for their consideration while the Commissioner was present. By these and suchlike arrangements, all unpleasant disputes were got over, by parties not seeking a quarrel. To complete the understanding, the Assembly came to meet annually, and on a particular day of the year. The royal Commissioner and the elected Moderator, each knowing the day so fixed, did his part by an adjournment to that day, without the one interfering with or referring to the other. So it has been the long-established practice, that the Commissioner, at the end of the prescribed length of each session, adjourns it to the day of meeting next year, in the name of the Crown; and

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[1] Melville Papers, 542 *et seq.*

the Moderator adjourns it to the same day, in the name of "the Lord Jesus Christ."

It is interesting to find that this arrangement was invented and followed out by the first Revolution Assembly in its daily adjournments, and that it was the fruit of the ingenuity of the Commissioner and the prudence of Gabriel Cunningham, the Moderator.[1]

When, however, the more important question of the dissolution or annual adjournment of the Assembly, and the appointment of a day for its reassembling, came up, it is said that, while the members were discussing the matter, it was abruptly settled by the Commissioner, who proclaimed the dissolution of that body and the reassembling of a successor, amid the silence of the members. When, afterwards, in the preparation of the minute, it was asserted that the Assembly had "dissolved itself," the form was ordered to be corrected; and, to avoid opening up dangerous questions, it was mutually permitted to stand in the neutral form, "This Assembly being dissolved," &c.[2]

It will readily be imagined that a body so tame and trammelled was to the zealous a sadly imperfect restoration of those great Assemblies which established a dominion above the State, and carried the Covenant over England and Ireland. There was here a more flagrant abandonment than even in Parliament of the fundamental privileges of the Church, by a failure to renew the Covenants. Even what was done in the shape of testimony, in the appointment of a solemn humiliation for the sins of the land, was weak and empty; for there was no distinct acknowledgment of, or penitence for the acceptance of, the indulgence, or the submission to a lax toleration —sins of which professing members of the Church were guilty.

While they were thus contemned by their covenanting brethren, the Church had but a modified triumph over

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[1] See Historical Relation of the late General Assembly, &c. London, 1691.

[2] Historical Relation: Acts of Assembly.

their opponents of the dying Establishment. An Act of Parliament had given the Presbyterian clergymen, of whom the approaching Assembly was to consist, power to redress disorders in the Church by a system of visitation. Their visitors were to have authority, in the expressive words of the Act, "to try, and purge out, all insufficient, negligent, scandalous, and erroneous ministers, by due course of ecclesiastical process and censures." A powerful weeding machinery was thus sent into the ecclesiastical garden. It is perhaps not in human nature that these Presbyterian investigators should apply exactly the same rules of evidence to the moral conduct of Presbyterians and of Episcopalians. Soundness of doctrine would perhaps afford a presumption of soundness in morality. The visitors claimed credit for extreme impartiality in the performance of their duties; but if they acted fairly, it must be acknowledged that, among the remnant of the Episcopalian clergy on whom they sat in judgment, there must, from the many instances of deposition for drunkenness and debauchery, have been a singular prevalence of immorality.[1]

For the purpose of more effectually executing these powers, the Assembly appointed two commissions of visitation,—the one to work on the south, the other on the north, of the Tay. The northern department, though the more barren in its ecclesiastical harvest, was attended by far more incident than the other. Instead of being directed, as they would have been by the extreme party, to pass beyond their parliamentary power, and fulminate the judgments of the Church on those who had complied with the defections of the times, restoring them only through the gate of abject public penance, they were instructed "that they be cautious of receiving informations against the late conformists, and that they proceed in the matter of censure very deliberately, so as none may have just cause to complain of their rigidity."[2]

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[1] There is a list of these depositions, with the causes, among Wodrow's MSS., preserved in the Advocates' Library.

[2] King William's view of the proper tone and duty of this visita-

But what was a shameful connivance at defection in the covenanting parts of the country, was deemed an insolent usurpation in the Episcopalian. Hence several of the individual acts of deposition or appointment were resisted by the people. In March 1691, the commission for the north went in state to Aberdeen to do judgment. They found there the most powerful people of the town and district leagued together by subscription to a bond, in which they obliged themselves not to suffer their ministers to be ejected. The commissioners were assailed by a rabble, and, requiring precipitately to depart, did not attempt to carry out their functions until three years afterwards.[1] Their sole satisfaction in the mean time was, that the Provost of Aberdeen was imprisoned, and that three other citizens had to do public penance in the Tron, or pillory of Edinburgh. It indicated the difficulties of the ecclesiastical question, that the Privy Council were assailed with complaints of outbreaks in the west against the Church, for having too little of the Covenant, contemporaneously with these northern assaults on her for having too much of it.

In the midst of such discordant elements, it was difficult

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tion is thus expressed in a confidential letter from General Mackay to one of its members, Grant of that Ilk : "I exhort you to study moderation in your present commission, which will do the Presbyterian interest more good than men generally there are aware of. The king's intentions are certainly to maintain that government as the fittest for that nation ; but it is also his earnest desire that it may be made as supportable to those who seem to dissent from it, that even they may fall in liking with it, and so the kingdom become one body."—Proceedings Soc. Antiq. Scot., ii. 338.

[1] Minutes of Privy Council, 23d June 1691. Considering its elements, the mob is rather oddly characterised. The commission "had not sat half an hour, when the house was surrounded with a great confluence of the baser sort of the people, consisting of tradesmen, students of the universities, and a rabble of other sort of persons, who, being come with hostile arms, such as swords, daggers, partisans, guns, as also axes, hammers, and other weapons of that kind, filled the stairs, and offered by violence to break open the doors, which they attempted, and certainly had done, if the commissioners had not fortified the same within, for their own preservation. And in the mean time this multitude and rabble ceased not to cry and threaten that they would drag the commissioners out of the house, and stone them out of the town," &c.

to deal with the principle—so dear to Presbyterianism—of the congregation's right to a voice in the appointment of a pastor; and King William, looking upon patronage as a question of property, was averse to touch it. At length, however, it was deemed necessary, even on political grounds, to attempt an adjustment of this matter; since, if it were dangerous to give something like popular election to congregations who might be discontented with the Revolution Establishment, it was still more dangerous to keep the full power of patronage in the hands of Jacobite lairds, backed by their immediate feudal followers.

On the 19th of July an Act was passed for the adjustment of this question, of which it has been the peculiar fortune to exercise a living influence over ecclesiastical matters in the present day, and to have a connection with the most memorable events in the history of Scots Presbyterianism. The measure in question, called "An Act concerning Patronages," appears, among the seemingly more important business of this active session, to have been carried with very little opposition or discussion. The Presbyterian system had ever shown a strong jealousy of interference by the secular powers, whether magisterially or through the exercise of the right of property, in matters deemed ecclesiastical. Where it did not stand on the Church having the sole right of dictation, it conceded to the laity only a power of selection as to the individual ministers to whom they might ecclesiastically be subjected. To illustrate the distinction: Where the right both of the Government and of individual proprietors, in the appointment of the clergy, has been repudiated, a privilege has been conceded to the people to decline the ministrations of a pastor inimical to their tastes or prejudices. The laity were to have no power, direct or indirect, either in bestowing the clerical character, or in appointing its general field of exertion; but they were entitled to indicate their wants and desires, and to keep themselves free of the ministrations of any minister generally unacceptable to them.

The right of patronage, which had descended from the founders of ecclesiastical endowments, or had been other-

wise acquired, had thus always attracted the hostility of the Presbyterian Church, and was never suffered to exist, at least in full efficacy, when her principles predominated. The right had been restored with the hierarchy in Charles II.'s reign, and now it was to be recalled, but with conditions which showed a spirit of equity and forbearance. It has been much disputed whether this measure was properly to be named an abolition of patronage, or an arrangement for facilitating the extinction of patronages by compensation to the owners. The first clause certainly abolished the right very distinctly. The sovereign and Parliament "considering that the power of presenting ministers to vacant churches, of late exercised by patrons, hath been greatly abused, and is inconvenient to be continued in this realm, do therefore, &c., hereby discharge, cass, annull, and make void the foresaid power, heretofore exercised by any patron, of presenting ministers to any kirk now vacant, or that shall hereafter happen to vaick within this kingdom, with all exercise of the said power; and also all rights, gifts, and infeftments, acts, statutes, and customs, in so far as they may be extended or understood to establish the said right of presentation." And it appeared only to make the intention of a complete and unconditional abolition the more distinct, that there was a saving clause of the rights of clergymen presented under the old law.

Having thus apparently removed the right of patronage, the Act proceeded to supply a substitute. It provided that, on the occurrence of a vacancy, the heritors or landowners in country parishes, and the municipal corporations in burghs, along with the elders of the church, were to propose a person in holy orders to the congregation, who were either to approve or to disapprove of him. The disapprovers were to intimate their reasons of disapproval to the Presbytery; and they having judicial authority, where the parishioners were parties, were to consider the merits of the objections, and to decide whether the person should be selected clergyman of that parish or not. It is important to observe that this measure did not stretch to the full length of denying lay authority, for the presen-

tation was only taken out of the patron's hand to leave it with the heritors and the kirk-session. The former were sometimes few in number, or units—in many cases the original patron was the sole heritor—the elders generally amounted to three in number. On the other hand, however, the Act did not entirely admit, as the Presbyterian system sometimes has done, the full extent of the right of the congregation to decline the pastoral superintendence of a person offensive to them, since it only conferred on them a right to plead their objections before the Presbytery as the tribunal having power to decide.

So far the Act seemed to abolish patronage, and deliberately substitute another system of presentation. But this Act, as if it had been put into shape by two separate classes of people, with different or opposing opinions and interests, contains other clauses which have been held to show that it was not an abolition of rights of patronage, but merely an arrangement for enabling them to be sold. These clauses provide that for each patronage a sum of six hundred merks shall be paid. It appears, on a first perusal, that the expected difficulty must be in getting the patrons to part with their right for so small a sum, as arrangements are made for its being proffered and consigned into the hands of a respectable person, if the patron should refuse to receive it.[1] On the other side, however, there is a provision for the patron exacting payment of the compensation-money from the persons appointed to advance it. On the whole, the nature and object of the Act is, to one who does not enter on its perusal from any one of the Presbyterian bodies, or from either side of the great patronage question, extremely perplexing. It remains to be said that those for whom it was carried seem scarcely to have known how to put it to use, as the patronages for which the six hundred merks were paid were very few; and as the Act, notwithstanding its distinct reference to patronage as a thing abolished by it,

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[1] The amount of compensation appears to have been the only matter disputed—one party proposing 900 merks, the other, which carried the House, 600 (about £35, 5s.)

required the patrons to make a formal renunciation of their right on payment of the compensation, it was held that where this compensation was not made, the right of patronage remained untouched.[1]

Whatever might be the merits of any measure abolishing or modifying patronage, the Revolution Establishment was not in a good condition for affording it free operation. The general assent of the Christian community to receive the pastor offered to them, was a natural condition of the primitive Church. The pastor, in the midst of heathen people and principalities, could only keep his flock through their devotion to his person as well as to his cause. This condition naturally revived in the age of Scots persecution. It was useless to ask if the followers of the covenanted clergy of the seventeenth century assented to the call. They proved their devotion as well as their assent to the preacher, whom it was fine, imprisonment, or possibly death, to hear, by the unequivocal fact of following him. But when the Church was established in the character which it held under the Revolution Settlement, the conditions were completely changed, and the popular element was often undesirable, and sometimes

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[1] Information on the operation of this Act was given in the following terms to a Committee of the House of Commons: "*Q.* While the Act 1690 continued in force, how many parishes obtained renunciations from the patrons by making payment of the 600 merks?—*A.* There were only four parishes, Cadder, Old and New Monkland, and Strathblane; and as to this last parish it was afterwards decided that the person from whom they had purchased the renunciation was not the proper patron, and the church is still patronate.

"*Q.* Was this right on the part of the heritors to come into force when the Act passed?—*A.* Yes.

"*Q.* From what cause was it that cases in which renunciations were obtained were so few in number?—*A.* It arose from this, that the parishes had the benefit of the Act at once, without making payment of the 600 merks to the patrons; and the patrons who had power by Act to compel the parish to pay, it is understood had always hopes of getting the Act repealed, and so did not press for payment, and so matters went on till the Act of Queen Anne."—Report of Select Committee on Patronage, 1834; Evidence of Alexander Dunlop, Esq. Wodrow took down in his note-book the views of the draftsman of the Act, Sir James Stewart, Lord Advocate, who was assisted by three clergymen.—Analecta, i. 275, 276.

ruinous. Had she been, what of course every Church desires to be, catholic, one and indivisible, with neither rivalry nor dissent, she might have communicated the privilege of personal dissent to the flock which gave a general ecclesiastical submission,—she might have desired with prudence that those who acknowledged the absolute divine authority of the Church as a body, should have a right of selection among her clergy by indicating a preference of one over another. The Church claimed such authority; but, under the eternal laws of that Protestant right of private judgment which her founders had established, she could not obtain it. Her standards professed her entire spiritual control over the subjects of Scotland, and her right, by discipline, to bring them within her pale, there to be subject to her authority and enjoy her privileges. But as the authority could not be enforced, it was not safe to encourage a wide and free distribution of the privileges.

In the western shires the people would only support the violent clergy of the old covenanting school, who refused all oaths or testimonies of conformity to anti-covenanting Governments, — railed at their moderate brethren,—and impugned the acts of the high judicatories of the Church as illegal and unrighteous. They thus fostered those whom the majority of the Church desired to keep powerless, and gradually, if they became too influential, to cut off and leave in isolated dissent. It was clearly not the interest, therefore, of the Church to encourage the popular element in congregations thus influenced. Then, when they looked across the Tay, they saw a population just gradually, by the Church's influence and that of the Government, losing their predilection for Episcopacy. If the popular element had its range, it would counteract these exertions; and it was sometimes desired by Jacobites, for the purpose of keeping alive a clergy virtually Episcopal, within the pale of a Church Presbyterian in its outward form. We shall see that as there were covenanting tumults in the west against the jurant Presbyterians, so there were semi-Jacobite riots in the north to aid the Episcopal remnant. Indeed, especi-

ally at the accession of Queen Anne, the popular call in the north was frequently worked for the reintroduction of Episcopacy.

Among the triumphs which the Church achieved, must be counted an Act of 4th July 1690, requiring a test to be taken by professors in the universities, and appointing visitors for weeding out from these institutions the enemies of the new settlement. It was provided that none be admitted to chairs or allowed to continue in them but such as "acknowledge and subscribe the Confession of Faith, swear and subscribe the oath of allegiance, and submit to the government of the Church now settled by law." This was the first of a series of measures which hoarded up a subject of dispute for the present century. As the professors of the universities were well known, like the dignified clergy, to favour the late and dislike the new Government, the ordeal to which they were subjected was by no means harsh or tyrannical when it is viewed as the act of a victorious political and religious party.

The Confession of Faith, as we have seen, was nominally the established creed under the Episcopal dispensation. The Revolution test had thus the merit that it did not necessarily drive forth those who chose to accept the Revolution Settlement, though they might not belong to the Presbyterian Church. Several professors of the Episcopal persuasion kept their chairs, and the Principal of King's College, in Aberdeen, was an Episcopal clergyman. Some professors were driven forth, and had any of them been men of commanding genius or great erudition, the proceedings of the Commission of Visitation might have been counted a scandal to the country; but none of them left names sufficiently eminent to tempt an ambitious posterity to decorate history with the narrative of their sufferings. One of them—Dr Alexander Monro, Principal of Edinburgh University—however little he may be known to a distant posterity, can scarcely, however, be said to have submitted to his lot in silence; since, taking up his abode in London, he there published a multitude of disputative and sarcastic pamphlets against the Presbyterian Settlement, which he dared not have issued in Scotland. The

only truly great man among the Episcopalian professors was Dr David Gregory. Though he would not conform, he was wisely spared; but he felt his position uneasy, and sought a more congenial sphere of usefulness in Oxford.

Though the Revolution Government established the Presbyterian polity, the king and his advisers were, it is evident, prepared at the outset of the system to keep the Church ever conscious that she was controlled by the State, which embodied and protected her. Indeed, the king speedily showed that he had notions of ecclesiastical subordination which must undoubtedly bring him into collision with Presbyterian views of independence, even in their most modified form.

The supremacy was sternly asserted in the great question of the calling and adjournment of the supreme ecclesiastical court. The Assembly did not meet on the day when it had been appointed to reassemble in 1691. It indeed held no meeting which it has acknowledged by publishing a record of the business until the year 1694, and was, in the mean time, disposed of as the king deemed fit. Occasionally there are meetings appointed, then they are adjourned by proclamation, because the time turns out to be inconvenient for the attendance of the Commissioner with his majesty's instructions, or for suchlike reasons. A series of the letters and proclamations connected with these shiftings has at first sight a capricious aspect; but it is easily seen, on examination, that it was not in caprice, or indolence, or haughtiness, or any other of the irrational or impulsive motives of princes, that the saturnine monarch acted, but on a stern sense of duty. In the midst of his wars and difficult European diplomacy, he was unable to take that personal cognisance of the proceedings of the Assembly which he held it his duty to take; and not deeming their operations so important as those of the Legislature, he required them in some measure to await the fitting time for his co-operation.

It was by itself a matter of moment to the Church, that if the meetings were ostensibly adjusted according to the royal will, there should be still no absolute dispersion, but

a time named in each dissolution or adjournment for a reassembling to take place. The thread of the continued existence of the ecclesiastical court was thus kept up, and as it had not formally acknowledged the right of holding Assemblies to be in the Crown, a day might come when the essential privileges of the Church could be established. In the interval between the two recognised Assemblies, however, there was a break of this continuity, accompanied by imminent risk of a rupture between the Crown and the Church. William kept in view the fact that the Episcopal clergy were now removed from the districts mainly inhabited by Presbyterians, and he thought there was serious difficulty, if not cruelty, in attempts to dislodge them from those where Episcopalian flocks, devoted to their pastors, preponderated. He had it much at heart, that if they conformed to the government, and accepted the Confession of Faith, these clergymen should continue unmolested in their charges. He afterwards had this effected by Act of Parliament to the extent of retaining for them their benefices; but he now desired that they should be constituent members of the new ecclesiastical system, and that the Assembly should invite them to come within its bosom. The Assembly before whom this proposal—not of a kind likely to be generally acceptable —was brought, sat for a month; but so unsatisfactory were its proceedings to any party, that they were blotted out of the precedents of the Church; and the acknowledged Acts of the Assembly, omitting the existence of such a meeting, stride from the Assembly of 1690 to that of 1694.

The Assembly so repudiated met on the 15th of January 1692. It appears to have consisted of 111 clergymen, and 54 ruling elders or lay representatives. The roll of members forms a sort of topographical analysis of the strength of the Establishment. It is constructed in the shape of a list of the local bodies that ought to be represented, with a blank for the name of each representative, filled up when he appeared. Thus all the districts south of the Forth and Clyde present a well-filled list—some of the burghs only, as Haddington, Annan, and Lochmaben,

failing to send ruling elders. As it moves northward the list of names grows thinner, and at last leaves a skeleton ecclesiastical topography — the Presbyteries of Elgin, Strathbogie, Abernethy, Aberlour, Chanonry, Tain, and Dingwall, occurring in succession unrepresented.

Many things occurred in this Assembly scarcely consistent with the principle of ecclesiastical independence — for instance, the Commissioner meddling with the business, and sometimes suggesting the decision which he thought the members ought to give on private and personal questions. But the chief object of interest and importance was the king's letter, desiring them to receive within the bosom of their Church the Episcopal ministers ready to conform by signing the Confession of Faith, subjecting themselves to the authority of the ecclesiastical courts, and taking the oaths. He stated that he had already communicated his desires in this matter to the Commission, who had made fair indications of good intention, but had, as yet, done nothing to further his object, and he now, in more urgent and peremptory fashion, desired it to be taken up.[1] The Commissioner, Lord Lothian,

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[1] In this remarkable document he says : "It is represented to us that you are not a full General Assembly, there being as great a number of the ministers of the Church of Scotland as you are, who are not allowed to be represented ; though they were neither purged out upon the heads mentioned in the Act of our Parliament, by the general meeting, or their delegates, nor by the last General Assembly, during which time there was no stop put to your procedure or trials ; yet we have signified our pleasure to these conform ministers not to insist upon that point, but to apply to you in the terms of a formula and declaratory, which we have delivered to our Commissioner ; being rather inclined that this union may be the more effectual and cordial, that it should be an act of your own to receive and assume into Church government and communion with you such as shall address to you in these terms and subscribe the Confession of Faith, which clears the soundness of their principles as to the fundamental articles of the Protestant religion. We do assure you that it is not our meaning or intention to impose or protect scandalous ministers. And though there is more caution necessary in the admission of persons to sacred orders, than allowing that share in the government of the Church which is consequent to their ministry ; and that scandals are neither to be presumed nor lightly sustained against presbyters ; and these ministers having, some months ago, applied to the Commission, you might

followed up the spirit of this letter in his own way. He made a speech in a kindly careless spirit, as if there were some small jealousy between the two ecclesiastical parties, which sensible men would readily see the propriety of bringing to an end. He admitted that Presbyterianism had received hard usage, "yet," he said, "that should be no hindrance why those should not be cordially received into the government who are already in the exercise of the more essentials, with this double advantage—both to strengthen you considerably, and leave the others without so much as the hopes of either party or abettors." With a liberality that can scarcely have been acceptable to his hearers, while censuring the Scots bishops, he commended those of England for their "recent testimony of faithfulness." On the whole, his address was not fitted to aid the influence of the king's distinct and emphatic letter.

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have had opportunity to understand their circumstances; and if anything scandalous should hereafter appear, they ought then to be turned out, notwithstanding you now receive them. By all which, a trial in order to this union at present does not appear very necessary; yet for your satisfaction in that point, we will not desire you to admit any that may apply against whom there shall be a relevant accusation, instantly instructed by sufficient legal proofs. But where no sufficient probations are adduced, we judge it just and necessary that you should admit those who apply, and are not found scandalous, and that the trials be in open Assembly; and such as are not justly found guilty, to be received before the General Assembly rise." Should the cases for inquiry be too numerous to be overtaken by the Assembly, he proposed that they should appoint two commissions—the one for the north, the other for the south, of the Tay; and he said,—"That the trials may be more impartial, expedite, and unsuspected, we think fit that one half of the commissioners shall be of you, the old Presbyterian ministers, and the other half of those ministers who formerly conformed to Episcopacy, and are now to be received by you." This explicit communication ended with an assurance of support to the Presbyterian Establishment: "We do likewise renew to you our assurances of our firm inclinations to protect you, and to maintain Presbyterian government in the Church of that our kingdom established by law, and that we will not suffer encroachments or novelties to be intruded upon it, and we do expect that you will rest and depend upon this."—'The Register of the Actings and Proceedings of the General Assembly of the Church held and begun at Edinburgh the fifteenth day of January 1692 years.' This was printed for private distribution by the late Principal Lee, who had the kindness to give me a copy of it.

Perhaps it was not to be expected that a body of churchmen could do what the king desired of the Assembly. They remained in a state of taciturn obstinacy, proceeding with matters of detail, and leaving the great question untouched. Sometimes they came very close to it. One clergyman, who had been under the Episcopal dispensation, prayed for communion with them; but this was as a convert, who complained that he had been led astray in early youth, before he had acquired discernment; and after long explanation and sincere avowals of penitence, he was admitted, "the moderator exhorting him to due reflection upon his former way, and to carry himself humbly and steadfast for the future." Addresses were presented by some bodies of the conforming Episcopal divines, following up the king's letter, and desiring to be admitted to communion with the Church. They bear generally to have been read by desire of the Commissioner. They were remitted to committees, and we hear no more of them, the Assembly ostensibly occupying itself very busily with detail business connected with individual charges. After a month thus spent, the Commissioner addressed the Assembly with reproaches for having been so long assembled without showing any inclination to that unity with their brethren for which they were convened, and then, in the king's name, dissolved the Assembly.

In the previous dissolution the day for another Assembly convening had been fixed. Thus the body was kept in existence, and an opportunity was given for the moderator or chairman echoing the terms of the Commissioner's adjournment, and appointing the same day for reassembling. But here the dissolution was unconditional. The moderator asked the Commissioner if the Assembly were dissolved without the appointment of another. The Commissioner answered that his majesty would appoint another in due time, and give sufficient notice of the event. Crighton, the moderator, then stood up. He was told that he could not be listened to as representing the Assembly, but as a private person. But he proceeded—after a well-toned preamble, full of respect and gratitude to the king, and conveying a dignified declaration of the

Church's desire to obey the royal commands in all things lawful—to say for himself and his brethren, "I, in their name, they adhering to me, humbly crave leave to declare, that the office-bearers in the house of God have a spiritual intrinsic power from Jesus Christ, the only head of the Church, to meet in Assemblies about the affairs thereof, the necessity of the same being first represented to the magistrate; and farther, I humbly crave that the dissolution of this Assembly, without indicating a new one to a certain day, may not be to the prejudice of our yearly General Assemblies, granted us by the laws of the kingdom."

The moderator, supported by the applause of his brethren, took their vote on the next meeting, and fixed it for the third Wednesday of August 1693;[1] but no Assembly was held, or attempted to be held, on that day.

This abortive Assembly was speedily followed by an incident productive of bitter irritation and considerable injury to the Church. It has been shown how the oath of allegiance, required immediately on the settlement of the Revolution, was overlooked by the Presbyterians in the feature of its incompatibility with their own principles, on account of the severity with which it smote their adversaries. But it was not safe to repeat an injunction, so inconsistent with high Presbyterian principles of spiritual independence; and that they should so effectively and repeatedly have irritated this extremely sensitive nerve of true Presbyterianism, shows, along with many other symptoms, how little either the Government or the Parliament were endowed with it, and how entirely they wore what they professed of it for political purposes. On the 12th of June 1693, an Act was passed professedly "for settling the quiet and peace of the Church," which, so far from having a pacific effect, began a series of signally bitter ecclesiastical contests, which these pages will have from time to time, as years of history pass on, to echo. To the oath of allegiance there had been added an oath of assurance. It was intended to meet the distinction between a

[1] Register of the Actings, &c.

king *de facto* and a king *de jure*, and to remove the means of subterfuge from those who swore allegiance to the existing king, as a calamity beyond help, while they reserved their prospective allegiance to the rightful king whenever his restoration could be accomplished or attempted.

The oath was put to all civil and military officers, but with them it had no other effect than to make many forswear themselves, and a few conscientious persons resign their offices. In the Church it would be difficult to say whether it was more disliked by the Jacobite Episcopal clergy on account of its object, or by the Presbyterian clergy on account of the method in which the object was attained. The oath should have been taken before the 20th of July in the preceding year, but the Act enforcing it was tacitly disobeyed. The Act for the peace and quiet of the Church, however, brought the matter to a crisis by providing for the meeting of a General Assembly. This was a matter of offence in itself, since the clergy, chafed by the frequent summonses and adjournments of the Assembly by royal proclamation, had here an additional Erastianism or assertion of State dominion over the Church. It was for themselves to meet and become a General Assembly, not for Parliament to bring it into existence. But behind this there was a still more exasperating insult. The oath could no longer be tacitly despised, as the Act for settling the peace of the Church, in calling an Assembly, made the taking of the oath the criterion of membership. Henceforth it was to be by the Government oath, not the ecclesiastical character, that those entitled to sit in the Church courts of the Establishment were distinguished from those who did not belong to it. The difference between Presbyterian and Episcopalian was to be entirely merged in the distinction between those who took and those who refused the oath. The more this oath was looked at, the more offensive it became. Its object was, of course, found to be incompatible with the freedom of the Church, seeing it was for the Assembly itself to decide who were entitled to be members, and to cast out from among them the unfit;—it was not for the State to establish a criterion of membership. When they

went farther into the matter, their original dislike to interference was fortified, in the clergy who leaned to covenanting principles, by the logical difficulty of an oath to abide by that which, being subject to the will of man, was changeable. Their allegiance was exclusively due to their heavenly Head, and to the eternal truths embodied in the Confession or the Covenant. They could not offer it to a frail earthly power, which might change, and that in the direction even of enmity to the eternal truth of their allegiance.

Thirty days after the Assembly's meeting were allowed to the unqualified. If they then held out, they were to be deposed by the ecclesiastical courts, and to be deprived of their benefices by the civil. Here again was offence,—not so much in the very serious penalty which the civil court was to inflict, as in the Parliament taking upon itself to legislate for the ecclesiastical function of deposition.

The clergy had now been irritated and chafed in so many shapes, that their blood was fairly up; and those who knew them predicted a declaration of war when the long-suspended Assembly should meet. Carstairs, who had the interest of the king and of the Church both at heart, was seriously frightened. There was irritation on both sides; for, as we have seen, the time when the oath should have been taken had long passed by.[1] When it was known that the Assembly was to meet, it was known also that its members would still resist; and that, instead of doing so tacitly and individually, they would stand forth openly and collectively, with such a testimony as would be a declaration of war. The king's advisers, however—Dalrymple and Tarbat—were resolved to push the royal supremacy. Some have charged them, on the occasion, with enmity to the Church, and others with a mischievous desire to create a conflict; but perhaps their real position was the very common one with statesmen—a total want of sympathy with the sensitive character of the institution they were so roughly handling.

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[1] By proclamation of the Privy Council, it had been postponed to 10th July 1693.—Minutes.

The Commissioner Carmichael saw the danger, and sent a flying post in time to have reached the king and brought back an answer abandoning the immediate imposition of the test. Carstairs was absent from Court at the moment, and the hostile counsels prevailing, an answer was absolutely despatched, requiring the imposition of the oaths Carstairs arriving soon after, discovered what had been done, and, intercepting the messenger, recovered the packet in the king's name. Towards a monarch of William's firmness and self-reliance, such an act showed the churchman's signal confidence in his own influence; but it was just with a ruler of his serene and strong judgment that such a deed, when really done by a wise man in the furtherance of a high duty, would be most apt to receive favour. The thoughtful monarch probably believed that the audacity of the act proved the sincerity of the agent, and, surrounded as he was by clever knaves, bold, single-purposed honesty was too valuable a quality to be lightly lost. After a rapid discussion—for there was no time to spare—the king yielded, and revoked the order. A slight delay would have ruined all. The morning of the 29th of March dawned uneasily for the friends of peace and the Church in Edinburgh; for the Assembly were to meet that forenoon, and the answer to the Commissioner's appeal, expected the day before, had not arrived. The Assembly indeed had met, moody and resolute, when, like the symbol of peace, the messenger entered, bearing to the Commissioner the fruits of Carstairs's courageous kindness.[1]

[1] The facts in general, as they are thus given in outline, are proved by the documents contained in Carstairs's State Papers. In the memoir prefixed to the collection, the incident receives some touches of romance, which may or may not be true. It is said that, after seizing the packet, Carstairs rushed to the royal apartments. The king had retired to rest; but the confidential adviser overcame the scruples of the page in waiting, by explaining that he came on State business of instantaneous and vital importance. The king was awakened by his old friend kneeling in deep despondency by his bed.—He was a great criminal; he had forfeited his life; he had come to implore his gracious master to spare it. The king, much astonished, waited for an explanation, and got it in the history of the intercepted packet. He addressed himself at first with stern severity to the subject who had been so audacious as to counter-order the monarch and assume

The Assembly proceeded to their proper business in good temper. They had naturally many serious arrangements to make, since the Presbyterian Church was yet much mixed up with a large remainder of the old Episcopalian establishment, possessing privileges not accurately defined or admitted. Provision was made for receiving into the bosom of the Church all "late conforming ministers," who should take, besides the Confession of Faith, an acknowledgment of the Presbyterian government of the Church, and an undertaking to submit to it; in short, for admitting all converts, without requiring of them the public degrading penances which the covenanting party would have imposed on them. The extent to which this act bore a character of liberality and charity, is measured by an apologetic allusion to the Covenanters immediately following it. The Assembly gave instructions to its Commission to take all due pains to inform, convince, and satisfy those who asperse the Church with a departure from its ancient standards. These were a numerous body even within the Church itself. Probably it was a disappointment to them to find that the Assembly had not been driven to open war. The opportunity given to the old malignants, as they were deemed, to enter the sanctuary, would of course be deemed an additional backsliding. And yet, along with these conciliatory arrangements, the Assembly left one little mark of the determination they had formed to take up a hostile position on the qualifications. This was in the shape of an instruction to their inferior courts, not to censure or punish any minister for failure to qualify himself according to the "Act for settling the quiet and peace of the Church." Thus, on the one hand, they protested that the taking of the test should not be a qualification for belonging to their own body; and, on the other, that its refusal should not disqualify those who spiritually belonged to them.

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his functions; but gradually softening, he extended to the prostrate criminal his forgiveness at first, and his hearty gratitude afterwards. It may be observed, that these beggings for life after the commission of some bold act of duty, are a common State anecdote, repeated in all ages and nations.

There was henceforth if not complete harmony, yet an end of open contest between the Established Church and King William. The General Assembly met annually, and their proceedings were more of a beneficial and orderly than a noticeable nature. They showed, from time to time, much zeal in the education and Christianisation of the Highlands; and gradually rearranged their own peculiar form of internal administration by General Assemblies, Synods, Presbyteries, and Kirk-Sessions.

The ecclesiastical history of the Revolution Settlement would hardly be complete were not these details wound up by a general view of the position of the Presbyterian and Episcopalian bodies, and the extent of their opposition and amalgamation. The group of tried old Presbyterian ministers driven from their livings since the Restoration by persecution, was not large: it contained, as we have seen, some sixty members. To these were added those who had managed to retain their livings by bending to indulgence, and several who, ready to take orders, had been frightened from approaching the Church by the evil tenor of the times. Beyond these, in the filling up of charges, moderate Presbyterians could only look to the Episcopal clergy called "curates." Of these a certain number were swept from their place in the general rush created by a political revolution. Many were signalised in the votes of Parliament, being deposed by the Convention for flagrant rejection of the oath to the new Government. Afterwards, when the dealing with non-jurancy was transferred to the Privy Council, better fitted certainly than the Legislature for such a piece of executive business, the expulsions were more numerous and systematic. It appears that, commencing on 9th August, the Council, on 7th November 1689, had thus deposed 184 clergymen. In all ecclesiastical bodies, the unfrocking, as it is sometimes termed, of their brethren, is generally a very tedious process. When lay powers, however, riding on the wings of a political victory, undertake the task, they are apt to make short work of it. So did the Council where their authority came into action; but, as we have seen,

this could rarely occur where the people themselves were attached to Episcopacy.

There was still another class of Episcopal clergymen —those who had been "rabbled," or driven out by the Covenanters of the western shires. These clergymen were in the places where they were least useful and most offensive. The bloodless character of the expulsion—attended though it certainly was by insults and outrages —has been already noticed as creditable to the fundamental character of the wild zealots into whose hands they fell. The conduct of the Legislature towards the men thus driven out was more questionable in its honesty; since, instead of being the mercy or toleration of an opponent, it professed to be an adjustment by a power exercising authority over both parties. The 13th of April 1689, being the day when the test of an oath for the Revolution Settlement was first imposed, the removals by the Convention and Privy Council were subsequent to that date. Farther violence was then prohibited, and those driven out after the 13th were restored. The subsequent removals were of course transacted with official formality, and any Act of Parliament dealing with them would pronounce them good; but the forcible removals by the Covenanters, called the rabblings, had also to be dealt with. It would have been dangerous too critically to examine this sweeping popular judgment. Though all acts of violence, after the test had been established, were pronounced illegal, yet as to those clergymen who had suffered earlier, the Act, describing them as ministers who had deserted their churches or been removed from them, simply enacted that the charges were vacant. The Jacobite Episcopalian clergy, in their pamphlets, made a loud cry against this. They had justice on their side, and obtained a wide audience of sympathisers.[1]

When thus adjusted and protected, the Church numbered, counting original adherents and conformists, a

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[1] Those who desire to go deep into the question of the fate of the Episcopal clergy may consult the following pamphlets, to be found in collections of the fugitive literature of the period. They were chiefly

pretty compact body in the southern shires. But in the north, its Church courts were still mere skeletons, and superseded Episcopacy had a majority of clerical adherents. It was perhaps a more serious difficulty to the Church, that the landowners were against it; and though they sometimes offered no opposition to the deposition of Episcopalians who would no longer draw stipend, they had great objection to see Presbyterian successors performing the functions and drawing the salaries.

We find the committee of visitation, already mentioned, complaining, in very strong terms, to the Privy Council of their abortive labours. They had deposed, they said, several ministers for gross scandals, who yet continued

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the works of Dr Munro, the deposed Principal of the Edinburgh University, who had taken refuge in London:—

An Account of the Present Persecution in Scotland, in several letters. London, 4to, 1690.

The Case of the present afflicted Clergy in Scotland truly represented; to which is added for probation, the Attestation of many unexceptionable witnesses to every particular, &c. By a Lover of the Church and his Country. London, 4to, 1690. (Attributed to the Reverend George Garden.)

A late letter concerning the Sufferings of the Episcopal Clergy in Scotland. London, 4to, 1691.

The Danger of the Church of England from a General Assembly of Covenanters in Scotland, &c. By a True Son of the Church. London, 4to, 1690.

An Historical Relation of the late General Assembly held at Edinburgh, from October 16 to November 13, in the year 1690; in a letter from a person in Edinburgh, to his friend in London. London, 4to, 1691.

A Continuation of the Historical Relation of the late General Assembly, &c., 1691. (*N.B.* The account of the Revolution Settlement in Bishop Skinner's Ecclesiastical History appears to be compiled from these two pamphlets.)

A Letter to a Friend, giving an Account of all the Treatises that have been published with relation to the present Persecution against the Church of Scotland. London, 4to, 1692.

An Account of the late Establishment of Presbyterian Government by the Parliament of Scotland, anno 1690, together with the methods by which it was settled, and the consequences of it, &c. London, 4to, 1693.

Presbyterian Inquisition as it was lately practised against the Professors of the College of Edinburgh, August and September 1690. London, 4to, 1691.

their functions; they found that vacant charges were "intruded on," as it was termed, by disqualified clergymen, who could not be removed. Witnesses would not attend to give them information; those who held the keys of churches would not give them up; and, finally, the "exauctorate bishops" continued to ordain a supply of new clergymen of their own kind, and bodies of the unqualified continued to meet and act as judicatories, supplying vacancies, and performing the other services of Established Church courts.[1]

This committee, in fact, when it proceeded a second time to Aberdeen, in 1694, to carry out its functions, was met and bearded by a diocesan synod of resolute Episcopalian divines, who demanded a reference of disputes to a General Assembly of all the clergy, still conscious that among these they would command a majority. They sent a string of defying queries to the committee, to which that body made answer, that they must decline the discussion of propositions which "strike at the root of Presbyterian government, and the present establishment thereof." The committee found in the district one old Presbyterian clergyman, who had been a victim of the Restoration Government, and six of the northern clergy came forward and conformed,—thus forming, in the hitherto desolate north, a nucleus of Presbyterian action.[2] Still, however, the Episcopalian clergy there had acted as a triumphant majority. They had not only individually retained their clerical position against the power of the new Establishment, but had given it synodical battle. Yet so ineffective were the judicatories, whether lay or ecclesiastical, to deal with these Protestants against Presbytery, that it was found necessary to pass a special Act of Parliament to exclude those who had been most conspicuous among them from their benefices. The method adopted for making the Act effectual, was the elaborate but certainly

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[1] Minutes of Council, 6th September 1694.

[2] The Queries and Protestations of the Scots Parochial Clergy, by a Layman of the Church of Scotland: London, 1694. Miscellany of the Spalding Club, vol. i., preface.

practical one, of compelling them to live on the south side of the Forth.[1]

The north remained so destitute of ministerial service from the newly established Church, that an Act was passed in 1695, to enforce payment of a portion of the stated incomes of the clergy to temporary missionaries appointed by the Church. It extended not only to the country beyond the Grampians, which was long supposed to be the stronghold of Episcopacy, but to all the counties north of the Forth.

Another Act of the same session, however, did much more to procure clerical service to the people in the northern counties, and, by its fair and pacific character, may be balanced against the Act which justified the rabblings. This measure applied to that considerable body which had not so conformed as to be admitted to the bosom of the Established Church. The Act gave them an opportunity, by civil conformity, of remaining in their benefices and performing their pastoral duties. It was overlooked that they were in ecclesiastical nonconformity, and it was provided that, if they took the Government oaths, and conducted themselves in doctrine, life, and conversation, as became ministers of the Gospel, they might remain in their charges enjoying the temporalities. They were to be there, however, merely as solitary missionaries, not as part of a corporate Church, or entitled to sit in ecclesiastical courts. They were prohibited from continuing the spiritual succession. This prohibition sounds vain, since the hierarchy, who alone, according to their principles, could keep it up, were abolished. But the restriction was not a mere empty form, for the bishops, though they required to be very careful, managed, in the northern counties, to perform their more material functions. The Act provided, too, that the clergy favoured should not form constituent

[1] Act of Deprivation against Mr Thomas Crevey, Mr Andrew Bennet, and Mr Alexander Thomson, 1st May 1695. An application to mitigate this sentence was refused on 5th July; but subsequently the injunction was relaxed.

members of the Church courts, unless they complied with the ecclesiastical requisites. This Act was of great service to the Establishment in breaking the compactness of the Episcopal body in the north.

It may be proper here to note, in passing, some particulars showing what those who conformed had to keep, as well as what they had to abandon. In the first place, ever since the rejection of "Laud's Liturgy" the Church had no authorised prayer-book. During the reign of Prelacy, the Presbyterian Church courts had not been broken up and resolved into separate diocesan divisions, but still nominally, and in some cases really, existed. There was still the kirk-session, the presbytery, and the synod, where, if it was held, the bishop presided. It might be said, then, that the question between the two systems was thrown entirely on the principle, not the details. The parish clergyman, once in possession of his benefice, was the same person under the hierarchy as under the General Assembly, but held office on a different principle. In the one there was not only the acknowledgment that it was lawful to have superiors in the Church, but the belief that this was the only legitimate means of imparting, by apostolic succession, the privileges of the primitive priesthood. The other denied the lawfulness of dignities, and threw all the power and majesty of the Church into collective assemblies of men, individually admitting of no superiors. The Episcopal body acknowledged the royal supremacy when exercised by the legitimate monarch. The dignities of the Church, indeed, unlike those of the English hierarchy, were so entirely in the monarch's hands, to be dealt with as caprice or prejudice might direct him, that the English clergy, accustomed to more independence, wondered how their Scots brethren could feel any love for a hierarchy so thoroughly enslaved to the royal prerogative. The Presbyterian Church, on the other hand, as we have seen, chafed angrily and resolutely against every touch of the Erastian chain. Such were the substantial differences in principle which the Episcopalian clergy had to overcome, ere they could conform. Politics came in, however, and widened

the distance between the two bodies. It came to be a distinctly visible rule, that the Episcopalian Church was Jacobite, while the Presbyterian adhered to the Revolution Settlement.

A manuscript preserved by the zealous Wodrow gives an analytical list of the Episcopal clergymen who retained their parochial benefices nominally under the Comprehension Act of 1695, down to the year 1701.[1]

These are naturally found most thickly clustered in the northern presbyteries. South of the Forth, there are only six in Haddington and Dunbar, four in Dunse, and two in Jedburgh. There are none in the south-western shires. Within the vast bounds of the Synod of Argyle, the influence of its patriarchal potentate would naturally establish uncontaminated Presbyterianism, and the only exception is the distant isle of South Uist, where an Æneas MacBean is found holding the charge to which he had been collated by the Bishop of the Isles. In Fifeshire the remanents are not numerous; but in the central counties of Perth and Angus they begin to thicken. In Aberdeen and Banff shires they are a numerous body, with the Principal of King's College at their head. In some presbyteries they preponderate. In that of Turriff, Wodrow's condemnatory mark is attached to every parish, excepting one which is vacant. In Elginshire and the north-eastern Lowlands they become fewer; but it is remarkable that many of the parishes seem there to be

[1] "Ane Account of the State of the Church of Scotland this present year 1701, showing what parishes are planted, and by whom. The ministers who are Episcopall, and by law allowed to preach, are marked," &c.—MS., Ad. Lib. (32, 3, 6). Along with it is a list of the clergymen at the time of the Revolution, with their several destinies, which is frequently, in the south-western shires, "outed by the rabble." Wodrow's zeal sometimes prompts him to attach other notable characteristics to the names of the Episcopalians,—a very frequent one is "scandalous drunkard." The whole MS. is not in Wodrow's handwriting, but it bears his corrections. It might occur to the reader that the author has here the practical statistics of the position of the Church, and that the exact number of Presbyterian and Episcopalian ministers respectively may be derived from it. But it is impossible to trust to such a statement in its absolute numerical proportions; it can only be taken as an approximation.

vacant. Thus, in the celebrated Presbytery of Strathbogie, there are five names marked Episcopalian, two Presbyterian, while four parishes appear to have been vacant. In some parts of Inverness-shire, and the extreme northern districts, there is a decided Episcopalian preponderance.

In the controversies about Episcopacy, which will have to be noticed in the reign of Queen Anne, it was shown that, at so late a period as the year 1710, there remained north of the Tay, 113 clergymen of the abolished Episcopal Church. The minutes of the Privy Council, and other like records, down to the Union, abound with denunciations against them, which seem to have been uttered and repeated in vain against men supported by territorial power and local feeling. The popular elements of the extended presentation, and the congregational protest or veto which the theory of the Presbyterian Church adopted, were here parodied effectively against it. Armed resistance was offered against the removal of an Episcopal clergyman or the intrusion of a Presbyterian; and when the Jacobite incumbent had died, it was in many cases found impossible, until after a lapse of several years, to get a Presbyterian successor firmly planted in his place.

The Establishment had, however, two friends, a neutral and an active, that finally gave it predominance in the north. The neutral friend lay in the religious indifference of the great bulk of those who professed to adhere to the hierarchy; the other friend was the taint of disaffection to the established Government that was proclaimed to the world by accepting the services of a non-juring clergyman.

On the other hand there was little intellectual lustre to brighten either Church at that conclusion of a dreary period. We have seen the great scholarship brought forth by the Reformation, and the less classical but still strong literary genius of the period of the Covenant. All this glory was departed, and Scots Presbyterianism had scarcely a representative in the republic of letters. Of the inferior, but still eminent, generation who followed the

first reformers, and made the age of the Covenant, all the ablest men were gone. Baillie, the accomplished scholar and publicist, had departed full of years and honours, just as the evil days of the Restoration began. The same epoch saw the departure of the popular favourite, the luxuriant Rutherford—of Dickson and Cant; and the era of persecution began with the martyrdom of Guthrie. Henderson, Calderwood, and Spang were also among the departed; and Binning had been cut off in the flower of his youth and genius.[1] Nor, since Leighton and Scougal had departed, could Episcopacy boast of its distinctions. There was no theologian alive in Scotland at the era of the Revolution, whose writings have been admitted into the current theological literature of the world. Except the comparatively obscure productions of Fraser of Brae, Gilbert Rule, and Alexander Pitcairn, there are no works of that period on divinity, written by Presbyterian clergymen, which even their theological representatives at the present day would care to read. On the other side, Bishop Sage acquired an indistinct celebrity by his 'Cyprianic Age,' and other elaborate and tedious arguments on the great controversy of Presbyterianism and Episcopacy; but, along with the works of his coadjutor Annand, and some others by the non-juring clergy, they are more known to the collectors of curious, than to the readers of valuable, books. It is true that Burnet and Carstairs were

[1] From the late Principal Lee, an authority which would be counted the highest in such a department of inquiry, the author received the following list of the more eminent clergy of the Revolution Settlement. Its general barrenness to the ear of the ordinary reader will only tend to confirm what is said in the text. Alexander Colden, Henry Erskine (father of the founders of the Secession), Robert Wyllie, William Traill, Patrick Cumming, David Blair (father of the author of 'The Grave'), Gilbert Rule (Principal of the University of Edinburgh, and author of many tracts), George Meldrum, William Veitch, John Anderson, Gabriel Semple, George Campbell, John Spalding, Patrick Simpson, Matthew Craufurd, William Tullideph, James Fraser of Brae, John M'Laurin (father of the mathematician), William Dunlop, David Williamson, James Boreland, John Dysart, and Alexander Pitcairn (the author of several theological books written in Latin, which enjoyed some reputation abroad in their day).

both clergymen and both Scotsmen; but the fame of the former belongs to the English Church, and that of the latter was confined to the field of statesmanship, though he is reputed to have possessed great capacities, both as a writer and a scholar, had he found occasion to employ them.

It was, perhaps, from the very causes which made the Church so barren in the fairer intellectual departments, that in another, of a far less pleasing character, the party which had been persecuted stands forth almost unrivalled. This is in the literature of bewailment, remonstrance, and castigation, shown in the various testimonies of the sufferers, and their declamations against the tyranny to which they were subjected. Occasionally such remnants of this class of documents as protruded beyond the Revolution are quoted in these pages, and may afford a faint idea of a curious department in the world of letters, not without its attractions to those who admire a terse, strong, effective style, turned to the purposes of rapid and powerful declamation. These documents are rarely matched in earnestness and strength. The words are sonorous and abundant, yet never too many to enfeeble the stern fierceness of the writers' thoughts. There is a luxuriance of imagery—frequently Scriptural—but it is always apt and expressive; and however coarse or irreverent it may be, it is never allowed to degenerate into feebleness or incoherence.

Along with this literary growth of persecution and controversy, is another of a sadder and sweeter character in the histories of those who suffered for the cause of conscience in the long dreary age of persecution. It required no literary merit to give interest to such narratives, and none came to the task. The best of them were written by a pedlar, whose unadorned descriptions of suffering and heroism convey a lesson to the heart which no genius or learning could strengthen.[1] Of this kind of literature

[1] An excellent little treasury of this kind of literature, besides Walker's well-known Lives of Worthies, is to be found in a collection of 'The Dying Testimonies of some holy and pious Christians who

there is a vast storehouse in the voluminous History of the Sufferings by Wodrow, whose services have been already

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lived in Scotland before and since the Revolution.' The only edition of it known to the author bears to be published at Kilmarnock in 1806, but it is evidently a reprint. This collection is full of quaintnesses and oddities beyond the reach of caricature or even mimicry. As for instance: "The Swan Song: or the Dying Testimony of that old flourishing and great Christian, Princely Wrestler with his Master, and Valliant Contender for Christ's Truths and Rights and Royal Prerogatives,—James Masson." Nor is the substance of his testimony less quaint, though it has rather a tone of quiet sentimentalism than of wrestling and violent contention. On the Covenant, which is the main topic of the testimonies, he says: "When I heard it first mentioned I thought my heart flyhtered within me for joy. Then thereafter several times and in several places I took it, as at Dumfries, Penpont, Kirkmaho, and Iron Gray, &c., which I never rued to this day, and hopes never to do. O, what shall I speak to the commendation of these Covenants! If they were then glorious and bright, I believe that they shall be nine times as bright. And O the sweet times of covenanting I had likewise at communion in those days when the Church was in her purity and the Lord shined on her; and in other places at the preaching of His Word, which I cannot now tell over, being past my memory. But the back-looking to them now and then does not a little refresh my soul, as at Lochenkitt and Shalloch-burn, where, besides the sweet manifestations of Himself to my soul and the souls of many others then present, He was seen to be a wall of fire round about us, defending us from our enemies." —P. 46. The association with the places where peculiar sentiments crossed their high-wrought imaginations is a remarkable and interesting peculiarity of the experiences of the early Covenanters. Their wild, perilous life as dwellers out of doors, encountered as it was on grounds of high principle, and not in pursuit of some clownish occupation, appears to have made them singularly susceptible to the topical association which is so distinct a feature of meditative minds. They seem to have felt it without expressing its sentiment, and James Masson had evidently a good deal of the Wordsworth in him, though he could not pen his inspiration so well, and perhaps would not have desired to do so. Sometimes, however, these meditations assume unconsciously a rich poetical eloquence: for instance,—"O the joyful days I have sometimes had sitting under Christ's shadow in His banqueting-house of wine, delighting myself in His love, feeding and feasting my soul upon the hidden royal rarities of heaven, in such abundance as evanished all sense of spiritual want, and satisfied my soul to the full with the hidden manna, the fatness of His house, and the rivers of His pleasures, which had such a sweet relish, and such a cheering virtue, as often caused me in the midst thereof to break into heavenly songs of joy and melody."—Ibid., p. 423.

I remember the extreme interest taken by Macaulay in this curious

spoken of in the history of that period from the Restoration to the Revolution, to which his labours were devoted.[1]

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book. The copy of it here quoted was given to me by a friend and schoolfellow, since departed—the Rev. George Roger. As the accepted leader of "the Synod of United Original Seceders," he was the professed representative of the old Covenanters, and in learning and honest zeal he was a fitting example of the higher and purer elements of their nature.

[1] See above, chap. lxxix.

END OF THE SEVENTH VOLUME.

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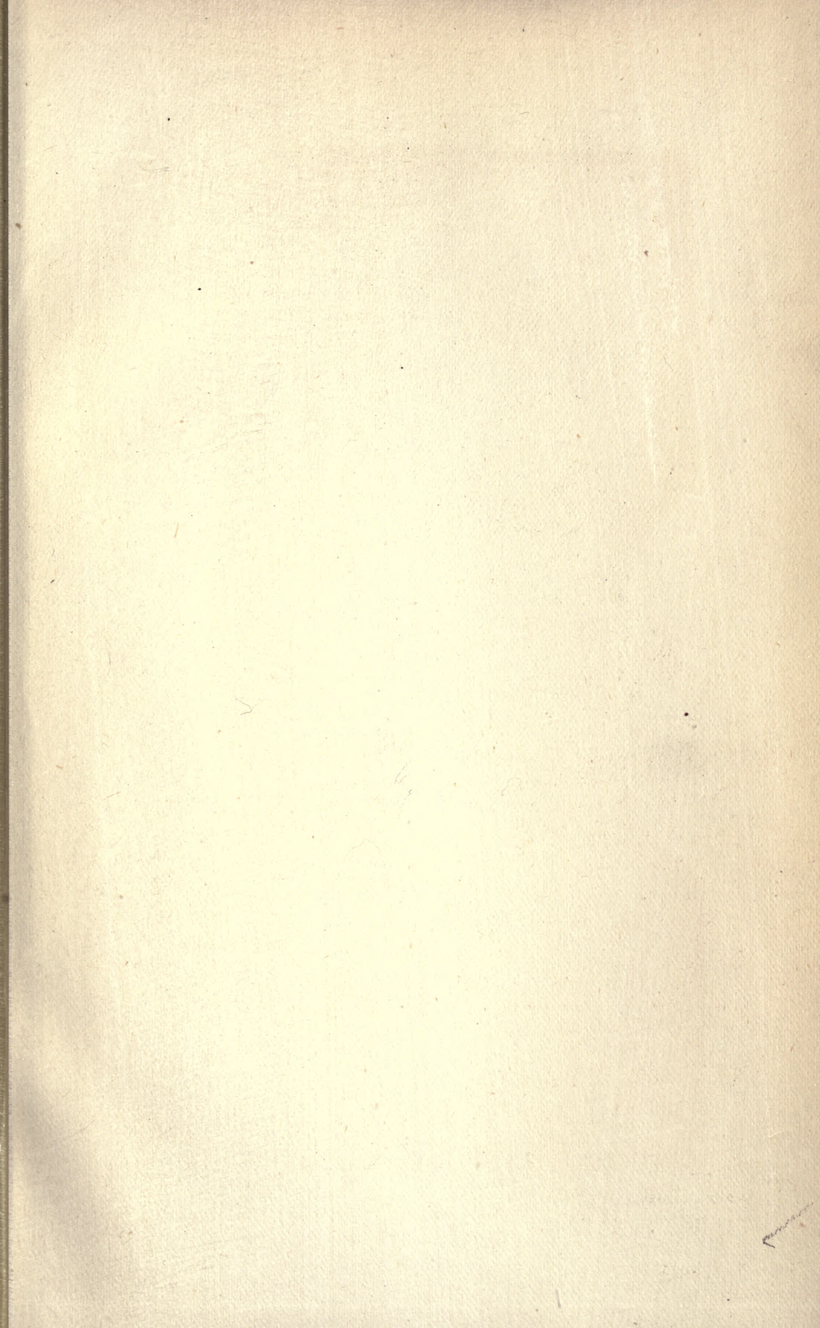

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