In this essay, the varying aspects of Scottish life and politics under the Cromwellian regime are considered. For purposes of investigation they are arranged in the following sections:— (1) The Framing of the Protectorate Union, (2) Scotland under Monk, (3) The political and ecclesiastical state of Scotland under the Protectorate, (4) Religious life and practice in the Protectorate, (5) Social and economic condition of the country, (6) Administration. The politics of the time were religious, the religion often political, but behind politics and religion are certain social and economic influences which shaped the varying courses of parties in Church and State, e.g. the attack on feudalism the growth of democratic ideas among certain of the laymen and ministry of the time. There were "all sorts and conditions of men", religious and political, in Protectorate Scotland, as in England. An attempt was made to trace the genesis of their policies and to make some thesis of their achievements and failures.

The Examiners for the Hume Brown Prize in Scottish History, Dr. Mackay and Professor Mackie of Glasgow, reported that none of the five Essays submitted reached the standard required for the award of the Prize, but they suggested that a grant of £45 be made to William M. Campbell, M.A., B.D., Ph.D., whose work was of considerable merit. The Faculty approved.
THE FRAMING OF THE PROTECTORATE UNION.

On April, 13th, 1654, the Kingdoms of Scotland and England were mocked together with the flat of the Protector's sword. An Ordinance as promulgated stating, "That all the people of Scotland and of the Isles of Orkney and Zetland and all Dominions and Territories belonging unto Scotland, are and shall be and hereby are Incorporated into Constituted established Declared and Confirmed one Commonwealth with England. And every Parliament to be held successively for the said Commonwealth thirty persons shall be called from and serve for Scotland." Weary of delays in this matter which had dragged through the sittings of Rump and Barebones Parliaments, Cromwell hammered the two Kingdoms together. The metal of both peoples was decided cool to it, there were all the suitable flaws and faults in such a junction. Yet Cromwell meant be as fair and just as the circumstances allowed. Examination of preceding parliamentary attempts at Union shows him more generous in his parliaments would have been. He used the flat of the sword the Northern Kingdom as he used the edge of it on its King, because did not see, in the circumstances, what else he could do. The ordinance as promulgated did not become an Act of Union till April 28th, 1657, when the House passed it along with sundry others. By then the fact of the Union had become so well established that this sanctioning caused little comment except a complaint of its detrimental effect on Newcastle salt trade.

Had Scotland any say in or influence on the Ordinance of Union as ed by the Protector and his Council? This Ordinance was the child the Declaration of October 28th, 1651, known as applied in Scotland
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as the 'Tender'. The English Commissioners who brought this Declaration to Scotland in the Spring of 1652 presented it to the Shires and Burghs along with a demand for civil obedience to the Parliament of the Commonwealth and the request to them to offer "what they conceived requisite for bringing to effect the said Union and Settlement with speed and best satisfaction to the people of Scotland". (Crom.Un.X.)

These Shires and Burghs asked quite a lot for their 'best satisfaction' and did not offer much for a 'Settlement with speed'. Still these 'parlour farmers', the experiences gained in the government of Scotland between the time of the Tender and that of the Ordinance, the recrudescence of inadequate prejudices and the formation of new, shaped the tentative Declaration of 1651 into the ordinance of 1654. The dour spirit of the Scots, divided in everything but a sullen hatred of Cromwell, wrested from him and his Council better terms than Parliament would have given. He dismissed the land to have quiet and there was in him and in some of his Council, such as Broghil and Monk, a sense of fairness lacking in Vane and other Parliamentarians. Scotland as well as the Protector could be for he prayed sincerely on more than one occasion past and present, "Sir as for Vane, Sir Harry Vane, the Lord deliver me from Sir Harry Vane". The events of these years, 1652-1654, must be briefly outlined to show influence, if any, Scotland had in the shaping of the Ordinance which she was governed.

The Battle of Worcester, the capture of the Scottish Committee of States, the subjugation of the Scottish Lowlands and the taking of Edinburg, Dundee, Aberdeen and Montrose placed before the English Parliament the problem of the administration of the occupied territories
which in the meantime was being carried on in a rough and ready way by the Army officers. The first intention was to treat it as a squerred province. The shade of Edward I must still have lingered in Westminster, for on September 9th, Parliament appointed a Committee to bring in a Bill, "for asserting the Right of this Commonwealth to as much of England as is now under the Power of the Forces of this Commonwealth as how the same may be settled under the Government of the Commonwealth". The more than a fortnight after, it instructed the Council of State to nominate Commissioners for Scotland with instructions for dealing with them there to the best advantage of this Commonwealth. England's right and advantage were the prime concern. On October 22nd, Oliver Cromwell and his officers knew the temper of the nation. It was thought possible that an offered union with special benefits would keep the country quiet by dividing the parties issue and evoking less need for a larger and more expensive army occupation. An arbitrary annexation might have effected a reuniting now Schism-torn people. Even Argyll, credited with a desire for would have abhorred the thought of such. The larger army then would have drained England of men and money. England found it to be magnanimous, or, in the not infrequent English fashion,
found it best to be politic and convinced herself she was magnanimous. How great condescension it was in the Parliament of England to permit a people they have conquered to have part in that legislative power". So said Ludlow. Scratch the skin of the Republican and the Englishman and prejudices are found as vital and as virulent as ever they were in ward Hyde. The Scot who had fought for the privileges of the Long Parliament might have expected some consideration even from its abbreviated reins. But its deification of Common Law—a most chaotic affair—its blind insistence on 'privileges' made them obdurate to many practical considerations. This emerged in their adoption of the Instructions prepared for the Commissioners. In Clause 7, on the administration of justice in Scotland, the original Instruction had read, "And to that end, as the Constitution and use of the people there and the present<br>
irs will permit, you are to see that the laws of England as to matter of government be put in Execution in Scotland". The House deleted "as the Constitution and use of the people there". Law in Scotland be but poorly administered but in content it was somewhat clearer English Common Law, and to seek to foist English law on Scotland both stupid and impractical as later Protectorate governors of that country found. In Clause 6, the Council had given power to the Commissioners to remove out of any Corporation or out of any office or place of trust, government or authority in Scotland any of the governors or others of the Scottish nation whom you shall find unfit for trust reposed in them. Again the House ruled out the words, 'of the Scottish nation' so giving its Commissioners power over the Army officers. These Instructions are a fair manifesto of the policy which England
adopted towards Scotland. With the changes which were afterwards dictated by experience, they show the general lines upon which Scotland was governed under the Protectorate. Briefly the instructions to the commissioners were these, -to publish Parliament's declaration, to confer with the 'fit persons' chosen by the people in various districts on the state of the country and to report thereon to Parliament, to promote the teaching of the Gospel, to reform the schools, Universities and colleges, to encourage godliness and learning, to purge the magistracy etc. ut supra bring government into consonance with English law. They were to appoint what courts and magistrates they thought fit. They had power to imprison, fine, confiscate and reward, and were to organise and control the public revenue, be present at councils of war, exercise martial jurisdiction and commission whom they thought fit to undertake these separate tasks. They were to enjoy the support of the Army frequent reports were to be made to Parliament. (Scot and Prot. 393-398)

Provided with these Instructions and the Declaration, Vane, Salway, Dick, StJohn and Tichbourne arrived in Scotland on January 15th, 1652, with the military members of the Commission already there. They removed all Charles's Power, Jurisdiction and Authority by Declaration destroyed his Arms in Kirk, Castle, Cross and Parliament, all with pomp and ceremony. (Nicoll, 81.) The Commissioners next issued an order to Shires and Burghs to appoint representatives to come to Dalkeith power to assent to the Union as held forth in the Declaration of 8th, 1651—the Tender. The preamble was a sinister and ironic of the Somemn League and Covenant. England now sought to "improve this power which God hath now given them for the advancement of the glory of God and the good and welfare of the whole Island."
With regard to Scotland which in 1643 had taken pity on the "dis-
 eased estate of the Church and Kingdom of England", the latter Kingdom
expressed the same concern for her Northern neighbour and determined
promote the Preaching of the Gospel there and to advance the Power
true Religion." Was the framing of this clause Vane's revenge for
Covenant? The expressed intention with the implied practice of
Innovation' found little acceptance in any of the Scottish ecclesiastical
bodies, and caused trouble throughout the Protectorate. In 1643, the
vows made to protect the rights and privileges of the English
Parliament. Now in return it was determined "that Scotland shall and
be incorporated into and become one Commonwealth with this of England"
achieve the blessing "of the same Government that is established here
enjoyed by the good people of this nation"— a Government which
a year later outed with a tirade against its corruption, injustice,
jealousy and against the drunkenness, embezzlement and
novelty of some of its members. As already noted, a special
ration had abrogated all Scottish courts and judicatories. The
ration further confiscated all the Crown lands, the estates of those
had been put with Hamilton in 1648, the estates of those who had lately
England with Charles and the estates of those still in arms
the Commonwealth. An exception was made of those who had after
deserted Charles and ceased to bear arms against the Parliament.
afforded a loophole for the Party of the Marquis of Argyll. All
not borne arms were secured in their property and estates.
who had been compelled or influenced to serve with their noblemen
anted freedom from all feudal service and promised that they
should enjoy from and under the Commonwealth proportions of the said
esecrated lands " under such easy rents and reasonable conditions as may
able them and their heirs and posterity to live with a more comfortable
stance than formerly." This bribe or condition swayed many of the Shires
Burghs alike to accept the Tender. The carrying of it out had
portant political and economic effects on Protectorate rule in Scotland.

The Tender incorporated Scotland into England in Mr Blair's words, as
en, the poor bird is embodied in the hawk that hath eaten it up". (Row,
2)

It asked for the unconditional surrender of Scotland in all mat
ers civil and religious. It was punitive, not legislative. Al
ministrative powers were vested in those who brought it.

Despite the storm raised by the toleration for sectaries implicit in t
Declaration and indeed made explicit in a published Explanation of the
missioners' own formulation, (Nicol, 34.) the Burghs and Shires sooner
ter nearly all took the Tender. Row remarks that many Malignants
t very forward as Commissioners in taking it. Most men were glad to
some security for property and estate. The protests, recommendations
ments and complaints of the commissioners who appeared at Dalkeith,
er of Malignant or Resolutioner or Remonstrant origin served to
the Commissioners to a more lenient and politic course. The main o
ions were against the 'toleration', against the arbitrariness of the
age, against the vagueness and incoherence of the Declaration and the
that the people had no say in it. Removal of the confiscations
ught as was the passing of an Act of Oblivion, the abatement of
ess' and the restoration of the Courts of Justice. The submission of
whole matter to a Scottish Convention was sought by a considerable
and this suggestion was to a certain extent acted on by the
Commissioners. (Crom. Un. XXX.)

The voice of the beaten and divided nation was at least strong enough to be utterly ignored. Vane and Fenwick returned to London and in reporting to the House advised the framing of an Act of Union, and suggested that Parliament should permit the assenting Shires and Burghs to elect commissioners who should meet and choose 14 members for the Shires and 7 for the Burghs to appear at Westminster with full power to effect the Union. The House decided to frame an Act of Union granting Scotland the right to elect members of Parliament in a proportion to be determined. They endorsed Vane's suggestion that the Scots should send commissioners to England. This suggestion was embodied in a Declaration of March 25th, 1652, which empowered the Shires and Burghs who had taken the Tender to elect commissioners to meet in Edinburgh on or before August 20th, 1652, that they might appoint twenty-one deputies to proceed to England by October 1st to effect the Union. This Declaration was published in Edinburgh on August 8th. In the interval during Vane's absence the Commissioners had red some order, appointed sheriffs, reconstructed the Court of Session, and effected a sounder administration in civic and fiscal affairs.

Out of 89 constituencies which had taken the Tender only 60 were represented at the appointed meeting. Since the Declaration allowed a majority to elect, the assembled delegates elected deputies to represent them in London. Lilburne, writing to Cromwell, characterised the deputies elected as 'notoriously corrupt.' They were mostly lesser gentle- men attracted by the offer of security held out in the last part of the treaty. Some hoped to and did profit by Parliament's confiscations —

Sir William Lockhart and Sir John Swinton. Lockhart later served with
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ability and eminence under the Protector. But though not the better of men whom Lilburne desired, in London they represented Scottish estates as well as any others in the circumstances could have done. 

But though not the better at by the English, jeered at by the Scots at home, they may have been as Lamont says, 'with little or nothing done, they may have been commissioners rather than commissioners as how mocks, but on certain statements they defied Parliament and asserted certain principles of dignity in the matter of taxation and representation both with reason.

The tale of their sorry business is told by Professor Terry in his "Cromwellian Union XXVII -XLIII." Their status as commissioners was questioned; they were allowed no deliberative power; were allowed to express only individual not collective, authoritative opinions as an official body on the matters put before them. Sometimes they were consulted on the draft Bill of Union and sometimes they were not. Their claim for 60 members was halved. But the Bill was not.

Cromwell dissolved the Rump on April 19th. If present it must have been some compensation for all the sneers and snubs from a privilege-ligarchy, for the Scottish members to see Vane, Whitelock, Martin, Her and Wentworth writhing under the lash of the Lord General's" hand to watch them helplessly turned out of their proud place by his

Rump failed to provide an Act of Union. The Bill to that effect, first and second time on April 18th, died with it, as also did the Act of Oblivion which supplimented it. The Council of State held
the deputation served to bring the former into contact with Cromwell. The Council and from now on he took an important part in all Scottish, English and international affairs. He was one of the five Scottish members who represented Scotland in the Barebones Parliament. He was the ablest of the Scottish deputies, it is not unlikely that it was he who supplied the Council with the gist of the proposals which on 10th they put before Parliament as coming from the Commissioners of Scotland. These asked for abatement of the Cess, that legal tenure in Scotland might be according to the law and practice of the land, that sequestration and confiscations might be taken off and fines taken to stop the complete financial ruin of sequestrated people, crown tenants might enjoy their rights till the law settled them and the King's debts before the war should be paid. Release of estates, establishment of the mint, payment of public accounts were also for. Parliament, with this paper before them, began to draft an Union which was read the first time on October 4th, 1653. But the Daft Parliament united to its zeal for reform a passion for union. Chancery, Church patronage, tithes, University endowments, were to go and the first two for that time did. The saner members of Little Parliament manoeuvred for a time when the zealots were in the majority and passed a resolution abolishing itself. Still there was no Union.

December 16th, 1653, the Protectorate was proclaimed. Although no Union had been passed, Oliver was proclaimed Protector of the Common of England, Scotland and Ireland. This Instrument fixed Scotland's station in Parliament at thirty members and the manner and method of election was left to the Protector and his Council.
had little say in the choice of her 'Protector'. The Union achieved
sanction when, on April 12th, the Council passed the Ordinance
Union based on the Bill of the Barebones Parliament and on the Scottish
recommendations.

The Council who drafted the final Ordinance, were, as Gardiner writes,
of practical efficiency opposed to further changes in the State, and
all, to anything savouring of fanaticism. Such men are usually
ent to devote themselves to the task of carrying on government with-
taking into account the theories on which any special government is
ed. Such were the instruments of Napoleon; such too were the
illors of Oliver'. (Comm. and Prot. III, 3.) Their Ordinance,
ing the circumstances into account, was not unduly harsh. It could
pleasing to the Scots because of its source. It brought some
, some indirect benefits. The economic misery it caused was due mort
foreign policy of England and<br>, to anything in the Ordinancemat

It was better than the Rump Parliament would have granted, even
sure than the Parliament of Anne was at first prepared to grant,
Company clause was inserted in its Free Trade concessions.

The Ordinance incorporated Scotland and its territories into the G
wealth of England. The St Andrew's Cross was embodied in the Arms
Commonwealth. Free Trade between the two countries was established
Customs and privileges and prohibitions prevailing in both. The
Parliament was abolished and all Charles's authority through and<br>
All feudal and semi-feudal dues and privileges were discharged
editorial jurisdiction made practically null and void by the discharge
enants from attending any of their lords' hereditary judiciary
While this was aimed at securing the support of the growing faculty of professional lawyers and judges, it was after all only a continuation of the attack on the remaining feudal jurisdictions, charters, fees and casualties begun by James VI and still further ultimately and soundly, but most unfortunately and tactlessly carried out by Charles in the Act of Revocation—it was the latter Act as much as any religious sentiment which made the nobles supporters of the Covenant.

A clause in the Ordinance of Union was only the consummation of a process of defeudalisation which the sovereigns of Scotland had long desired along with a growing number of their subjects. It undoubtedly made the Union palatable to the lesser lairds and to the Burghs. An ordinance establishing Courts Baron and an Ordinance of Pardon and Grace accompanied the Union Ordinance to Scotland.

The despised deputies 'notoriously corrupt' though they may have gained something for their nation: an honourable quartering of arms, freedom for her trade and a speedier administration of justice over people. Scottish Parliamentary power legislative, executive and judicial was abolished, cases in Scotland were tried by principles of Scottish law, despite attempts to bring in English to differences. The Bill of Oblivion for which the deputies had pressed was granted in the Ordinance of Pardon and Grace, though the heavy fines and it imposed considerably concealed the 'grace' and indeed drove its victims out with Middleton.

May 4th, 1654, Monk proclaimed the Protectorate and the Union at Great Cross of Edinburgh. It was one thing to proclaim, another to carry on a settled machinery for the administration of affairs in Scotland lacking. From 1652, the Administration was carried on by a
I3.

number of temporary expedients. During the unsettled times subsequent to the
Worcester, the Army officers exercised the jurisdiction of military
occupation. Then followed the visit of the Commissioners. They re-
structured the Court of Session to consist of seven Commissioners of
Judicature, four English and three Scots, established a Court of Admiralty,
appointed new sheriffs and sought to reform taxation. During 1652-53, the
Commander in Chief, Deane, was head of the financial administration, s
squeezing both tax and expenditure and paying the salaries of all official
and military. Then came the Glencairn Rising and for the time
being all executive and administrative power passed into the hand of the
Governor in Chief.

At the time when he issued the Proclamation, Monk was supreme ruler
in Scotland under the English Council of State. His commission, dated
26th June, 1654, gave him almost absolute power. He was to reduce and
ruin the country and protect the interests of true religion. He was a
predisposed to suspend any magistrate, sheriff or officer of disloyal
dangerous tendencies. By himself or deputy, he might administer
justice to any person whatsoever. He might imprison, restrain, secure
and fine anywhere in the Commonwealth any disobeying or opposing the
government. He might release those whom he thought fit. He could
grant or favour whom he pleased of those who were or might afterwards be
in Scotland and grant them pardons (this was limited to people
whose incomes did not exceed £400 a year and who were not excepted in the
Graces of Pardon and Grace). He was to erect forts, control the press,
note justices and levy fines on Shires who allowed raiders to escape.
Given power to raise a regiment of Highlanders not exceeding 600 men.
Fines were to be laid on the relatives of those out with Middleton Glencairn and any Englishman in arms with them was to be put to death. These powers Monk enjoyed from April 1654 till the appointment of a Council of State for Scotland in May, 1655. To the credit of the return, Devon soldier, he used them with discretion and integrity. Some to a Scotland, smouldering with rebellion and seething with passions. The rebellion he suppressed ruthlessly, the grievances he meant to remedy as justly as the English Council would permit. In a year he had the land quiet and governable. The first year and a half of Protectorate was Scotland under Monk.

**SCOTLAND UNDER MONK.**

Monk came to Scotland primarily as a military commander to deal with Graham's Rising. It was not despite Lilbourne's fears a national rising. Some desperate, debt-ridden, if loyal enough noblemen, based a vain hope on the inveiglement of the English in a war with the Dutch. The brilliance of Montrose's campaign, the enterprise, foolish enough as of the Engagers., the Covenanting patriotism which with better officers and equipment might have beaten Cromwell at Dunbar, the Pylean, almost 'fey', valour of the Army that won to Worcester, all there, were all lacking. Glencairn was a good loyalist, a company commander but little more. Middleton was a first rate officer but he had few cavalry and little equipment. Of the some, like Graham of Duchray, were staunchly loyal to the last, as Middleton found to his sorrow, were vox et praeterea nihil.
The leaders of the Rising were all broken men. Few of Scotland's great leaders were left. With the exception of Argyll, these were either dead or in prison. Lesser men held place in Church and State. All parties in these, Royalist, Engager, Covenanting Royalist of '49-'52, constraint, Resolutioner and Protester had in their turn been shattered by the sword of the Lord General or by the violence of their own internal contention. Two parties, Resolutioner and Protester, yet fought bitterly bloodlessly, within the nation. They fought as men sometimes fight out of bitter memories and inward rancours, rather than because any occasion for strife was left. Within the Scottish state Argyll of all the great remained, now without a plan and without a policy. Hamiltons were gone. Leslie, Lauderdale and Crawford were in prison. Those's head withered on a Tolbooth spike. A few tampered furtively and futilely with the idea of a Scottish Commonwealth. (Row, 293.)

That was left was a war-weary people, poor to the point of starvation, men, high and low alike, concerned less for King and Covenant, than their personal safety and the security of what remained to them. That were the causes of the Rising? Some lay in the Tender and incommittent effects. The confiscations of that Decalration ed nobles already bankrupt. By it also their tenants were set free of their former dependencies and portions of the forfeited land let to easy rents. The nobles feared worse might come. It did.

An Ordinance sought to destroy the remaining traces of feudal practice. The nobles rose with Glencairn for a similar reason for which they had signed the National Covenant. The Act of 74 had taken away part of the yearly revenue of the 'titular of
the tiend', nullified much of his right of patronage and destroyed
most of his financial hold over the lesser heritor. So noble had made com-
mon cause with the Kirk. The Protectorate was now erasing the last
pieces of feudalism. Lesser heritors and gentlemen, like Lockhart and
inton, were rising on the fall of their feudal superiors. A new class
professional lawyers and judges was rising to curb baronial power.
noble had no longer the happy privilege of being both prosecutor
judge in his own case, or in his own court, or before the Council of
which he might be one. The power of Shire and Burgh was growing if
slowly. Nobles now rose for the Crown as they had risen for the
tenant, to save the relics of their dying power by opposing the party
sought to deprive them of it. Glencairn's Rising was the last articu-
culate and armed protest in Scotland against the passing of the feudal
power and privilege.

Other factors encouraged the Rising. England's war with the Dutch
away the strong hands of Deane and Monk and some of their best
and substituted the weaker Col. Lilburne. Troubles between
Parliament and Lord General might well have been taken to point to
a civil war in the brewing. Cromwell had sent off batches of
affected soldiers to Scotland to be out of the way and under the dis-
reators Monk and Deane. Though these were not numerically large,
suggested to the Scots a weakness in the English camp more apparent
real. From the alacrity with which the leaders of the Rising

to terms, it might well appear a glorious piece of blackmail.
cairn led the way to the rest as of going out so of coming in", Baillie dryly. (Letters, III, 255.) Lilburne had counselled
ning off of the sequestrations as a means of dispersing the
insurgents. The nobles, aware of their nuisance value, gave aid noble long enough for Monk to adopt Lilburne's counsel as a cheap and easy way of finally clear ing up the business. Nicoll calls the risers of to separate men, sequestrate, sequestrable and much in debt "and writing of the final break up, attributes it to their divisions, hatreds and contentions. "Pride also and avarice was not deficient for English gold was had and sparing". (Nicoll, I36.) A repetition of a very 'auld sang'.

The country as a whole gave little active help to the insurgents, though Lilburne believed that it was only waiting for some outstanding weakness or a strong landing of foreign forces. Neither Resolutioner nor of ipitor, loved England, but neither gave much support to Glencairn. Lamont wrote, and his was the party most likely to support, "for in all Northland Rising to my best knowledge, there is no minister in and who has had the least hand or meddling". (Letters, III, 262).

The country suffered from both parties, from petty extortions of the a and wavish soldiers, from the demands and impositions of the Insurgents, from moss troopers who took advantage of the unquiet time to fight for 'ain hand!' and to rob in the name of the King. Lilburne thought mani gnerality of the people were behind these secret contrivements and that many gave supplies willingly. Nicoll, Lamont and Baillie, diarists from different viewpoints, assert that the depredations of Glencairn, and their followers were much resented. (Nicoll, II2, Lamont, 62, aye, III, 256.) Lamont cites a case where the English punished a man heavily for compliance because his horses were stolen. Such things did not endear the English to the Lowlander any more than it did Glencairn with all these of them. The Presbytery of Hamilton debated whether Kenmure
The English were the greatest enemies. It was decided that the English were the greatest. (Nicoll, II6.)

The people maliciously hindered, boycotted or misled the English wherever possible, but few rose in arms and the Lowlander resented the prudence of the ancient practice of horselifting. Baillie's dict was, "the country everywhere suffers much, but is patient, for they see no remeal". (Letters, III, 250.) He believed that the raids and raids were "not so much to do anything against the English to make some noise of a party to encourage the King's friends abroad to send him supplies of men, arms and money". (Ibid.) According to Alburne, the personel of the army was Highlanders -- expert horselifters -- soldiers and younger sons inspired by a sense of adventure, or by paternal desire to have a limb on each side of the fence, according to Alburne. All the diarists note the growth of the forces in 1653. Estimates of their numbers at their zenith vary from Monk's own of 5000 to Baillie's of between 10000 and 12000, including about 2000 horse. (Letters, III, 256.) Monk's estimate is probably the more correct.

The story of the Rising till Middleton's and Monk's arrival in the spring of 1654, can be briefly outlined. In the summer of 1652, word brought to Charles that Glencairn and Kenmure in the South, Glengarry North, Pluscarden and others in the North were rising in his cause. Les purposed to send Middleton to take command, but Middleton falling and other expedients failing, Glencairn was finally appointed as commander till Middleton's arrival. (Scot. and Comm. 65-70.) Knowing the duty which such a commission might cause among the Highland chiefs, Les instructed Glencairn to keep his commission secret and produce it as a last resort. A letter was sent to him recommending the chiefs elect him commander. As Gardiner remarks, "So much diplomacy was
hardly likely to result in efficient generalship". Nor did it.

Throughout June 1653, the insurgent leaders met, planned and
licked in the Highlands. More of the discontented nobles and younger sc
ions joined him. Balcarras, Sir Arthur Forbes and Lord Lorne came in,
the latter with his father's curse—a copy of which was duly sent to
Lilburne. Argyll was playing safe. Lilburne dispersed the General
assembly on July 22nd, because of these tumults. (The Protesters
protested against the civil power dispersing an Assembly against which the
emselves had protested. But the Kirk gave the Rising little help.

Glencairn was suspect. Middleton, though he had sat in sackcloth on
stool of repentance in the Kirk of Dundee, was not little trusted.
ere was little mutual trust among the confederates themselves. They
were broken men, but broken party men and party prejudices still lingered.

Glencairn was an Engager, punished by the Act of Classes, though readmitte
de the Committee of Estates in 1651. He was no lover of Presbyterians—
he later showed. Balcarras, however, was a Royalist Covenanter
tished the confederates, as a test, to rewear the Solemn League and Go
enant and appoint a Commission to command the Army. Lorne was
yll's son, not unnaturally suspect, and when Kenmure sought to use
measures in Kintyre on some of his father's settlers, withstood him
he was Campbell, Glengarry McDonald, and swords were out between the pa
when they met. After Middleton's arrival, he and Glencairn quarrell
over the place of second in command which was given to Sir George
joy, a professional soldier, not to Glencairn. The things that
ended were stronger than the cause which united. Charles deserved
be better for making the historic libel that a Scottish army, however
it looked, would not fight and fathering it on David Leslie the best
ral that he ever had, even if Covenanter. (Clar. Reb.XIII,62.)
The year 1653 favoured the Rising. There was a good harvest and
thistle tells that the winter was warm and dry from October onwards.
ry bright on till March 1654 there were only 'seven showers' and the winter
and was 'exceeding hot'. The King's standard was raided at Killin on July
th. Various lords rode in with the men they had raised. Argyll, as
latter, was an enigma. Sir Robert Murray believed him to be waiting his
ance to rise for the Crown when safe to do so. (Scot. and Comm., I34)
be at first suspicious but help he received from Argyll in
self. Cobbett's western expedition convinced him that he was firm for
Government. At first Lilburne was but little troubled by the Rising,
ing it but part of the general unrest which the English victories
ter the Dutch fleet would speedily settle. He believed, like Baillie,
it was but a noise, made to enhance Charles's reputation abroad.
Cottiswood Miscellany, II,113.) His disregard of them encouraged the
alists. A firm hand at the very outset would have completely scotched
Rising. Lilburne was short of adequate forces. Once he saw the dan-
ger he proceeded to magnify it in about the same proportion as he
minimised it. This he may have done to get more troops and supplies
in England. Monk himself had often to magnify a need before he got men,
oney or supplies from the South. The actual threat and danger cannot
ly estimated from Lilburne's letters to the Lord General. He
ack men, ships and money; economy and the Dutch war had reduced the
of occupation. The higher field officers had developed a habit
ipping back to England for a prolonged stay with their families.
ly one major of cavalry when the insurrection broke out and
2I.

Cavalry with their mobility was his great necessity. The force at his disposal amounted to 12,000. He had eleven regiments of foot, but much of these were needed for garrison duty. His cavalry were inadequate to deal with the running foray which Glencairn and Kenmure cleverly developed throughout a fine Autumn and an open winter. They raided into the lowlands and in cavalry skirmishing gave as good as they got. The country suffered much, for the horses which Kenmure left unstolen, Lilburne confiscated to mount his infantry. Successful looting appealed to trooper and clansman. The raiders, perhaps that is the best term for this last small feudal host, grew in number and Lilburne, with the surprised exasperation of the Englishman who has tried to govern mildly and received a nasty shock, wrote for someone to supersede him, "such a race as may pay these people for their knavery.....Monk's spirit would do ill among them." The Protector thought so and Monk arrived in Scotland on April 22nd, 1654, two months after Middleton.

He had fewer handicaps in dealing with the Rising than his predecessor. He had absolutely full and complete control in dealing with the insurgents. He got the men and supplies which Lilburne lacked. The peace freed those for him and cast a corresponding damper on the intents of his opponents. It is true that Middleton's arrival for time caused a new stir and brought some fresh accretions to the insurgents. But a falling off soon began in the usual fashion of high-hosts and Monk had a trained army with which to harry their dwindling forces. The Earls of Montrose, Mar and Selkirk, with other noblemen, joined the Rising in the winter and Lilburne put its numbers at about 600 men. By July, they were in broken bands and the most effective left under Middleton was about 800 horse and 1200 foot.
Monk's military policy when he came to Scotland was simple. His first task was to secure the Lowlands against an invasion or against the infiltration of raiding parties of horse from the North which had so much troubled Lilburne in the winter and alarmed him into that state, which, if not assumed to force more supplies from England, bordered on panic. He had also to prevent supplies of horse going North, for Middlesex, warned by Montrose's fate, purposed to descend on the Lowlands with Highland cavalry and not with a Highland host who were looked upon as much enemies as the English and had also the unfortunate habit of dwindling a sorry remnant after a successful loot. To secure these objects, demanded and obtained fresh men and money from the Protector. From May 10th till June 9th when he set out on his Highland campaign from Perth, Monk watched the passes to and from the North. He moved from Dalkeith Cardross Castle, waiting there some days for the grass to grow that cavalry might manoeuvre in the North. Then he moved back to Kilsyth from thence to Buchanan, where he burned the boats which conveyed men, sea and cattle across to the Northern passes. Glasgow was garrisoned a strong force of cavalry. Argyll, now compliant, kept down the West. Barton and Dunstaffnage were garrisoned. On June 9th, Monk moved from Ruthven leaving garrisons at Loch Tay, Weems Castle and Balloch. Line of communications to the rear was now safe and he set out on his Highland campaign. His campaign in miniature somewhat resembled Sherman's march on Atlanta. As generals there is a striking resemblance between the two men. Sherman, in his Memoirs, says that his policy was to make his army into "a mobile machine, willing and able to start at a minute's notice and to subsist on the scantiest food". The creation of a force was Monk's achievement. "Throughout he kept his force
much as he favoured the shock value of the pike, he preferred to arm his men with muskets; and dragoons or mounted infantry took the place of regular cavalry. Up and down the country were dotted depots in which arms, ammunition and 'bisket and cheese'—the iron rations of a 17th century army were stored. (Honest George Monk, J.G.D. Davis, I42.)

Like the later General, he was a great military organiser. He would take chances but preferred to leave as little to chance as possible. Like the German, he had to drive into an enemy country which teemed with impregnable natural fortresses, though Middleton never fought from these as Johnston fought from his. Middleton has been blamed for not doing so and for allowing his forces to dwindle in avoiding action, a policy which, if long continued, destroys the morale of an army. Like the great American too, he employed continual reconnaissance movement, so that he was never once surprised. The policy behind both marches was the same: to destroy all enemies possible sources of supply. Monk burned the houses, destroyed the crops and seized all the cattle he could secure, so that the enemy might find no sustenance for his forces. The actual route taken by the English commander has occasioned some difference of opinion, but the showing would seem approximately correct. From Ruthven he marched to Lochy, after learning that Middleton was in Kintail. Thereafter, he wasted the country of Lochalsh and proceeded up Glenmoriston to Garry. From there his course was by Loch Alsh to the MacKenzie country but Middleton got some of his foot over to Skye and his horse avoided the movement. Monk now marched to Inverness to rest his troops, but at Dunain he learned that Middleton was in Atholl. He sent Col. Morgan to head him off and seek to break out through Braemar and himself by a route not yet
certainly established drove south into Atholl. On July 10th, he was at Weems Castle, on the 12th, at Lawers. His enemy was moving from the head of Loch Tay in to Glenstrea where Monk's scouts sighted him. This time, he writes in a letter to the Protector, that he had, "rushed them from 4000 down to 1200." He showed very little sorrow that the places he had not burned were burned by the enemy, who had harried some Argyll's country and threatened to burn more, "so that the whole Highlands will probably be laid waste". He saw in this prospects of a speedy pacification, especially if a little leniency was used in the matter of the Cess which, as he cannily pointed out, "they are not like to pay". Both sides made more use of the torch than the sword in their methods of campaign. Monk thought that to achieve a permanent pacification it would be better to "pinch their Bellies than to shed their Blood". His men's also were somewhat pinched. He followed hard after Middleton, from Glenstrea went into Rannoch. Monk's army was now feeling the pinch of marching on 'bisket and cheese', but in Glen Lyon word was brought of Middleton's defeat at Dalnaspidal by Col. Morgan who had closed on Braemar. The Rising was over. Middleton was a good soldier doomed to fight lost causes. The dissolute looseness of his later life was due to some of his experiences as a leader then. He failed to appeal to the sentiments of the Gael as he failed in the trust of the Presbyterian Lowlander. Everything was against him not little in the way of supplies from Europe and Charles refused to come to Scotland to set the heather ablaze, doubtless wisely. Yet thebachful letters he sent to Middleton were an ill requital of the sacrifices of a man risking the halter for his sake. And the Scots,
while they did not betray his men, would not rise for him in any great numbers. He had the same difficulty as Leslie with surly officers who thought noble blood the chief claim to command and whose resulting jealousies played havoc with the integrity of his army. Glencairn, the first out, left him because Sir George Munro was appointed second in command. Glengarry and Atholl, Kenmure and Middleton himself, disputed over trivial affairs so that their Council was often a continuous jangle. A letter from Scotland says, "the nobles wished to have Glencairn as leader and as he has not been appointed both he and the rest of the Lords keep their men in their own places and lordships so that their army this summer has been nothing but a small running party." (Sot. and Prot. 171.) Middleton was under instructions from Charles to avoid action till winter when the time would suit him better. By then he had no army, as Montrose might have prophesied to Charles, had he been alive. A delaying rearguard action was the most Middleton could have fought; he had not the supplies to offer a strong frontal defence, even in a narrow defile. Ambush was out of the question; the fibre of Monk was different from that of Elcho or Argyll or Baillie; was not to be caught unprepared or outflanked, and Middleton had not intuitive genius of Montrose or the military skill of Leslie with which to oppose Monk's tactics. But it was the internal dissensions of his army which hastened disaster. If the Protector, who had destroyed all feudal privilege by a stroke of his pen could by that act destroy all feudal jealousies, Monk would have won his laurels less easily.

With the defeat of Middleton, the victor settled down to the task
of pacifying the country. August and September were good months for the torch. They were spent by Monk and Morgan in devastating all parts of the Highlands where the beaten insurgents could have found shelter quarters. With the exception of the 24 hours' sack of Dundee, the 'horrors' of which are still a matter of dispute, fewer charges ofanton cruelty to the persons of the vanquished could be brought against Monk than against most supreme commanders of his age. In this campaign there were fewer certainly than stained the name of Montrôse, of Leslie, or of Claverhouse. Havoc he wrought of set purpose, but the work done, there seemed almost a note of pity in his letter telling Cromwell of the desperate state of the Highlands, laid waste by both parties. Few knew what was going on inside George Monk's head, but pity for what he saw, even while he had to do it, as well as policy, may have inspired his counsels to leniency. He took no chances that leniency would be considered as weakness, for whilst endeavouring to remove causes of political unrest, he went on with the work of establishing garrisons and forts to hold down Highlands and Lowlands alike as speedily as local conditions and Protectorate finance would allow.

His experience in Scotland showed him the practical wisdom of not few of Lilburne's suggestions. The latter had gauged the political, better than he did the military, situation. He had suggested that with the exception of five or six grand offenders, for example's sake, all prosecutions and forfeitures should be abandoned and a free pardon tendered to all in arms on condition that they live peaceably. He had proposed that a price be put on the head of the insurgents and another to levy regiments in Scotland for foreign princes not at war with
27.

the Commonwealth; thus the land would get rid of the unemployed soldier—a very fertile source of mischief. If Charles had had money, and the disbanded Scots the inclination to foreign service, the Protector might have rued this policy. Charles wrote to Leven forbidding the taking up of the licenses as mischievous and with one exception the project fell through. Under the Council's orders full power had been given to the general to treat with and grant terms to the nobles. In Bailie's opinion, "the English gave tolerable terms to them all and by this wisdom gotten them all quiet". The private treaties made with the nobles contain similar terms and showed Monk's policy. They were pardoned and allowed to keep their personal arms. Financial security was to be given for their good behaviour as also for that of the landowners and tenants of the house serving as officers under them. The sequestration of their estates real and personal imposed in the Ordinance of Pardon and Grace was lifted. The treaty with Glencairn, the chief offender, runs, that the Earl of Glencairn and .....shall enjoy their estates both real and personal ... without any trouble or molestation". (Scot.and Prot.166) all the treaties it was made a condition that the private soldiers should sell their horses. Monk wanted no more chasing. Even the fines imposed by the Ordinance of Pardon and Grace were reduced. Lord Preston's from £2600 was reduced to £1500 and when he pleaded that he could not pay because of debt Monk promised his influence for further mitigation and honourably fulfilled the promise. Some nobles, such as Tholl and Seaforth who were out with Glencairn, fared better indeed those who were not, for, although named in the 24 excluded by the finance, from grace, the sequestration of their estates was now lifted. Stayed in effect on the estates of others, like Leslie and Lauderdale
who languished in English prisons. The debt-encompassed noblemen found it difficult to pay their fines and in response to Monk's appeals the Council passed an Ordinance on May 16th which allowed some ease in the matter. (Vide infra.)

Having dealt with the masters, Monk had to deal with the men. The problem of masterless [em] roving all over the countryside was serious. He had in his commission been granted power to transport to any English plantation such of the enemy found in arms as he thought fit. It was the most ignoble thing he sought to do. He could be tempted by the purse when the temptation did not affect his loyalty or the efficiency of his army or navy. He never misused a quartermaster's power to enrich himself at the expense of efficiency. Scottish Restoration Royalists, like Lauderdale, more culpably sold the blood of their countrymen in the West Indies. At first Monk opposed transportation, fearing its unsettling effect on the people; later he thought it a 'good work' for ridding the land of troublesome men. (Scott. and Prot. 81.) After Middleton's defeat Monk looked on men in arms as criminals and vagabonds to be dealt with according. About 500 were sold into servitude--nominally. The Scots had many means of escape. Some bribed the shipmasters to set them free at another port. Others sent money before them to Barbados, where they were bought and freed by agents. The terms with their leaders necessarily released others. This practice did not become established in Scotland from fear of a general rising, as it was against the Protectorate policy to alienate the body of the people. When later the English still proposed to deal with vagabondage in Scotland by wholesale transportation, Broghill pointed out, "the general and all other knowing
men are of opinion, if you refer to press men for that service, it will put the whole country in a flame" (Act Parl. Scot. VI, 2, 891.)

Ships for the trade were scarce; the profits were thus negligible; the effect might be disastrous. So Monk at this time moved by decency or diplomacy or by both, dropped the business.

He tried next the expedient of foreign military service, but this too failed to solve the social problem of settling the men who knew no trade but war. Charles II used his influence with the nobles to prevent the levying of regiments for foreign war. Glencairn, Atholl, Kenmure, Montrose and others all received permission to recruit, in their treaties, which none of them used. Lord Cranston, who attempted to raise 1000 men for the Swedish service, found them mutinous and desertions frequent.

The General had to depend on his army to keep the peace. He quietened the land. The problem of unemployment and vagabondage continued and was in measure aggravated by other conditions. Grier, Dariel and Claverhouse had later no difficulty in finding riders for their bloody work and there were men, desperate by poverty as well as by prejudice, on the Covenanting side also. Monk's present measures to keep the peace were temporary, but immediately successful.

Besides the establishment and construction of forts throughout the land, Monk adopted various expedients to ensure that the land was kept quiet. Persons going from one part of Scotland to another, or from land to England, had to have permits signed by the General or his officers. Permits were required to carry firearms. The harbouring of troopers was made a penal offence and ministers were required to publish this fact. Landowners favourable to the Government were prised to raise forces for pursuit of reivers or to defend
themselves against them. All Highland chiefs were made responsible for their clans and on giving bonds to keep the peace, were allowed to keep arms for their defence. If a chief was party to an onfall or refused to punish his followers for one, neighbouring chiefs were authorised to attack him. Lochiel was in 1659 so authorised to deal with Glenarry. Following the old adage, 'set a thief to catch a thief', he used clansmen of dubious reputation to catch their own kin — one, Col. MacGregor had to deal with his own inveterate clan. Lowland gentlemen, living on the borders of the Highlands, were allowed to raise funds to defend themselves and the Cess in the county was reduced for their maintenance. The Justice of the Peace system, introduced by James was thoroughly established throughout the land at Monk's request. It suggested that in the Highlands the man next the chief be appointed justice, 'which would probably keep them in awe or divide them'. (Cot and Prot. Intr. and 98.) It was chiefly the establishment of the forts and garrisons that kept order in the land. Besides the main forts, smaller ones were spread over the country and garrisons with a company of foot or a troop of horse, sometimes both. The smaller forts were often old castles put in a state of defence. The general had at least 28 garrisoned forts and also guards in the chief towns. The main fortresses, the cost of whose building and upkeep a serious drain on the revenue, were at Leith, Ayr, Perth, Inverness, and Inverness. The building of some of these forts began before Lilburne arrived in Scotland, but the work had progressed in a haphazard way till his driving energy brought it to completion.

The army of occupation in Scotland varied in strength as circumstances dictated. At the beginning of the troubles, Lilburne had
twelve thousand foot and two thousand horse. Monk received reinforcements to deal with the rising. In July, 1655, the force was fixed at 13 regiments and one company of foot, 7 regiments of horse and 4 companies of dragoons. (Scot. and Prot.LII.) In October, 1655, the force was reduced to 11 regiments of foot and 5 of horse. Later this was further brought down by reducing the strength of company and troop. Financial considerations dictated these reductions. Little change took place in the personnel of the foot regiments during their stay in Scotland; some cavalry units were withdrawn and others sent to replace them. Monk counselled Cromwell to let the garrisons intended for Scotland settle there permanently as such a procedure would prevent the disaffection of officers and the trickling away to England of some of the troops.

When he crossed the border in 1659, in the fashion of many a military officer, he had a disciplined army with him upon whose internal loyalty he could depend. Except for the Overton 'plot' in 1654, there was little disaffection in his army. This plot had little to do with the internal politics of Scotland and was purely an army affair.

Cromwell participated in the dissolution of the Barebones Parliament when he accepted the Protectorship, he alienated irrevocably the Fiftharchy men, led by Harrison. These formed a considerable party in the army and some of them, with certain junior officers had been drafted to Scotland to be kept out of mischief. A wild scheme was hatched by disaffected officers to secure Monk's person, appoint Overton to command and march into England with as large an army as possible. Major General Overton, although not with the
conspirators, had known of and connived at their doings. He was a strong Fifth Monarchy man, but had promised Cromwell loyalty as far as his conscience allowed and said that he would inform him when he could not conscientiously render service. He took over Morgan's command in the North and loyally and energetically carried out all his military duties until the time of the plot, in December, 1654. In even overlooking insubordination, he had committed the one unpardonable crime in Monk's eyes and was arrested and shipped to London for trial. Except for another rather obscure mutiny in Ayr, there was no further disciplining trouble. Monk's persistent letters for pay and supplies for his men, insistence on their treatment and pay being the same in all respects, that of the army in England, showed his care for a command which retained a great personal loyalty for 'Old George'. There are differing accounts of the army's behaviour. Brodie complained of their rather acts of destruction, Nicoll that the sentences inflicted for military crimes on the persons of Scots were often but light. Yet there is record also that they were kept well in hand. Most of the complaints date from the earlier time of active service. Orders had been issued prohibiting the army's 'fraternising' with the inhabitants with. Its religious eccentricities often caused more protest its revelling for which hard garrison duty and strict discipline little opportunity.

In September 1655, the Council for Scotland appointed in May, the and Monk of many of the responsibilities which he had carried. Stranger, coming to a people he originally disliked, he had acted marked restraint and fairness. Baillie and Nicoll both pay
tribute to his rule. Skinner, his biographer, gives a picture of him being rather short sighted, but remarkably quick of hearing. His mental characteristics were not unlike the physical. In some ways, as was to show in later political affairs, he lacked the long view, but at he saw at hand, he saw clearly and did with the utmost concentration. Merton, like the owl in the adage, the less he spoke the more he heard -- information service was always excellent. He had an ear quick to hear the whispers of a nation. His ear led him in 1659 across Tweed, in 1660 to Dover and to a dukedom.

**POLITICAL AND ECCLESIASTICAL STATE OF SCOTLAND UNDER THE PROTECTORATE.**

Cromwell's policy aimed at a more thorough-going and pervasive union that accomplished by Monk's military occupation. He hoped that what been won by the sword might be kept by other and more peaceable means. His policy was that which earlier the opponents of Argyll had attributed to that statesman, the winning of the people by the expansion of civic municipal powers and privileges at the expense of those of the nobility. This policy was not uniformly successful, for although Glasgow to have prospered, Edinburgh and other burghs did not. The foreign and the jealousy of the English merchants deprived the meagre Scottish industries of any great economic profit, nullifying any privileges they had gained by the Union. In January, 1658, Cromwell said, "I do truly think they are a very ruined nation", though he that the middle and poorer classes were in a better condition under the semi-serfdom of their nobles. The creation of a
strong middle class as a balance against the factious power of the nobles was the keystone of the Protector's Scottish policy. The Restoration in Scotland was the reaction of a feudal government having its last desperate fling.

The government of Scotland was now in the hands of the Scottish council when it was there, largely in the hands of Monk when, as was often the case, the business of the Commonwealth drew most of its members to Westminster or further afield. The members of Parliament for Scotland were able to do little for her. There were only five representatives in the Barebones Parliament. Although the number of members had been limited at thirty, only twenty-one out of Scotland attended the Protector's first Parliament. Twelve of these were English or belonged to the executive. In the Parliament of 1656, twenty-one of the thirty belonged to the administration or were English. The rest were, according to Monk, 'nest and peaceable'—and pliant—Scotsmen. Gardiner considers the Scottish members to have been Cromwell's 'pocket burghs'. They were nearly always at his service, now allied by marriage to the House of Cromwell, was the leader of the Protector's Scottish party. When Scotland's affairs pried the House, admittedly seldom and when thrust upon it, the Scottish members, English and native alike, creditably, if ineffectively, fought for the interests of the nation. In the debate on the Act of Union, which dragged a weary length through the session of 1656, Downing, the scout master, made an able defence of the Scottish Dean of Guild Institution in defending Scottish burgh privileges. (Crom. Un. LXII)
Other members sought a fairer basis of taxation without much success. As the record of these debates go, the Scottish members seem to have felt supported a set of instructions drawn up by the Convention of Royal Burghs on August 27th, 1656. These instructions dealt largely with economic considerations and put forward a desire for concessions on regard to reduction of taxation and freedom of foreign trade. The English Parliament was loathe to grant. It is noteworthy that like Desborough and Downing (who, although now sitting for Carlisle, earlier sat for Peebles and the Border Burghs) often, very honestly presented the interest of their constituencies.

The actual government of Scotland was in the hands of the Scottish Council of State. Its members were Lord Broghil, Monk, Col. Charles, Ad. Scrope, Nathaniel Whethan and Thomas Cooper, Samuel Desborough and Sir John Swinton. Broghil was generally praised for his rate spirit, at least by the Resolutioner party, whom he favoured whose face he saved in the matter of praying for Charles. (Baillie III, Nicoll, 183.) Naturally the Protestors took a somewhat different view of his character. Wariston called him, "the instrument of our ruin" spoke of his 'fair pretences and high words'. In July 1657, Hearing Broghil might come back to Scotland, he wrote, "the Lord prevent Broghil's going to Scotland or coming to the Council here" (Diary III, 96) Bank and Lockhart, Broghil, though President of the Council largely sought for advice on Scottish military and legal affairs. He had a affable manner than the General. He came when the land was saved and when concessions were politic; conditions favoured a nation for generosity, though he undoubtedly had address, ability
and an amiable disposition. He was feared and disliked by the
esters. "Lord free us of him.....and send some Mordecai in his
and" wrote their leader. (WaristonIII, 62.)

The dealings of the Scottish Council and of Cromwell with the
solutioner and Protester parties fill the political activities of
later years of the Protectorate in Scotland. Monk wrote in 1657,
things are quiet, but truly the Scots now are as Malignant as ever ";
en had now little active means of showing hatred for their conqueror.
king had failed. Ecclesiastical conflict raged between the two parties
the Church and in the early Protectorate riot and the rabbling of an
ated intruded minister were not infrequent. Military force was some-
used to place a nominee. The land was full of sullen hates, the
end of the Scot for his ancient foe, the hatred of a dour bitter
for a prince who had deceived them and for those who had supported
munity and bitterness increased between Resolutioner and Protester
between Protester and Protester. With so many causes for
siastical and political strife, personal feuds between the nobles
innumerable. To Monk the land might seem as Malignant as ever, but
impotent suicidal jealousies and its great poverty kept it more
less than did his army. Yet none of these conflicts were unimportant
the future making of the nation. For purposes of clarification,
divide this section into (a) the Origin and State of the Parties
Scotland in the Protectorate (b) Resolutioner and Protester.
the Origin and State of the Parties in the Protectorate.
Scotland was in the throes of shedding the last traces of a factious
omination. Both King and Kirk, for different reasons, had
wished this done, the King in the interests of centralised authority the realm, the Kirk for educational, social and religious benefit of people. Unfortunately, King and Kirk disagreed as to wherein religious benefit of the people lay; unfortunately, too, for the King applied the Act of Revocation to a nobility whose fortunes were then precarious. The nobles retaliated by using their patronage to fill the Kirk with an anti-episcopal clergy and finally engineering the National Covenant. While the Covenant was a protest against the Sovereign's disposition of unwanted religious ceremonies and a defence of the liberty of the subject, it was signed by noblemen who feared most the entrenchment by the central power on feudal privilege, though this was made secretly and dishonestly in the interest of religion and education -- but the religion and education desired by the Presbyterian party. Sourer lay at the root of the Covenant's Presbyterianism ere it had sprouted. A party of 'politiques' was never absent, and with vicissitudes, occasioned by the signing of the National Covenant, the Solemn League and Covenant, Charles's overthrow, Montrose's defeats, an apparent rift between the Independent and Presbyterian parties in hand, it became the Engager party. The same men signed both Covenants, and on the Engagement and went out with Glencairn all in the good old form of feudal privilege. The Engagement was entered upon, perhaps some of the nobles had a sense of shame at having 'sold' their -- he would cheerfully have sold them -- but largely through the of the growing power of Argyll and the Kirk. Argyll had procured possession of the feudal Lords of the Articles and sponsored a dictatorial policy, little acceptable to his contemporaries. Montrose
in his Essay on sovereign power, made the veiled accusation against
of using preacher and people for his own ambitious ends. (Buchan,
rose, 406.)

It was the Engagement and its effects which reduced the Scottish
church and nation to the impotence which lost it Preston, Dunbar and
Hester, Parliament, Assembly and freedom. The ideas and motives of
the time are a bewildering ferment. The nobles' ideal of freedom was
retention of the privileges of their class; the Kirk sought its
freedom, understanding by that the right to worship as it pleased but a
right that right to all others. A party in the Kirk were prepared to
the nobles order the State so be it that the Kirk had complete
control in matters religious; many of them were connected with noble
families. There was another party in the Kirk, imbued with the democratic
spirit of Samuel Rutherford's 'Lex Rex', sons of farmers and burghers,
by the turbulent Wariston, used and abused according to his enemies
rgyll, who, despite the unloveliness of their creed and intolerance
matters religious of their behaviour, sponsored the cause of the
common people and in the next generation died gladly on the Galloway
aber for the faith that was in them. Much can be found with which
dict these Protesters. Their bitterness split the Kirk apart.
may not be any actual virtue in a protest --though a great part
Scotland claims to be Protestant. -- There was virtue in the common
who died for his protest. What democratic thinking there was, chaotic,
logic, vitiated by religious intolerance and party spleen, though
was, was to be found in the works of the best of the Protesters.
There was therefore in Scotland in 1648 as many potential factors
political disintegration as there was in the Parliamentary Party
in the Southern Kingdom. There were King's men with no other
legiance -- few indeed. There were Covenant men -- of the same stamp,
Chiefly clerical and of the South West. There was the noble with his
idealism; there was the political idealist, like Rutherfurd. The
majority of the people, having lost their images, worshipped the Covenanters
were zealously Protestant, though they had a traditional love for
Stewart monarchy, resuscitated by the death of Charles I. Nobody
a Scotsman had the right to assassinate a Scottish monarch. The
Presbyterianism of the South West, the work of Rutherfurd's
ministry, was in contradistinction to that of the more moderate
somewhat reluctant North East. The Engagement and the death of
Charles shattered the national unity which the Covenanters had ill cemented.
The Engagement showed that the purely political party of the Covenanters
was as strong in the Estates, if not stronger, than the party which
ported the Kirk. When the Estates met in March, 1647, the majority
ported the Engagement. Argyll, Balcarres, Balmarino, Cassilis,
other lords, and thirty lairds being all who opposed. The strictness
Church discipline and disappointment in their share of the English gold
'bought' Charles, sent many lords and lairds into the Engagement.
In it were Lauderdale, 'politique par excellence', Lanark,
Callendar and Middleton. Despite their numerical superiority
in the Estates, the country, still in the grip of Covenanting enthusiasm,
quicken by Presbyterian pulpit propaganda, was against the
rulers. They pursued a futile policy. Montereul thought them no
truly Royalist than they had been truly Covenanting. Ironically,
with Lauderdale, Lanark and Loudon, "ces gens d'honneur". The
which they accepted from Charles, Parliamentary sanction of the
Solemn League and Covenant, without its compulsory swearing, Three
for England with the right to his own
promise of future establishment of
Church policy to be resolved on between the Westminster divines and twenty
his own choosing, showed that they had little respect for the honour
the King or the Covenant and remarkably little understanding of the
political situation, -- or, if they had, remarkable stupidity in dealing
with it.

The army was routed at Preston. They failed because a united Kirk,
control over its people, opposed them and withheld supply. The
mission of Assembly was now as great a power in the land as the Committee
Estates. Argyll, Archibald Johnstone, Lord Wariston, and Samuel
Rutherford (most learned of the Scottish Westminster divines) arrayed
full force of the Kirk against the Estates. Argyll managed party
airs; Johnstone gave every 'Representation' and 'Vindication',
form and sanction. Rutherford supplied his brethren with the
largely conflicting mixture of democratic and theocratic ideals which
brought upon them the heavy hand of Cromwell and still later the
'Time', of the Restoration.

The Church's attitude to the Engagement was summed up in a
petition, drawn up on 23rd February, 1648. "The experience of former
may teacheth us to beware of dangers from fraud as well as force,
the plots as well as the power of enemies". In April, they publish-
'Representation' giving their opinion. It illustrates how firm a
the ideal embodied in the Solemn League and Covenant had upon the
party. But, if it be granted that the Solemn League was a
idea, although based on a very tricky formula, "establishment of true
religion, according to the Word of God and the example of the best armed Churches", then the Representation is a fair defence of treaty rights. The clergy denied that they were inciting people against Parliament. They scouted, as a causus belli, the Engagers plea that and had violated the Covenant, pointing out that only a party in had done so, even as had a party in Scotland. If the English treated with Charles, without consulting the Scots, the Scots had treated with him without consulting the English. They made an interesting assertion, without noticing its irony. The Estates had a subsidiary cause the non-payment of Treaty debts. This attitude stated, "You have not payed us, give us him back". The Representation said it niggling, apparently not for its mercenary attitude, but because coordinated the religious interest to the material. "If a King do his duty, for the maintenance of justice, it is not his safety alone makes his people to be in quietness and happiness" (Representation, Comm. Proc. I, 510) Montereul said that Lauderdale, Lanark and R would have sanctioned the imprisonment of Charles for another 000. He was not so far wrong. The Engagement was partly another protest, this time against the Kirk and its control over the place. It must be admitted that, if Charles had been a militant Christian & the anti-Engagers would gladly have marched on England. the Vindication of the Representation was the first step towards Church's political disaster. It was Rutherford's work, or at least at his prompting. It was direct interference by the Church in affairs, a pronouncement, ex cathedra, as it were, on the principles of government. It claimed that, while not choosing men for civil, the Church could outline the qualities such men should possess.
It denied the veto of the King on any Act and asked the Estates to
train from sponsoring any such sovereign right. The charge that they
incited to treason is not yet denied, but the right to disobey the
if unjustly made, is asserted. "Civil obedience to Acts of
Parliament is either in things unlawful and contrary to the Word of God,
and things lawful and right. In the former case, it is a sin to obey,
the latter case, it is a sin not to obey .... Whatever be the treason
impugning the authority of Parliament, it can be no treason to obey
rather than men." (Vindication, Ass. Comm. Proc.I, 552.) This is
of the philosophy of 'Lex Rex'. The weakness of its argument had
in that Rutherford could see no other remedy against the tyrannic power
King and Parliament than what seems little better than open revolt.
There was no other to see: the vote as such did not exist;
all freedom came to both countries through a Revolution. 'To obey
rather than men' became the political philosophy of the Protester.
It was an obedience which frequently consecrated party caprice as God's
will. On this cry, the extremists in the Church severed themselves
from the Scottish State, as in the Remonstrance, severed themselves from
Church, as in the Protest, severed themselves from each other in
intrigues of the Protectorate. Many in the Church had doubts
concerning the Vindication and its principles. "I am more and more in
mind that it were for the good of the world that Churchmen did
in their debate with ecclesiastical matters only", wrote Baillie. (Letters, III, 38)
It forced the majority in the Church to resile from the Vindication
position, but it was to find a disastrous place in the practical politics
the near future.
This place was in the Act of Classes. The 'Whiggamore Raid' Argyll in power. The raiders who occupied Edinburgh were the men of the South West. This was traditionally the most Protestant part of Scotland. Families like the Campbells of Cessnock and the Gordons of Strathbogie, had a Protestant tradition, dating from the time of the Lollards, the creation of the South West as a powerful force in ecclesiastical politics owed much to the Anwoth ministry of Rutherford, whose theological and ecclesiastical tenets it now followed. This party was influencing profoundly the affairs of the Church up to the Revolution Settlement. Now they were emerging as militantly ultra-Presbyterian, Argyll, Cassilis and Balmerino as their political leaders. Their pondering influence forced the Act of Classes on ministers and members of the Estates who would have counselled more moderate courses. The Act was in effect civil excommunication of all the Engagers and of those who had helped the Engagers. No class of that unfortunate party was exonerated from penalty. It was passed in January, 1649.

The Commission of Assembly commended the Act to Parliament and *r* the delinquencies which they deemed worthy of punishment. They were more political than moral. Even "wishing or expecting a change as profane men wait for" is reckoned worthy of punishment. The Act of Classes was the production of party jealousy, political exigency and Presbyterian disciplinary theory. All Engagers were deprived of life and civil penalties imposed on all. Row considered the Act was the result of negotiations with Cromwell. It would seem that Cromwell suggested it to prevent further danger to England, seeing that it would cause enough trouble among the Scots themselves. (See of Blair, 209.) Wariston and Argyll, avidly accepted the
suggestion which suited at once their policy and their principles. Wariston had been closely associated with James Gillespie and Rutherfurd in the excommunication debates at Westminster. These two had more than others, violently asserted the Church's right to remove and punish excommunication all religious offenders. As one of their arguments they asserted the Hebraic dogma that the presence of the wicked in a church or nation brought the wrath and curse of God upon both. This they voiced incessantly through the sitting of the Commission in 1646. Wariston, as his diary shows, was a highly impressionable man, the more so when the impressions he received supported and strengthen the policy he meant to pursue. He believed, or led himself to believe, --for he was a master in self-persuasion -- that the Act of Clas...
Even as excommunication was punishment by deprivation of right and privilege, so this Act was a civil excommunication, by deprivation of civil rights and privilege, ad vitam in some cases, for a lesser term there. After the expiry of his time of disqualification, no man could be reappointed to office till he had given satisfaction to Kirk and both Kingdoms. In the Vindication it had been claimed that the Church did not choose a man for office, yet it should out-the qualities that such a man in such an office should possess. Act of Classes went further: it made the Church judge as to whether he possessed them. This fatal doctrine was the cause of all frequent strife. The triumph of the exclusive, theocratic principle short lived. There came the execution of Charles I, the advent of Charles II in Scotland and the Battle of Dunbar. The first event Argyll a Royalist of sorts as it made Charles II a Covenanter of sorts. Argyll suited his disguise. In the Church a more moderate party strength. The defeat of the Covenanting army at Dunbar broke the hold on Charles and caused the first division in the Church. and the Western Remonstrance. Historians of the Protectorate the words 'Remonstrants' and 'Protesters' interchangeably, as if were the same. Undoubtedly, the bulk of the Remonstrants became Protesters, but there were Protesters who were never Remonstrants. The Remonstrants were the first to dissociate themselves from Charles. policy embraced the disowning of their monarch which many of protesters never did, and to which Rutherford at this time, was The Remonstrants numbered many who, whatever their present station later readily served Cromwell. They were composed of the
South West party which now parted from Argyll, practically parted from the Church, and for a time, parted from their ancient preceptor, Rutherfurd. A

After Dunbar, the Western counties formed themselves into an Association, and levied an army under the command of Cols. Strachan and Ker. In the 'Gentlemen, Officers and Ministers attending the Western Forces' were the Remonstrance. Baillie accused Wariston, James Guthrie and Patrick Napier of penning it. (Baillie, III, 115-118.) Despite their denials, it is fairly certainly their work. The Remonstrance reviewed all the states' transactions with Charles and his and their duplicity. The fulness of his dealings with Montrose were largely discussed and his Incere profession of the Covenant stigmatised. The Remonstrants asserted that they disclaimed all the sin and guilt of the King, "and can own him or his interests in the state of the quarrel betwixt us and enemy". Eschewing the intention to invade England, they asked for a rigid purging of the Estates and army. They pointed out that the sins of oppression, covetousness and self-seeking have often been "proved in your Lordships" and claimed redress for the oppressed poor. The situation was high in the West and the Western men seized the opportunity of making their complaints known.

The Commission of Assembly dealt mildly with the Remonstrants; many sympathised with much that was in it. Rutherfurd wrote to Ker advising to make no separate terms, apart from Parliament. "As for your particular treating with the invaders of our land, I have no mind to...

... keep yourself in the love of God; and in order to that, as far obedience and subjection to the King (whose salvation and trueness my soul desireth) and to every ordinance of man for the
Lords sake, and to the fundamental laws of this Kingdom as the requireth. The Remonstrance was a political document, addressed to the Committee of Estates through the Commission of Assembly, setting forth a definite political policy. That policy was one of separation from the state and implied division in the Church, both abhorrent to Presbyterian mind. The men suspected of framing the Remonstrance were those later suspected of desiring to create a Scottish Commonwealth. Remonstrance withdrew from Argyll and the Kirk the military power of Western. It withdrew from them also the legal talent of Wariston and managing abilities of Patrick Gillespie. Actually, the Remonstrance with its effects begat the Public Resolutions which in their turn begat Protesters. The defeat of the Remonstrant forces by Lambert proved them as a political party. Some went over to Cromwell and English interest, others later merged in the Protesters who were essentially ecclesiastic. The Protestation from which the party took its name was formally protest against Assembly procedure rather than against policy, though Protesters violently objected to the policy which dictated the procedure. The Act of Classes had considerably hampered the recruiting of the army, great now that Western support was lost. The Committee of Estates began postulating queries anent its alteration to Commission of Assembly. There was a growing moderate party in the but fear of division caused the Commission to give evasive answers. Finally, it was asked by the Committee, "if it be sinful and unlawful to rescind the Act of Classes" (5th April, 1651). On 24th May, it expired, but in its decision the Church shirked responsibility for the act they had instigated. The Commission stated that as they had
not made the Act, they could not repeal it, but said in their resolution that, if a man satisfied the Church, the state might employ this supported a former Resolution of the Commission, "that all the persons except excommunicate, forfaulted and notoriously profane be employed." Acting on it, the Commission had already begun to many of the Engagers from the ecclesiastical penalties under which they. But fearing the wrath to come of the extremists, it now in an ecclesiastical manoeuvre. The letters were written to presbyteries ordering them to seek out the opponents of the Commission's resolutions and cite them to the next General Assembly. By this, they to secure a good majority in Assembly, for none under judicial as could sit.

They had underrated the ability of the opposition, led by Rutherfurd Wariston. The latter, drafter of the Covenants and of the Act supplied the legal grounds for the Protestation. They sought to at the passing of the Resolutions through the Assembly, which have given them the sanction of the Church, but as they were a party party, the only course open was to invalidate the authority of Assembly. This they attempted. Rutherfurd gave in a Protestation at its constitution which was laid aside. Owing to the defeat of army at Inverkeithing, the Assembly moved to Dundee. There again was given in by Rutherfurd. (Recent publication ofton's Diary shows that it was Rutherfurd, not Andrew Cant, who submitted.) It is a purely ecclesiastical document. The protests at the Assembly's legality were these: (I) It was a prelimited
Assembly in regard that the free votes for choosing Commissioners hindered by the Commissioners' letter to the Presbyteries desiring them cite all unsatisfied men to the Assembly. (2) It was overawed by the King's letter (3) and by the Lord High Commissioner's speech, tending to limit its members (4) The preceding Commission of Assembly were members this Assembly which should not have been, because that Commission led the Church to a cause of defection. Wariston's Diary shows the Protestation was a draft of his sent to Rutherford and adopted him to suit the needs of the moment. (Diary, II, 93, 84 & 86.)

Assembly proceeded to depose leading Protesters, such as Gillespie, Chirie and Simpson, overlooking Rutherford, hoping yet to win him over, he loathed secession.

Robert Douglas and David Dickson led the Resolutioners back into short political alliance with the Estates, which had been broken for a by the Engagement and was soon broken for good at Worcester. The policy of the men who formed this party had throughout been simple — the establishment and maintenance of the Presbyterian religion through the operation and support of the feudal and mediaeval constitutionalism of the Scottish Estates. Such had been Henderson's policy, but the Scottish noble in the 16th Century was still more feudal and mediaeval constitutional in his actions wherever his interests were concerned, the alliance was never healthy. Cromwell knocked away this very ten prop on which the Resolutioners leaned and left them with little of a policy than to pray for the King as a Protest against the Protector. As a party, however, the Resolutioners held unitedly together throughout the Protectorate.

The Protesters, least lovable, most bitter and intolerant, of the
two parties, possessed the best intellects of the Church, if so be that these were a blessing. Rutherford and Wariston were respectively the most learned divine and most able lawyer of the time. Patrick Leslie was a good party manager, James Guthrie a virulent, assiduous, successful propagandist. Legal ability was seen in the adroitness in which the Protesters attacked not the legality of the Resolutions, which might have brought upon them a charge of treason, but that of the assembly which was to sanction them. Their protests had a certain amount of legal pertinence, but it was in truth the policy of the Resolutions which they hated. The Protesters were the more democratic, even demagogic. Their ministers counted few noble cadets in their number; they were less prepared to truckle to the demands of the classes. The principles of 'Lex Rex' had been drunken in by the young --the Protesters were drawn from the younger clergy, according to Hume, and the mixture of democratic principle and theocratic power them somewhat intoxicated. Many had been Remonstrants and something that the Remonstrants said was true. The nobles' lives were often prosperous; the poor were oppressed. If Wariston's wife was in tears because there was no food in the house, the case of the poorer classes often have been desperate. Because of high land valuation, the country was the most heavily taxed and from it, its people and its lairds the Protesters drew their chief support. They saw something had gone wrong. The Kirk had sought wrong allies. They saw land oppressed. They saw the peasant's life, nasty, brutish and short. It seemed to be God's wrath on the country. So they investigated 'Causes of God's Wrath' -- or Mr Guthrie did -- and naturally and probably, found them in the political actions of the other party.
They allowed some faults in themselves and held a meeting in Edin-

burgh to confess them. In the confessions they were human enough to make

few 'judicious omissions'.

Their leaders were never a happy band. Rutherfurd was too much of

not and had withstood the Independents at Westminster too stoutly to

stand to Cromwell and the Toleration. How unhappy he came to find

himself may be seen by the publication of a paper called, "A Discovery

for Some Search of the Sins of Ministers" in December, 1651, which

attributed to Gillespie and Guthrie. With its democratic fulmination

against hereditary monarchy, he might have had some sympathy. (It is

to him to say that in 'Lex Rex' he lays it down that in certain

inhereditary monarchy is wise.) But one 'discovery' was that among

nations sins was "pitching upon our form of Presbyterial

government as the uttermost attainable perfection of reformation". For

Rutherfurd it was the highest national virtue. The man who had spent

best part of his life defending the Presbyterian system against

English and American Independency could have neither art nor part in

Discovery. Thus a party in the Protesters, descended from the

restrainers, were quite ready to treat with Cromwell, not only on a

political but also on an ecclesiastical basis. The chameleon-like

Patrick Gillespie was at its head.

The 'Discovery' which discovered the Presbyterian instability of

of the Protesters, caused Rutherfurd and others to hold a Commission

their party in the winter of 1651. The lay members of this Commission

all for 'compliance' with Cromwell and objected to ministerial

influence in ordering and constituting the meeting. The letter which

Commission sent to Cromwell was, however, more remonstrance than
compliance and was regarded by him as an attempt by the Protesters to hold power for their own faction.

In February, 1652, The Resolutioners issued their protest against the influence of the 'Tender' in the "Warning and Testimony" directed against compliance with the English. Because the Protesters had refused to comply with them in this, they accused them, especially Wariston and Gillespie, of underhand dealings with Cromwell, since the Protesters' letter contained no word against the abolition of monarchical government and the liberties of Parliament. Conferences were held, the Assembly of the Protesters again gave in a Protestation and the parties drifted more and more widely apart. The Protesters' ranks were further weakened by defection. Two ministers, Menzies and Charteris, and Alexander Aikman, late provost of Aberdeenshire, a man of most sincere religious convictions, declared for 'separation' and a more pure practice in worship'. This desertion to the Independent ideal had the effect of adding some of the Western lairds into the Resolutioner party.

Efforts at an agreement which were strenuously made by the moderate of both parties were insistently marred by the intransigent Wariston. An anti-Cromwellian spirit was yet strong enough among the Protesters to publish in March, 1653, a "Testimony against the English in Scotland". Gillespie, who later owed the Principalship of the University to 'English Actings', opposed its publication. In the Assembly again met and was dissolved, as already noted. A Petition of Protesters was also dissolved and the ministers sent home. Presbyteries and Presbyteries were allowed to meet but Lilburne would have visited them also had not other counsels restrained him.
Schisms which had been projected by the fatal Act of Classes had now in Scotland assunder and weakened her power. It has been necessary to outline the events throughout which this baleful Act 'dreaded its weird' and understanding the state of the parties in the Protectorate. If the Resolutioner and Protester are dismissed as mere obscure factions in the Scottish Church, an understanding of the future history of that Church, as for instance in the affair of patronage, is impossible.

In a sense, these were political parties also, for the pulpit dealt in politics and from them the parties of the Revolution developed. The Church was the only place from which the peasant could get his political education. On what did the parties of the Church differ? Not in doctrine, all were rigid Calvinists and had lately accepted the Westminster Confession; not in Church government, except for a few Protesters all were Arminian and had accepted the Westminster Directory for Church Government; not in worship, for liturgies gone, the sermon held not on discipline, for all were agreed on the manner and method of Censures. It was the questions of the persons to whom these Censures were to be applied which rent the Church and State. Excommunication had been a political weapon of the Popes. The ingenious Wariston re-iterated it anew and applied it to civil as to religious affairs. It was in the first place the political weapon which the Argyll party took to out-manoeuvre their opponents. But their weapon was based on insecure dogma, namely that when the 'ungodly' were purged out, victory was certain. When, instead of victory, defeat resulted, there were only two conclusions; either the 'purging' from communion and from church was itself sinful, or it had been inefficiently done. The Resolutioner, within himself, knew the first to be true; the Protester
resolutely clung to the latter view which could but end in anarchy, might be called the formal cause of the separation which was projected by the imperative need for the repeal of the Act of Classes, if material affairs were to prosper.

The material cause of the division lay in the nature of the actors.

The prefigurations of Whig and Tory were coming into being in Church and State in this complicated whirligig of anarchy. The Whig and Tory were made up of men who favoured a more representative form of government in the State, a more popular election of ministers in the Church. If we were to look for the formal cause of the separation which was projected in 1649, Rutherford had secured the abolition of patronage by means of the Act of Classes and the popular election of ministers. At the Revol-
dictatorship, this time ecclesiastical, to achieve its ends. Both parties still paid lip service to the Solemn League and Covenant, though their leaders well knew that it was now a dead letter.

The position of Argyll deserves a little attention. He was in bewildered isolation, his world collapsed about him. For a decade, had, by his management, kept the parties in Chruch and State united. In 1649, he shaped events; after that he followed them. His was Resolutioner but his heart Protester. He had supported Charles, never trusted him, nor been trusted by him. Now he was less Resolutioner or Protester than a Highland chieftain of the genus of Simon Fraser, serving the interest and security of his clan and possessions. In favour it may be said that he loved order. It was his policy to encourage industrial arts and practices among his people. He had, despite his detractors, a genuine desire for democratic government, though it may have been influenced by the knowledge of the power such government would give him. This tradition he handed down to the men of House. He and his son died on the scaffold as the victims of tyranny, though, in each case, their legal indictment was technically true. They opposed the Stewarts with the same mixed motives personal and public interest as influenced the men who ultimately saw them out. With all his faults, this strange gloomy man with the genius mind which historians have never fathomed, had loyalties which did not betray. A Presbyterian Church and a constitutional Kingship aimed as objects of his policy. A good case can be made that he owed them throughout—with this resolve that Argyll should be their minister. He was the crude counterpart of the polished Revolution and first Duke who was his grandson, even as Rutherford was a cruder
edition of Locke. His present policy was to preserve the integrity of his possessions and retain as much power as he could. Despite an apparent compliance and occasional assistance in keeping the peace, he was not trusted by the English. It was on the grounds of this compliancy, least of all the charges a Stewart could bring against him, that, tried by Monk, he was executed.

(b) Resolutioners and Protesters

Cromwell had been suspected of instigating the Act of Classes to divide amongst the Scots. Once achieved, it was English policy to perpetuate it. The violent pamphlets of both parties were sanctioned by the Protectorate. The amiable Broghil pursued a moderate policy, for while seemingly favouring the Resolutioners, he was 'ang' both parties, not so much for the sake of uniting them, as to make them more amenable to the Protector's government. (Thurloe, V, 123.)

The advent of the Protectorate, the nature of the struggle between the parties changed. Hitherto, bad and bitter as it had been, with 'rights' claimed by both sides, with many wrongs inflicted on opponent, it had been at least honestly based on contending principles. It deteriorated into an intrigue for power or as much as either party could get of it and into an attempt to pack the Churches with as many adherents for whom nomination, election or downright intrusion were procured. The process was gradual but when Cromwell, who had a main intellectual, as well as political interest, in ecclesiastical matters, --and oddities--finally sent the Scots ministers home to settle affairs peaceably among themselves, he had assured himself that the was practically impossible and that no danger from the Kirk
threatened his regime.

As a matter of fact, his first Act of ecclesiastical polity, within nearly the Ordinance of Union, merely united the two parties through engendering opposition to himself. He had established 'toleration'; now he sought to regulate the planting of Kirks with ministers. Knowing the political outlook of some of the Protesters, their more democraticAnti-Royalist opinions, Cromwell at first sought in them fit instruments of policy. The English looked on the Protesters as the Fifth Monarchists of Scotland. In March, 1654, he sent for Gillespie, Johnstone and Menzies (the separatist) to come to London. Later, he sent for Blair and Douglas, Resolutioners and Guthrie anti-Royalist Proster. None of the latter three went; the first two made the journey. It did not receive the blessing of their party. As the contents of the letters were revealed, Rutherford, at a meeting of Protesters, proposed a fuller Testimony against Cromwell's

Its vitriolic denunciation of Sectaries and Toleration is from Gillespie's Charter. This was the Ordinance of August, 8th, "Mr Gillespie's Charter". This was the Ordinance of August, 8th, "for the better support of the Universities in Scotland and "for the better support of the Universities in Scotland and for the arrangement of Public Preachers there". By it ministers of both sides were appointed to a board of Provincial Certifiers who were to elect the ministers for appointment to vacant charges. In this, it was to be had, "to the choice of the more sober and godly part
the people, although the same should not prove to be the greater.

Nominees appointed to vacancies were to be disposed to live under the present Government. The ministers nominated as of the board for the five districts formed were mostly Protesters, one or two Resolutioners were also named in the Ordinance to give appearance of equity.

Ellislie had procured good terms for his party as far as opportunity was concerned. There were men in that party who had more serious principles, who were Presbyterians with a dislike of State interference in ecclesiastical affairs, who were Scotsmen with an intense and distrust of Cromwell. "All those whose names were inserted except some few Protesters, did speak much against it, and condemn much as any other honest minister", wrote Row. (Life of Blair, 318)

Majority of the Protesters, honourably refused to use the power given through the wording of and certifiers appointed by the Ordinance. Aboard caused a meeting of Protesters held in Wariston's house to it. "We debated all day about taking commissions from the English ed negatively against it, that in ecclesiastical matters we could not, and that upon their nomination and command we could not take wise extensive power over the whole Church". (Wariston's Diary, 305)

Issued a paper on the Ordinance entitled, "Considerations of the Order of Ministers provided in the late Ordinance" which rejected the given to the named ministers as prelatic and countered the defence magistrate might take steps to remedy extraordinary cases by "the Protector and his Council be not the lawful magistrates". (Ed. of Min. I, 65.) The Considerations were a testimony to the nationalism of many of this body of violent, bigoted, yet steadfast men--the last two epithets not being applied to
Cromwell's first attempt to govern ecclesiastically through the Protectors failed. He made it at Monk's suggestion, for the latter feared the Protectors, according to Wariston, because the Resolutioners were praying for Charles through Broghil's intervention, instead of at his request. Even before this, Monk seemed inclined to make use of the Protectors in ecclesiastical affairs. He became, however, dubious about the effect of the Ordinance. In December, 1654, he wrote to the Protector, "are not be so bold as to give advice what is best to be done, though I may be (I conceive) a measure to unite the ministers, because whether it may be a means to carry on your interest, I cannot tell." (Scot. and Prot.

The Act did not unite the ministers in obedience to Cromwell and was right in questioning if such unity was to the Protector's interest. The Resolutioners resolutely opposed the Ordinance and published their 'Considerations' and 'Grievances' anent its being put into effect. With the Protesters, they regarded it as an unwarranted intrusion subversive of the whole Presbyterian system of Church Government. Baillie had worked consistently in the English interest. Baillie with him and Livingstone 'the English agents'. (Letters, III, 298.) had tried to stop his party's protest against the English Actings; tried to persuade them now to use the Ordinance. He had promised to Cromwell than he could perform, for his party denied the Protector's right to any title in Scotland, save that of Usurper.

There is little evidence that the Ordinance was widely applied. Years later, it was found to be so little regarded and so few Certifiers were to be found, that the Council in Scotland authorized to act itself in the planting of Kirsks according to the
intent of the Ordinance. Baillie records instances of it being used to intrude Protesters into a charge, including cases at Douglas, Ellemar, Stirling and Eccles. (Letters, III, 247, 258, 263, 264.)

First was at Gillespie's instigation, the next two at Guthrie's. The latter's position in his party is interesting. Baillie believed he, although protesting with Wariston against the Ordinance, he was nevertheless quite unscrupulous in using it. Indeed he protested too for sincerity. "Mr Guthrie has no dealings with the English and no wrong!", he wrote ironically. Wariston accused him of insincerity. The himself was about to accept the Clerk Registrarship. Guthrie protested against taking office from the Protector, but his colleague wished he wished the place for Sir John Swinton. Spite dictated this decision. Guthrie's policy differed from that of Wariston and Gillespie, that, while accepting power for his party from Cromwell, and having no scruple in using it, he refused to accept office from the Protector further his cause. Two of the intrusions, at least, were by military and caused riot. After 1655, the prevailing party in the Presbytery district was as a rule allowed to appoint their nominee.

The Ordinance endeared the Protector to nobody, save Mr Gillespie, who started a movement towards unity for its opposition. The more Churchmen, James Durham and Robert Blair, organised a meeting in Edinburgh in June, 1655, to reconcile the two parties. Their efforts for reconciliation met with some approval, Gillespie being willing to accept them, perhaps because union would widen his influence. Wariston and Guthrie would have no union without a drastic selective purge in the Kirk, which meant little less than putting Church Government in the hands of the Protesters.
Guthrie and Wariston remained adamant and irreconcilable, and the consultations broke up, with Mr Durham and Mr Blair agreeing very truly, "that as long as Wariston and Mr James Guthrie did not present. But it was evident that such a thing might shed much blood and cause much trouble. And more out of the Counsels of the party. He distrusted Gillespie's dealings with Cromwell and saw Wariston and Guthrie going the same way -- to be on the receiving end of all the godly in the land of their faction under the band of a new covenant, which Mr James Guthrie had drawn on some sheets of paper, from which he had cut off all the articles of our former Covenants, which enlarged the King, Parliament, or Liberties of the land or mutual defence.

Wariston and Mr James Guthrie had fallen on a new conceit, that the Covenanters could not by any means break up attempts at reconciliation. As the old Covenanters were powerless, it was this which had earlier brought him along with Guthrie and Gillespie to incur the charge of desiring to form a separate Scottish Insurrection. But the idea which he had once formed of drawing up a new covenant, was so absurd, that he refrained from meddlesome propositions. Instead, what he had put the idea before a meeting of elders in January, 1655. Gillespie opposed it, because such a Covenant would have incurred the Protector's displeasure. In September, 1655, Rutherfurd drew and more out of the Counsels of the party. He distrusted Gillespie's dealings with Cromwell and saw Wariston and Guthrie going the same way -- to be on the receiving end of all the godly in the land of their faction under the band of a new covenant, which Mr James Guthrie had drawn on some sheets of paper, from which he had cut off all the articles of our former Covenants, which enlarged the King, Parliament, or Liberties of the land or mutual defence.

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The Scottish Council, hearing of the proposed Covenant, summonedkie and Waristont before them, but were satisfied with an apology. Revisited Waristont, probably with a friendly warning. Lockhart sent him and spoke "very threatening things if we minted a Covenant", hinting out that such a thing might shed much blood and cause much suffering. Past experience made Lockhart wise for his nation's good. iston, cynically told them point blank that the Protector would be fees of any Covenant meant to build up a party and that he preferred parties broken and they (the present power) supreme over all".

Cid exposition of the Council's policy from Sir John: Another or killed Guthrie's Covenant quickly. The West disapproved of it it was brought into their Presbyteries and the support of theWest Reading in any Protester cause: it was their stronghold. Loyal to old Covenants, they would have no new one. No copy of this Covenant survived. Broghil's account of it was that it refused to meddle with all government, but was formed to strengthen its subscribers in matters faith and doctrine in times of backsliding. Wariston's conversation Swintont, as recorded in his Diary, shows that the Covenant aimed at ting ecclesiastical disciplinary power in the hands of the Protesters. proposed to Swintont that the Protesters so covenanted would purge Church and "live contentedly under them and not rise with others, though they would restore civil liberty, yet would not so countenance his interest." (Diary, III, II.) Here Wariston is seen as Baillie ly suspected drawing close to the English. He had deserted the otic position of Rutherfurd who would have no truck with the ance. Given his Covenant for purging the Church, he was content
that his country should be in subjection. Purging had been

Finally intended to create a pure and ipso facto victorious Church and

Now that the state was gone, along with its home and foreign

it became a mere move in the manoeuvre for power by the Protesters. Not without reason Baillie saw in the introduction of this

plant the break up of the Protesters. (Letters, III, 298.)

At the same time that the Protesters were falling into ill-repute

the Council over their Covenant, the Resolutioners experienced trouble

of their offering prayers for Charles. Doubtless he needed them. 

did little else for him and stopped doing this, at least openly.

Declarations, one of August 2nd, 1652, and one of March 26th, 1655, had

banned ministers from praying publicly for the King. Lilburne had

annoyed by this practice at the time of Glencairn's Rising, for though

ministers played little part in it, such prayers seemed to countenance

non-conformity. The later Proclamation by Monk threatened with suspension

and further penalties all who continued to pray for the King, 

the practice went on and some were imprisoned. The Council was deter-

ted to stop it but fear that oppressive measures might cause serious

and. Broghil held private conferences with several leading ministers.

felt the hand of Monk, they were more amenable to him. It was

a case of face saving. The ministers would not cease from praying

as it was thought that they did so under threat. The Council

passed a Proclamation annulling the penalties and giving the ministers

time grace to reconsider their attitude. In that time, the greater

of Resolutioners ceased praying for Charles by name. Veiled

only were made from the pulpit, and the people groaned responsive-

Few of the Protesters had prayed for him since Dunbar. By
October, 1655, the question ceased to have any importance, and no
was heard of any repressive legislation. A mocking spirit took
cession of the Protesters at the Resolutioners' surrender. Monk
offence because they had done for Broghil what they had refused him
began to "befriend openly the Remonstrants". Some jealousy may
existed between these two, but the policy by which Protester took
foes to Monk and Resolutioner his grievances to Broghil was not
profitable to the Protector's interest! Broghil's policy was to
the Right against the Left and by wrecking both to construct a new
favourable to the Protectorate. He wrote to Thurloe, "We shall
ly do our work by building with any of these two parties but by
osing a third." He hoped to get the body of the third party from
Resolutioners, for whom he had some partiality and from Protester
cals, such as Gillespie. Monk knew the Scots better. Broghil's
ent achievement was to bring the Resolutioners to pledge themselves
peaceably under the Protectorate.

The slight streak of vindictiveness appeared in Monk, noticeably,
en he had fought and won, but when he had been outwitted. For
le, he was never quite sure that Argyll was not tricking him and
ever forgave Argyll. Something in his slower mind was antipathetic
t quicker, showier Broghil. He experienced a little chagrin at
outshone in successful diplomacy by the President and proceeded to
trouble between Resolutioner and Protester. He confided to Trail
ester, statements he had heard from Douglas and Wood, regarding
placibility and perverseness of the Protesters towards reconciliation.
write the whole story to Gillespie, who read the letter to a
g of Protesters in Glasgow. Fuel was added to the fire. Gillespie
and others were sent to arrange a meeting with the Edinburgh ministers to discuss about union, "or if no, that it might be seen by whose fault discord continued". (Baillie, III, 296.)

This conference began in Edinburgh on November, 8th, 1655, and lasted several weeks. The 'papers' exchanged between the two parties were lengthy and tedious. The Resolutioners declared their willingness to pass over as of the last Assemblies which had contained any sentence on the interests of the last Assemblies which had contained any sentence on the Resolutioners.

The latter stated that such was not enough; since the Resolutioners avowed the absolute legality of these Assemblies, their decisions could at any time be put in force. They asked for the disavowal of the Constitution of the Said Assemblies and Commissions appointed therefor, and that a purged Commission to be appointed from that of 1650 which in their view the last legal Commission. This the Resolutioners did not grant. The papers showed how the original issues had been

The quarrels centered round the legality of two Assemblies and respective Commissions and round the desire to have a majority on the Commission which was to rebuild the Church. The Resolutioners wanted a fairly united front. The Protesters were divided, "some leaning with the Union, some with the Ordinance, some standing by their resolution on the grounds for which it was made". On 24th November, it looked as if the Union party had prevailed, but Wariston blessed God the day closed without a movement towards reconciliation. Through efforts, and Guthrie's, a unanimous resolution of dissatisfaction with the Resolutioner proposals was carried. Rutherfurd, increasingly absent.

With this breakdown, the sincerer and more honest, if mistaken, segment of political and ecclesiastical idealism which had characterised
both parties and redeemed them from the charge of utter factiousness, in high vanishes. This disaster was the work of Guthrie and Wariston. The other hand, a mechanical union, based on a formula composed by people might have been as spiritually disastrous for the Church. Not surrender to the State for political security is as bad, if not for the life of a Church as perverse opposition an mistakenly obvious grounds. The fury of the Killing Times in which the Church feared concurrently both these evils intervened before via media of revolution.

The parties turned now to their respective patrons, Protesters to Resolutioners to Broghil. The Protesters drew up a petition to Council, formulated by James Simpson and thoroughly revised by Wariston, which was practically the old demand for a mission to regulate the Church, in which they would have chief power. Printing of the petition, the Resolutioners sent a Representation to the call to counteract it. In February, they also petitioned the bent to remedy the Church's state with regard to the non-payment ministers' stipends and other irregularities. They asked that the pation, by which a year of a deceased minister's stipend was payable his widow should be put into effect. Some of the abuses for which asked redress were beyond the power of the Council to remedy and to the economic chaos of the country. Broghil entered into stipulations with both parties, hoping as ever to form a third Cromwellian in the Church. In his letters to Cromwell, he paid tribute to upright life of the Protesters, noted the usefulness of James Sharp, Livingstone and characterised Wariston and Guthrie asiterate enemies of the Protectorate and 'Fifth Monarchy Presbyterians'.

(Wariston, Diary, III, 5)
An attempt which he made to procure the Protesters' sanction for their lay members acceptance of office as Justices of the Peace, failed through Wariston's opposition.

The summer of 1656 brought no great event in Resolutioner-Protester airs. By now, Wariston was 'swithering' about taking office as Clerk Register, a position which had once been his and whose emolument sorely needed. From his Diary, it appears that Argyll was working his interest in England. He had protested he would not take office under Cromwell yet his Diary shows him arraying his reasons and excuses taking it—providing for his family, taking care of national interests, doing the necessary work even under a Usurper. He was kept on as Clerk Register for another year. The office was obviously the bait held to draw the invertebrate Protester into the English camp and was the bait which could so have drawn him. That he was nibbling was soon apparent to his party whose policy became little more than mechanical for the scene of strife shifted from the Edinburgh Churches to the ante-rooms of the Protector's court. Forgotten now was their 'not to take or exercise power over the Church' from the Usurper. Resolutioners still feared their opponents would in the end have a Commission for purging erected. Throughout 1656, the 'planting' of continued. Wherever the Protesters managed to have a nominee elected, Baillie characterised him with true Resolutioner partisanship as a little mankin of small parts', "a very feckless-like thing in person", "another young thing lately laureate". (Letters, III,314ff.) the Protesters had most power to present as in the West they did Where the Resolutioners enjoyed the majority as in the Lothians and the East, their nominees were appointed. Less intrusion by force
occurred, for Broghil had put certain powers into Resolutioner hands for concessions on their part. In August, he got them to an amendment of the 1654 Ordinance, Stipends were to be granted on the certification of moral fitness of a minister elect by the Presbyteries and by Provincial Certifiers. Every minister before admission to subscribe a declaration of his willingness to live peaceably under present government. One Hundred and fifty settled Resolutioners voluntarily signed this engagement. While having less need to fears, they had put themselves on the road to Westminster and flags with the Usurper.

The Protesters were well on that road. Gillespie, now Principal of Glasgow University, had travelled it often and jauntily. Wariston had his own reasons for a journey which offered opportunity to deal for registership or his pension therefrom. He tried to conceal his wish to go from his colleagues and from himself. When the petitioners for James Simpson, he was mightily cast down. The mission had as its object the Protester demand for their purging Commission. When Simpson arrived in London, he found that the Resolutioners had sent one before him to, versatile and unscrupulous as Gillespie—Mr James Sharp.

A letter from Rutherfurd who was still a name of repute in English Presbyterian circles, predisposed the London ministers in Simpson's favor. Sharp won their favour by a trick, typically sharp. He showed a letter from Edinburgh full of praises of Rutherfurd, as his own of vituperation against the other party. "Whatever Mr Rutherfurd says of us, or others, yet he is very dear unto us, because of the gifts and graces of God in him and his service done to the Church of Christ...."
69.

... We do attribute his keenness of spirit ....... to his want of prudence for managing aright of public differences". Sharp

fully played on an Englishman's vanity, the desire to be thought fair and the dislike of others who apparently are not. An abler Khan Simpson needed to cope with Sharp, so Wariston, Guthrie, Gillespie and Sir Ker of Greenhead set off to London in January, 1657. Monk gave a letter of commendation for their 'peaceable' and compliant behaviour stated in it that, "they are better to be trusted than the other party' that twelve years before had through the persistent efforts of their number consolidated the standards of Presbyterianism at Westminster, paraded in pamphlets at the seat of their triumph all their divisions and disorders. The representatives of each party had met with Cromwell, sometimes simultaneously to their mutual advantage. Wariston, as his Diary shows, became less engrossed in the cause of the Protesters and more taken up with prosecuting his

for the Registership. On the matter of accepting this office, Guthrie quarrelled furiously. The breach made was never healed, the latter sent bitter reports home on Wariston's conduct.

The Protector at first seemed willing to give a favourable hearing to Protesters. That party had now clarified its demands. They

or a Commission to be appointed by him which would govern the Church according to its laws passed before 1651, in effect a Protester oligarchy. An appearance of justice, it was proposed that committees of mediation, made up of an equal number of both parties, should be set up for purging ministers and elders and for comprising all future divisions in Presbyteries" within the bounds of the Commonwealth. Over these committees was to be set a general committee
of delegates from each Synod, again of an equal number to which the
might appeal against the decisions of their committees of visitation.
(Arguments, II, 98.) This showed how far the Protester leaders had
left from Presbyterian principles. To seek nomination of a Commission
the Protector was an act of absolute Erastianism. When the Assembly
first took shape as a body of the Church, in the years of the
war, Rutherford and others had distrusted it as being something
ous to the Presbyterian principle and as an encouragement to
asical oligarchy. In troublous times, the Commission had been
ceedingly useful to deal with immediate crises and had been cen-
as a more or less permanent body. It was not a 'court' for its
had to find ratification by Assembly. The Commission now
having to account for its acts to no Assembly, was practically
asical despotism. The appointment of committees of Synod with
powers was a bureaucracy alien to Presbyterianism. The justifi-
which the Protesters put forward for the establishment of such a
as that it was needed in the present condition of the Church.
ston and Gillespie were not men to scruple at the access of power
s system offered, nor was Guthrie, though more Presbyterian than
itterly referring to Wariston as "our Independent". The great
stminster, Rutherford, Henderson, James Gillespie and Baillie
Scottish cause and projected Scottish ideology to some measure
less English Presbyterian system; The men of 'no account'
ed for Scotland before a sneering Parliament on the matter of
ed dignity and strove as well as they could for Scottish inter-
Present trio sacrificed two great Presbyterian principles --the
ian conduct of Church affairs and government by ascending
Church courts -- to their own pet schemes and party demands. The elaboration was complete, for they sacrificed their party demands to their own pet schemes. Wariston pursued his Registrership; Gillespie espied a love of ostentation and a thirst for money for public building.

his enemies hinted did not all go to building the College of which Principal.

Arguments which Cromwell used in debate with Sharp showed that he had led to Protester promptings from Gillespie. Sharp's party had been with the Malignant against the godly and his sympathy was with the who, had it been as wholly prepared to tolerate Independency as to abuse Resolutioners, might have had its way from him. After Sharp, who withstood a cross examination by Guthrie and Wariston, sorted with ability, Cromwell remarked, "That makes somewhat towards what your Church is of such a constitution at present that there of an extraordinary remedy to promote purity and godliness, if made out that Acts were made and these Acts improved to the prejudice men and obstruction of godliness". (Consultations, I, 360.)

he had talked of the Scottish Church not being in a capacity to itself and needing an extraordinary remedy. (Consultations, I, 354.)

her meeting where the opposing representatives filled the air with recrimination, showed the Protector the sad state of the Church nothing to solve the problem.

The tide began to turn against the Protesters in March. A petition by Guthrie to have a Resolutioner minister in Stirling and a Protester placed, was refused through Broghil's influence.

A Petition and Advice was making its way through Parliament and was considering a Crown. On the day the Petition was ready for
presentation, a reissue of Rutherfurd's 'Lex Rex' with the new title, 'Civility of Civil Polity' was published. It contained much on the
of Kings --or Protectors. Who published it? There are three
abilities --the military party who opposed Cromwell's acceptance of
ship, Rutherfurd and the Scottish Protesters who disliked the
ct of affairs by Gillespie and Wariston and their dealing with the
ctor, or James Sharp! The Resolutioner party, by publishing the
of their great opponent at this juncture, hoped to throw discredit
party, if that party were to be suspected of the publication.
early accepted the Crown; only deference to the wishes of old
ides in arms prevented him; but he had little love for the Parliament-
who had opposed his acceptance. 'Lex Rex' could not be esteemed
supporting the Humble Petition and Cromwell became wary of the
whose leader had written it. Guthrie may have been responsible
the publication. Wariston found him reading a copy of 'Lex Rex' at
time. If he was, he published without the knowledge of the other
who would not have been guilty of such bad tactics. But publication
publication of a violent piece of writing by an opponent, to discredit
with the Government, was not an unknown trick of the age. Perhaps
Sharp could have told the story which is left in obscurity.

The action taken by the Protesters was absolutely Erastian. They
had to have the Act of Classes or its import inserted into the Humble
ition and Advice. They gave to Cromwell and other members of Earl-
copies of "Reasons why Advisers Assisters Suitors and Abettors
the War, 1648 against the Parliament of England should be excluded
trust as well as the invaders thereof in the 4th and 13th Article
the Bill". The reason for this was that the original part of the
Humble Petition dealing with Scotland debarred from office and enfranchise all who had been in the Engagement but enfranchised all who had lived peaceably and thereby given testimony of their good affections to the Commonwealth. Argyll may have had hand in composing the 'Reasons' which Wariston drew up with some difficulty because of "Mr Gillespie's and Mr Guthrie's rooted jealousy of every word the other spake". (Diary, III, 73.) The 'Reasons' at Cromwell's part in instigating the Acte of Classes and magnified danger of the Association of Resolutioners with Malignants. Wariston's plan was not, for the time, without effect on the Protector who feared the thinnest edge of a very thin Malignant wedge being driven into England. He made a speech to a Committee of Parliament in which he ruled the argument that if all Engagers were excluded there would be members from Scotland and suggested an amendment which offered 1648 date from which men's peaceable behaviour would qualify for citizenship—thus accepting in principle Wariston's advice. The proviso provided such as invaded England under Duke Hamilton in the year or advised, consented, assisted, or voluntarily contributed to that cause, were for that cause barred from public trust by the Parliament of Scotland, be incapable to elect or to be elected, to sit and serve as members of Parliament or in other places of trust related to the 4th articles of the Petition and Advice, excepting such as have borne for his Highness or the Parliament, or have been admitted to sit in the Parliaments of the Commonwealth of England and are of good life and conversation, or such as shall hereafter be declared incapable of their good affection and continuance therein be capable of election and trust. (Consultations, II,41.)

Amendment passed by a narrow majority through the influence of the Scots had loathed, Lambert and the Independents. Desborough
a member of the Scottish Council voted against it. Sharp tried to have the proviso modified in the final reading of the Additional Explanatory Petition by the insertion of a clause enfranchising those who have been employed or authorised by the Council or Commander Chief and such also who are of a blameless and godly conversation. Thurloe's support for the modification. The amendment, read a first reading but was defeated in the second by 66 votes to 62.

English members took little interest in the affair, looking on it as a dispute between Argyllians and Hamiltonians. The proviso was carried by the Independents and the native Scottish members such as Lord Tweedale and James M'Cauley who feared the original latitude granted in the night impair their future status or election as members. The latter had gained a technical political triumph, only technical, for the proviso was never put into effect. In gaining it, they suffered by tragedy. Baillie, his opponent, but once great admirer, writes, Lord Wariston's domestic straits made him content, contrary to his resolutions to embrace his prior place of Register from his

"Letters, III, 352.")

When Cromwell, mentioning his present straits, asked Wariston if he cleared to serve and take employments, he answered that he was, if "in things lawful and conducible to the service of God and His and his Highness therein". (Diary, 77 & 78.) And so the Protester, despite his protests, became a tool and servant of the

"As his latest biographer writes, "If thus Wariston met the crisis in his life, it was not entirely the emotion of the that forced his surrender; he had already fortified himself the arguments for adhering to those principles of non-compliance".
which for years past he had insisted on in others and to himself. He was still the acute methodical mind which long before had drawn 'reasons' against surrendering the Covenant; 'reasons' for holding a General Assembly with or without the Royal sanction; 'reasons' for national decisions; and later for party decisions; and now for his own." (Diary, Intro.LVI.) On James Guthrie's residence in London was the opposite effect. He had hoped to have the Protester cause maintained in Church affairs; he saw his colleagues successful in purely political and personal matters; he grieved at their rigour in the House, saying that good men had been out in the Engagement and had heard Wariston's railings against those who had accepted office and his dissensions of others, like Brodie of Brodie, who would have taken it.

These had been far more than the mere personal and private solutions which Baillie only notes in Wariston. To the downright thrie, Wariston's actions had betrayed his cause, and Cromwell found him "the little man who would not bow". Sick of the sorry intrigue, Guthrie went home, a more fervent Scottish nationalist than ever. "Lord Broghil and his band" prevailed in the end. Lambert on whom, the Protesters chiefly depended, had fallen from grace having been dismissed from the Army and Council. Hope that the disunited Protesters would procure their Commission and their Committees was departing from them; nevertheless, Gillespie, Wariston and Simpson continued to press Protector and Council until a Committee of fourteen was appointed to hear them and report. Of this Committee, seven were lay, seven clerical, and of the latter, four were Independents. Sharp thought the Committee ill-disposed to his cause ---"the major part are Independents and the rest are mongrel Presbyterians". The Protesters'
demands added a request that Presbyteries who had separated themselves from them, might not be permitted to exercise any authority. Both sides were in constant attendance on the Committee. The proposals for Commission and Committees were recommended to the Council by Dr Owen and Independent ministers, but the Presbyterian members reported unfavourable to their demands as putting Scotland under domination of a Protester clique. The Council advised the disputants to go home and settle their quarrels and then set about the reform of the Church.

Just before this, the Protesters scored their last triumph through the resignation of powerful Lambert. This was a renewal of the provisions of the Act of 1680 with regard to the election of magistrates in the Scottish burghs. The proposal was manoeuvred through a thinly attended House by Gillespie instigated it for reasons of his own connected with the management of College affairs in Glasgow. He wished the change of the magistrates of that city. This Act was not put into effect for a time till Protester influence through Fleetwood secures a letter from Monk suspending the election. Monk, however, advised against any interference in civil affairs and the commission procured by Gillespie went into those of Glasgow ended by libelling not the magistrates himself for maladministration of the University rents.

It was becoming apparent that those who interceded for the godly were concerned with procuring place for themselves. The Protector decided against the proposals for a Commission and reverted to the scheme of the original Ordinance; in a disputed vacancy, the Council gave maintenance after nomination by the provincial certifiers.
At the same time, Thurloe told Sharp that he did not think it likely this would again be put into effect. As a matter of fact, nothing done to alter the status quo. The practice kept was based on the suspicion by which Presbyteries, Resolutioner, Protester, or united, certify to the Council those nominated to vacancies in their jurisdiction which thereafter appointed and gave maintenance. The practice and its Certifiers was a dead letter, because few of either side to act under it. Sharp had not worked in vain; he had kept the ecclesiastical power from passing into the hands of the other party, by the fact that Cromwell was latterly turning from the Independents and supported the Protesters, to lean more on the moderate Presbyterian political matters. Monk too had withdrawn his support from that Row summed up the whole business, "So did the Protector as a man of the flame, fox-like carry himself that neither of the factions should run down or ruin the other but that they should continue still standing". Many in both parties were weary of the London intrigues of the leaders. In the later years of the Protectorate, it was more the personal bitterness of the leaders than anything else which kept the disunity disunited. After 1656, there was far less rioting, intrusion, or strife. Leaders and pamphlets kept old sores open but had the cooperation not intervened, almost certainly a compromise for a united which would have been found. The London intriguers all met sorry social, Wariston and Guthrie the scaffold (Guthrie with the buoyant courage of his), Sharp assassination, Gillespie just escaped the rope to die of bitter obscurity. All except Guthrie betrayed their best ideals; a little later was to enjoy a name synonymous with Judas in Presbyterian annals.
If it is regarded with the logic of a retrospective survey of their
Church's foreign policy as expressed in the Solemn League and Covenant,
Protesters' actions were a tragi-comic house that Jack built.
Sought a Commission to purge the Church to cleanse the state to bring
victory to overthrow Cromwell to destroy Independency to establish
Presbyterianism in England. The party upon whom their leaders finally
agreed to get their Commission was the Independents whom they had
hoped to destroy; a truly ironic reductio ad absurdum. The desires
their followers and the ideals behind the original demand were
completely disregarded. Nor were the Resolutioners much more consistent.
Claimed loyalty to King and Covenants, but well knew the King was
Covenanter. In claiming that he was, their leaders were wilfully
living themselves and their followers. They came to intrigue with
well as readily as the Protesters. Yet it was apparent that Cromwell
would no more put a Resolutioner faction (which had been Malignant
power, than suffer the ultra-Covenanting Protesters to hold sway and
establish a consolidated Church under the Covenanting banner. A good
of the inconsistency of conduct and behaviour disappears if one
eliminates the overstressed element of the Church's foreign policy --
Solemn League and Covenant. Both sides had come to see the impossibility
of its achievement; neither would admit it; it had great propaganda
value, especially when each could charge its opponent with forgaking the
ideal of a Presbyterian Britain formerly held tenaciously. The anomalous
state of the political position of the parties lay simply in the fact
that both still pleaded it —to their followers, 'for home consumption'
the modern term— while in practice in their dealings with the
secular it was most conspicuously absent.
The fixing of attention on the Resolutioner-Protester intrigues through Solemn League and Covenant spectacles conceals the real importance of the conflict which was between two classes of men who were here sorting themselves out in the Church and seeking to rule her, men drawn from the higher classes and men, such as Douglas and Baillie, who had aristocratic feelings and clung to some feudal links with the State. There were mists in both. One party was democratic often to the point of vice, the other, viewings with distrust the violent courses of their opponents fell back on the Covenant alliance with the s, prepared in doing so to surrender some of their late-won privileges. Protesters were the more evangelical, but their evangelism was cursed by the prophetic raving and diatribe against Malignant try and all who opposed them, characteristic of later Cameronian thing. The Resolutioners were -comparatively- more moderate in stance, yet their moderation was blest with much sound and practical Christian preaching and much good work in education and catechising. Extreme Protesters later became followers of Richard Cameron; the e-conservative Resolutioner entered the second Episcopacy without and fell with it. The evils of the Restoration caused sane men both parties to revert again to the old standard of a Presbyterian 8 land as set down in the National Covenant. Both sides made definite distinctive contributions to the Revolution Settlement. Had not change, the relic of Feudalism, been reintroduced in 1712, Established, ed and Free, the Church of Scotland might have remained throughout History.
Before dealing with the social and economic life of Scotland in this decade, some account may be given of religious life under the Protectorate regime, since the religion of the age had an enormous influence on its society, for good as in education, for evil as shown by great increase in executions for infanticide.

While Cromwell suppressed or continued the suppression of the best ecclesiastical court, the General Assembly, the other courts of Church were left to function in matters ecclesiastical more or less tempered by any extraneous jurisdiction. The bureaucracy which the Protectors had sought to impose never materialised and they had claimed that their Commissions and Committees were only temporary, to erect a Presbyterian Church. It will be seen in this how the Puritan dispensation had influenced Presbyterian thought. Rutherford and other Scottish Divines had violently controverted the Independent idea that Church should be made up only of 'Saints', men of visible godliness.

While the doctrine of the Visible and Invisible Church, the Presbyterian idea that a man's profession of faith was sufficient for his admission to privileges of membership of the Visible Church, provided always committed no act of open 'scandal'. Rejected was the idea of a Church being a group of banded 'Saints', each group more or less unrelated to the other. But a political offence had been made in the Act of 1613 an ecclesiastical 'scandal'. Woe to them by whom that 'scandal' was born. The Protesters, soundly Presbyterian with the exception of a few in their number, resolute opponents of Independent Congregationalism, howled loud and long for a 'pure' Presbyterian Church. Demand for reform supply. The Resolutioners, while less inclined in their Courts
to punish political backsliding, in order to manifest that they were as zealous for righteousness as the other party, stirred themselves sharply and insistently with any moral delinquency. So English Congregationalism helped to strengthen the thought that, while 'purity' was not of the esse of the Visible Church, it was a final necessity for the bene esse of Church and State. Thus the fact the moral jurisdiction of the Courts of the Kirk was unhampered, aided by the Justices of the Peace, and the intrusion of the 'pure' into Presbyterian ideology caused in the Protectorate a continuance,
not an increase in the severity of Church discipline, with very evil
ills. The Kirk had set itself against evil before; with the
establishment of the powers of the greater and lesser excommunication
the punitive instruments of the Church and the thirst for 'purity'
removed the causes of God's wrath, parish, people and peerage underwent
violent purging and punishment wherever 'scandal' was found. With
the fact that they could do in the way of constructive legislation,
not plant Kirks and schools, which caused many a dispute, Synods and
Byteries of Resolutioner and Protester alike devoted themselves
zealously to this unhappy business, ably assisted by the Kirk Sessions.
A nation's morals may cause much debate. Neither the early
chroniclers, Fordoun or Froissart, nor the Calvinist Calderwood, gave
Scotland a very good reputation. The pages of the latter tell of the
France, immorality and backsliding of the people and the lawlessness
of the Lairds. Yet Scotland was not any worse than any other land
of its age, than the France of Henry IV, or the England of Elizabeth or
well. Dirt and disease may have enhanced rampant vice and likely
high caused a lot of it. Evils in Scotland were more naked and less
There is not much room to doubt that life was nasty, brutish and short. Nicholl's Diary and other diaries of the age are full of cases of incest, adultery and even bestiality. Neither Nicoll nor Brodie, Jaffray had a churchman's interest in the matter; Nicoll a lawyer, Lamont lairds, Jaffray a Quaker. Reading their annals, one must be borne in mind however, that the machinery for search and treatment of fault and the registration of it had become much more efficient than in former years. When reading it is easy to get the impression that in the Protectorate iniquity increased greatly, simply because, assisted by the Justices of the Peace, the Courts of the Kirk that no moral delinquency went unpunished. Each parish knew its faults. It is recorded in the annals of a parish near Peebles anyone who kept his door shut on Sunday afternoon against the ts of the elders would be convicted of secret drinking. Elders right of inquisition into the most private affairs of the flock; the wonder that much was dragged to light that would better have remained in darkness. No class was free from sin. The morality of the was no better than that of the people. Both the godly Loudon the very ungodly Rothes were proved adulterers. The Laird of Brodie's heir, most regretably for him played the harlot but happily mended it irriage. Looseness and uncleanness were rife, caused by poverty, tainty of life and unclean conditions of living. These would for once explain the crimes of bestiality recorded as they would many cases of sexual misconduct. The Kirk took Calvin's way to cleanse, the only way they knew. It was the only way the age knew, for few rers of that time or much later rose above the idea of justice.
ecclesiastical or civil, being punitive and preventive. Calvin killed libertinism in Geneva; Resolutioner and Protester alike sought to do so in Scotland by the same methods. They were men trying to fight evil conditions with ruthless and cruel weapons — the stool of, on a bad yoke, there was more infanticide in the South and West where discipline and the justices functioned more effectively. When the Church convicted of moral offence, the lesser excommunication by giving the victim over to the devil in the greater excommunication by these means evil was scotched and driven underground, penitence apocritical and smouldering resentments nursed. When James Guthrie entered Middleton to the devil in Stirling Kirk, he hanged himself an inveterate enemy for his Church. The rigour of discipline in the Protectorate explains why the country endured for a time the threat of Rome in James VII which again kindled Presbyterian discontent. The efficiency and intensification of the disciplinary system under the Protectorate manifested itself cruelly in the great number of accusations for infanticide. These increased in this time. It is not clear how illegitimate children were born, but the system of inquisition punishment was more perfect. The horror at facing exposure before congregation and congregation drove many a woman to this crime of contempt. Nicoll records with pity that many women of good family faced the death penalty. Instead of the Roman confession and exhibition, which whatever their faults at least kept down infanticide statistics, the sinner had to face public exhibition and popular derision.
Women of the lower class were less tempted to this crime. Executions were often tragically of girls of decent family who, to avoid the ordeal of public mental torture had slain their children. As far as can be ascertained, there was more infanticide in the South and West where discipline was stricter and the Justices functioned more effectively than in the North, where Presbyterian organisation was less perfect.

On one matter, the English magistrate and soldier was reluctant to deal, namely in cases of witchcraft. England was just escaping from the trammels of that superstition; Scotland was utterly fettered. A fundamentalist interpretation of Scripture imposed with rigour the 'Thou shalt not suffer a witch to live'. The different forms of witchcraft punished, devil possession, encompassing the death of a neighbour by burning a waxen image of him, need not be dealt with here. As I had hounded on the witch pricker; Charles Episcopacy had dealt cautiously; with the establishment of Presbyterianism, the execution of witches acquired new thoroughness. Accusations both full and anonymous were heeded. Kirk Sessions seldom dropped a case. Terrible commissions for trial of witches were issued to lairds in parishes. 'Bluidy' Mackenzie, who creditably sought some amelioration of the sad state of accused witches, wrote, "I have observed scarce ever any who were accused before a country assize of neighbours did escape". He denounced the prickers as villainous cheats.

(See Sir George Mackenzie, 44.) In 1661, Lang reckons that 80 people lying in various prisons awaiting sentence. The English were tried at the measures employed to procure sentence. Women whose aim was that they were old, deformed and daft, or helpless with a claim of land someone else wanted, or on occasion reluctant to some man's
advances, were hanged up by the heels, whipped, had lighted candles
placed in their mouths and suffered other unspeakable tortures. Under
the Protectorate some accusations were procured, but a measure of repres-
sion was employed to keep this evil practice in hand as is proved by
a number waiting sentence at the end of the regime and by the insen-
sate burst of witch-hunting under the 'Roaring' Parliament. The latter,
being lost its religion and its righteousness, had to find some substi-
tute; this was the best evidence of zeal for the glory of God they could
find and 'bluidy' Mackenzie was the only one to protest.

There is a nobler side of Scottish religious life. Cromwell
ordered the Presbyterians to keep their institutions, and in allowing them
to perpetuate the standards which became the vital elements
of Scottish Presbyterianism. This has often been overlooked. In 1645,
the Assembly sanctioned the Westminster 'Form of Church Government' and
'Directory for Worship'; in 1647, it accepted with a few limitations
the Westminster Confession of Faith', still the Church's Confession;
in 1648, the Larger and Shorter Catechisms were approved; in 1649, the
Bible version of the Psalms became the Church's praise. Few Histor-
ians will deny that these played a great part in shaping the mental
and moral life of the next centuries. The Protector let the Church
accept their standards in peace and her ministers inculcated them daily.
Catholic and Protestant both taught, catechised and exhorted confor-
to these doctrines and tenets by every means in their power.

Protector left to the Scots the cream of their Presbyterianism with
restriction as to how much they should swallow themselves provided
they were forced down English throats. In the peace of the Protectorate
fundamentals of Presbyterian dogma were so well inculcated that the
second Episcopate was little more than an external imposition and country as a whole returned both naturally and willingly to them at Revolution. The Church had six years peace in which to teach, and first six years of any educational plan in child or nation are vital to its history.

The fine Scottish institution of family worship has its roots in period. Family worship then meant a family circle studying the Bible. Closer contact with England had brought the Scots in touch with the Authorised Version and copies of it, cheaper and more easily obtainable than former versions, were finding their way into the hands of the people and fostering the growth of this practice. The Diaries of Brodie, Jaffray, Wariston and Hope are religious diaries. It is possible to doubt Wariston's sincerity and call him hypocrite as by his diaries, by drawing lots in his Bible and by religious argument, he would to persuade himself that what he wanted was God's will; it was important to this introspective Calvinist that what he wanted should be God's will for otherwise he believed curse, not blessing, was assured reward. The most genuinely religious diaries are those of Brodie of Brodie and of Alexander Jaffray, Provost of Aberdeen, who afterwards became a Quaker. The bulk of these diaries are the product of Protectorate years. In them, every aspect of religious experience is rehearsed with the painful thoroughness of the Calvinist seeking soul's salvation. In Jaffray, this process of introspection led to the Quaker doctrine of the Inner Light. Brodie took a delight in working out his problems, quite impersonally, as if they were those of someone else; his diary becomes almost a fad. Theological speculation meant in the Protectorate, was well on its way to become the avocation
of the Scot.

These years also saw the installation of the Shorter Catechism as chief means by which Calvinist doctrine was imparted to young and alike, to supply for centuries the touchstone by which the sermon was judged. Since the English occupation, the daily lecture on the Scriptures which had been given, in city charges at least, had fallen into disuse; destruction in the Catechism crept in to fill its place. In Edinburgh ministers spent the Sabbath afternoon expounding the Catechism, which though 'Shorter', the Assembly of 1648 had recognised as "too long and high for our common people and children". Great care and pains, therefore, were spent in the succeeding years on its exposition. It attained the uncontroversial essence of Independent and Presbyterian theology. The Protector could heartily subscribe every article in it, its teaching was encouraged. Whatever its disputed merits, as one of the best historians of the Scottish Church writes, "It has exerted prodigious influence on moulding not merely the religious but the social character of Scotland". (Cunningham, Church History, II, 61.)

It owed its establishment to the Protector's peace.

Many of the other features of religious life in Scotland in the Protectorate were those of the age. Sermons were not always so long as generally supposed; nor in the Protectorate were they controversial as might have been expected. The Gospel was preached often than the opposing sect reviled. Rutherford's sermons showed a master of vernacular and epigrammatic Scots practically unsurpassed; those of James Durham are worthy of any age and any Church. Not even the Protector himself stopped the mouth of a good man preaching even if ecclesiastical tenets were not those he held himself and bluntly...
preached before him. An English soldier, full of Independent zeal, occasionally rise in wrath from the pew to contradict the preacher; no preacher was silenced, except in prayer for Charles; this does not to have been an undue hardship. Baillie, in this case a prejudiced critic, ridiculed the preaching of the Protesters, or rather their very, as "a strange kind of sighing, the like whereof I have never, as a pythonising out of the belly of a second person". He had it before; it was a cultivation of the nasal whine of the English Stan and was not characteristic of the best of the Protesters, who lost the affectation when their Church became the open moor.

Some practices which prevailed in the Scottish Church to a very date, descended from this time, notably the sacramental fast. days preceding Communion, sermon after sermon was preached throughout the day. These were often based on a certain portion of scripture, which was methodically broken up, doctrine elicited and applied in three or four sermons. Sermons accompanied the Union in like manner and on the following Monday three or four of thanksgiving were preached. Many of the ministers of the would assist at the Celebration and people thronged from the countryside for the occasion. This practice was encouraged, especially by the Protesters; it offered unrivalled opportunities for and was left practically undisturbed by the English, possibly high fear of causing riot. It became so established that neither acts nor the dragoons of the Restoration Parliament could suppress and it emerged, after the Revolution to continue till the late 18th century. In the Free Church, and in the Established Church in Highland
districts a modified form of the practice still continues. Because of the Act of Classes, many of the magistrates of various
areas were suspended from Communion and later also because they took the
pulpit. The Magistrates of Edinburgh were shut out for six years and
Communion celebrated in a City charge. St Andrews was in like state.
Cut off a city from the Sacrament, because of supposed sins of its
magistracy, was as grave an evil as a papal interdict. It was a
drama; Edinburgh, which went wild with joy at the Covenant, went drunk
at the Restoration.

Despite contention and wrangling, the whole Church earnestly
continued as far as they were able the traditional work of the old
Church, the care of the poor and the education of the people.
The care of the poor was parochial and the funds procured by collection
in the church or by fines imposed by the magistrate for sundry religious
or other offences. This did not cope with the mass of human misery
caused by the civil wars but it afforded a measure of local relief.

It appears that it was the 'godly' poor who benefited; the vagrant,
swinging or undeserving, had little done to redeem his state — save a
penitent transportation in masse to Barbados. The work of establishing
schools and improving the colleges went on financially assisted by the
ector himself.

From the finer achievements of the Church, one might conclude
that it is possible to magnify unduly the difference between Protester
and Resolutioner. Even the intractable Wariston would listen to a
preacher, mark the sermon down in his Diary and add the note
that it was a good one, pertinent to the time and much enjoyed. A
minister was sure of a good hearing; even an intruded pastor might
to be loved. The bitterness was more often in the pamphlet and
personal dislikes of the leaders for each other e.g. Baillie's for
Leispe, Wariston's for Douglas, Rutherfurd's for Wood, than in any
brought acrimonious contentions between their professed followers.
the West and South West, Presbyteries were mostly Protester; in
East and North, they were mostly Resolutioner with the interesting
ception of the Aberdeen Independents. A Protester Presbytery would
ient alongside a Resolutioner in counties where the parties were evenly
ched as in Stir link. In cases of vacancies, each Presbytery was
ed to certify nominees to charges under their jurisdiction. This
minated many occasions of strife except in Presbyteries such as
or, where there was a strong representation of both parties.
regard to their strength, they were perhaps thirty per cent Protes-
any seventy per cent Resolutioner; the Resolutioners rather exagger-
when they claimed that they were six times as many as their
ents; it was the Protester party which grew in strength, possibly
use young men who most swelled its ranks are by nature extreme.
There were many evils in the land in the sixth decade of the Century
churchmen in seeking to destroy them increased its woe. The Calvino-
ense of sin magnified the faults of the populace in clerical utter-
yet the English villager, squire, or noble was not any more moral
his Scottish contemporary; he only got off with his sins more
ly. Through the efficiency of the Presbyterian practice of record
Session and all other courts, till the time when it was decreed
the name of the sinner disciplined should be erased after three
the sins of great and small in every parish were catalogued.
protectorate in reality preserved Presbyterianism for, as noted,
things that gave it life and body had only recently seen light
and grew in grace in these years. They grew all the better for the absence of a General Assembly which would have turned the party jangle into national strife in a national court and disordered the Church even more completely. The Church of Scotland owes more to Cromwell than she has hitherto recognised. Indeed in that day, an English Independent explained, that the Protector so favoured Presbyterians on Scotland that Independent ministers and officials had no chance to gain a livelihood and that Scottish Independents could not enjoy, "that freedom of encouragement which justly they expected when the English first came to Scotland". (Pitilloh, The Hammer of Persecution, p.14.)

Presbyterian came to curse his King more than the Protector.

An account may be added of other religions in Scotland at this time. The English soldiery had their own meeting places and preachers. These were attended by the Scot who was dissatisfied with his minister or by the ecclesiastically disgruntled. This last may account for the temporary outburst of Independency at Aberdeen. Aberdeen which had suffered in her Episcopalian 'Doctors' now had Independents in her Professor's Chairs. Pique at losing her Doctors and a dislike of the tyranny and tediousness of Mr Andrew Cant, the chief minister, may well have made some of her citizens welcome a creed that could oppose the Presbyterian with impunity. There had been a few elements of Independency rather of ultra-Puritanism in Covenant Presbyterianism. In pre-Covenanting days, 'private meetings' had been held by many ministers and lay members of the Church to establish the opponents of Episcopacy in their faith. When the Presbyterian party triumphed, it seemed that such meetings in turn might become subversive of their own order. Rutherford had used these meetings, defended them by pamphlet,
and encouraged them in practice when he was in the opposition.

In 1638, these meetings continued to be held mostly by those who were aligned to the 'Novations'. These were certain ultra-Puritan practices such as the discarding from public worship of the use of the Lord's Prayer and the Doxology. The matter caused the first clash between the South and the North East parties in the Church and those who opposed the 'Novations' manoeuvred to have the Assembly which finally condemned held at Aberdeen as far from the South West as possible. After little more is heard of the affair. Rutherfurd stubbornly fought their use as being profitable in devotion and in encouragement to Christian life, though after Westminster he changed his views. The ultra-Puritan element finally prevailed in having the Doxology and the Lord's Prayer discarded in public use. (1649 Assembly).

The General Assembly laid aside the Lord's Prayer, so our Lord... beside the General Assembly". (Campbell of Cawdor, Essay on the Lord's Prayer).

It is an interesting irony that Aberdeen, which was the scene of the Covenant scotching the only trace of Independency in Scottish Presbyterianism, saw the first native outburst of Independency proper.

In 1652, Alex. Jaffray, John Menzies, John Row, William Moore and Birnie issued a letter declaring that, "The Congregational way is dearer to the pattern of the Word than our classical form".

had been a prisoner in England and coming into contact with had become a sincere convert to Independency. His influence was on the others. Row was Cant's colleague and lectured in King's College. Smeaton was minister of the Second Charge of Machar; Menzies was Professor of Divinity at Marischal College; as Professor of Mathematics in the same College and its...
Principal; Birnie was the Regent of the same College. Theirs an academic Independency. The movement did not thrive; no dependent Church was founded in Aberdeen, though one was established east Kilbride by Charteris, its minister. It was short lived.

Explanations of the affair was that Jaffray, a sincerely religiously and provost of the city, came back from England filled with the new and loaded with its literature. A study group was started; Row Menzies were nothing if not vehement, and took up the new cause enthusiasm and profit, with the more enthusiasm, because it brought Row was made Principal of King's College and like Gillespie raised funds from Cromwell for building. Bailie declared, "Almost all Colleges had avowedly gone over to Independency". The move-made some progress in the city and once an Independent Communion held in Greyfriars Kirk, but despite the vehemence of Row and Menzies permanent result developed and the Haldanes instituted Congregations in Scotland afresh and apart from any Scottish tradition.

More permanent was the work of Jaffray himself whose religious life developed quietly and sincerely in the Protectorate regime. Finally he became a Quaker, drawing many in the North among those who had inclined Independency to that faith. His mind had been deeply impressed through contact with the Quakers who were finding the way to Scotland, among them. For the Scot any guilty of any religious 'eccentricity' dubbed Quakers. The doctrine of the Inner Light was abhorrent Independent and Presbyterian alike, both believing in the ultimate Final Revelation of the Word as contained in Holy Writ. The Quakers
appearance in Scotland, as in England, was attended by riot, rabbling
collicious buffoonery. "In this month of January, 1655, and sundry
months preceding, and many months following, there rose up great
numbers of that damnable sect of Quakers, who, being deluded by Satan,
away to their profession, both men and women, sundry of them walking
in the streets, all naked except their shirts, crying, "This is the
walk ye in it!". So Nicoll begins his account of the rise of the
sect in Scotland. Some English soldiers and Scottish men and
were deluded. He writes, "The devil working strongly upon their
nations, made them believe that the spirit descended upon them like
.....The evil spirit prevailed with much people and charged them to
talk ministerial teaching and ordinances". (Nicoll, I45.)

66, he notes a further increase of Quakers in Scotland and their
orations on the Castle Hill of Edinburgh. Baillie relates that
were plentiful around Lenzie and Douglas and like to prove trouble-
because, "They in a furious way cry down both ministry and magistracy"
ers, III, 323.) The reason for the hatred of Churchman and lawyer
is apparent. No very strong Quaker community was established in
and till, after the Protectorate, Jaffray and later Barclay developede
the North, purged of its early excesses. The impingement of the
form of Quakerism, for it was not at first the quiet and sober
it became, upon the minds of people who believed in devil-possession
the material nature and appearances of the devil, was bound to cause
gross and grotesque eccentricity. A curious feature of Scottish
craft had been the belief of the witch that he or she had been
by and had held intercourse with the devil. It was ease easy
tra-suggestion to depone the Holy Spirit as the visitant. All this
simply meant that the Church charged the victim with blasphemy instead of witchcraft. On such a charge, James Naylor, one of Fox's English converts, suffered fiendish punishment. (Firth, I, 94ff.)

In 1657, the Church charged the victim with blasphemy and accused him of witchcraft. On such a charge, James Naylor, one of Fox's English converts, suffered fiendish punishment. (Firth, I, 94ff.)

Both Monk and the Church set their hand against the Quakers in the Protectorate, though crude outbursts occurred, no large community took definite root.

In 1655, Row records Presbyterian concern at the growth of Roman Catholicism in the North. Father William Ballantyne and other priests in the extreme North had met with considerable success. The Council had him arrested, he was released, preached with vigour and even had the temerity to address a mob on the Castle Hill engaged in attendance at the burning of a witch. Both Monk and the Church set their hand against the Quakers that in the Protectorate, though crude outbursts occurred, no large community took definite root.

In 1655, Row records Presbyterian concern at the growth of Roman Catholicism in the North. Father William Ballantyne and other priests in the extreme North had met with considerable success. The Council issued a proclamation, imposing the death penalty on any priest in Scotland after a certain date. The ministers appointed two to re-evangelise Caithness, but one refused the mission and the other died. Roman Catholicism in remote outposts remained little disturbed.

THE SOCIAL AND ECONOMIC CONDITION OF THE COUNTRY.

Addressing the House in January, 1658, Cromwell thus referred to and, "And hath Scotland been long settled? Have not they a like of poverty? I speak plainly. In good earnest, I do think the nation have been under as great a suffering in point of livelihood and subsistence outwardly, as any people I have yet named to you. I think truly they are a very ruined nation. And yet in a way, I have with some gentlemen from thence hopeful enough; it hath pleased
God to give that plentiful encouragement to the meanest sort in Scotland. ... The meaner sort in Scotland live as well and are likely to come into as thriving a condition under your Government, as when they were under their own great lords who made them work for their living no better than the peasants of France. I am loath to speak anything which may reflect upon that nation: but the middle sort of people do grow up into such a substance as makes their lives comfortable, if not better than they were before." (Letters and Speeches, 5th Ed. 343.)

The statement was not altogether false, not altogether true. The manufacturer had seen the ruin, for the time being of the great land proprietors. But the meaner sort too had suffered the burnings and lootings of Cromwell's own army and of Monk's; the middle sort had their industries ruined by invasion and their trade ruined by war. It might be the Protector's policy to create a strong class as a balance against the nobility, but there was no immensely wealthy merchant community in Scotland, as in England from whom to take it. A good deal of the 'Comfort' that Scotland enjoyed was due to some exceedingly good harvest years than to any Protectorate legislation. Although money was scarce, corn was mercifully plentiful and still as much a nexus of exchange in country districts between farmer and farmer and farmer and laird as the currency of the realm. In 1654, however, men had quiet to win their crops undisturbed. The Protector gave the land peace; the measure of prosperity he gave it, to the 'middle sort', whom he sought to favour, is more open to question. Contemporary annalists all bemoan the sorry state of the country.
1655, Baillie wrote, "For the time all Scotland is exceeding quiet in a very uncomfortable condition; very many of the Noblemen and Men, what with imprisonments, banishments, forfaulters, fines, as continuing without any releasement, and private debts from their former estates, are wrecked or going to wreck. The commonality and others oppressed with maintenance to the English army. Strange want of trade upon want of trade, for our towns have no considerable trade and is the English has possessed it. The victual is extraordinary in God's mercy, but judgement to many". In 1656 he told the story. "Deep poverty keeps all estates exceedingly at under; taxes of all sorts are so great, the trades so little that it's mar-
if extreme scarcity of money end not ere long in some mischief" (Letters, III, 288&557). In 1657, Nicoll wrote, "Poverty and scarcity money daily increased by reason of the great burdens and charges laid upon the people, which not only constrained them to sell their lands and estates, but even their household gear and plenishing and some clothes and abuilzementis" (Diary,207). Conditions in 1658 had improved, and in this year Baillie wrote, "The country lies very poor; it is exceeding poor; trade is not; the English has all the m
ys. Our noble families are almost gone.....many of our chief
lies' estates are cracking; nor is there any appearance of any
relief for the time." (Letters, III, 387.) It was natural that
Scots should blame his evil condition on the English invader who had
ruined his commerce and spoiled his fields as well as some of his fairest
architecture. By Cromwell's own army in 1651, "This oure land was
brought to open confusion and shame, the English army ramping through
his kingdom without opposition, destroying our corn and raising money
ever they went, for maintenance of their army and garrison. (Nicoll,122)
and to all this Monk estimated that Glencairn's Rising cost the land
300; In 1614, the value of exported commodities was £820,000 Scots
about£68,330, so that if capital stock to the value of £200,000
was destroyed in the Glencairn affair alone which was subsequent to the civil war, the state of the country must have well nigh ruinous.

Yet for this poverty stricken condition there were many causes, not
arising from the civil war. Other factors were at work. Scotland
was changing over from the feudal to the modern state, which in itself
caused economic complications in the fiscal system. Many of the nobles
had extended their lands by feuing Crown land and Church lands
at the Reformation, had reverted to the Crown and the annual feu
dues had to be paid. Wardholding of land was gradually giving way
in Scotland. The object of the Crown in feuing land often compulsor-
was to raise cash; the greater barons, when military service was
rather an adequate or desirable compensation for letting land and
in kind raised problems of converting corn into cash, began to
practice of feuing and of insisting on rent in cash.
and more expensive ways of living now prevailed amongst the upper
classes. Before the Union, the Scottish noble had largely lived off
own and on his own land; after the Union, he travelled South and
money to spend, bringing back more expensive tastes to his own
property, whose satisfaction needed still more money. Formerly his
needs were for corn and cattle to feed his retainers, often a small
military army, subsequently, his needs were for wealth to keep up his
personal estate and at the moment when his cash needs were becoming
acute, Charles was limiting his resources by the Act of Revocation.

The loss was profit from hereditary jurisdictions which were passing
out of the hands of the nobility. There was an all round demand for
from Crown downwards and the process of change from the corn to the
exodus of exchange between superior and tenant was another factor
breaking the power of feudalism in Scotland.
Scotland had never had a plentiful currency. All the older
economists state the scarcity of gold and silver. James VI did much
courage Scottish industry as had James IV, yet even the improved
section of industry and commerce, due to his efforts, and he toiled
vainly that Scotland might profit commercially by the Union.
not bring an appreciable increase in the amount of circulating
currency. The products of the land were almost wholly agricultural.

914, writes Mr I.F. Grant, "Out of a total of £329524, therefore,
£651394 was produced in the rural districts and £169, 130, including
manufactured goods and bread consisted of goods the raw materials of
which were rural, and which were even in some cases largely country
made. The remaining item, the fisheries, only partly an urban trade
contributed to £153,354." (Grant, Social and Economic Development of
Scotland, before 1603, p.311.) The result of this was that most of the
income from the sale of commodities went primarily or nominally into the
purses of the noble or of the Crown who held the land; actually, a
considerable part of it found its way into the hands of the merchant who supplied
the rural districts with imported luxuries, but currency circulation among the
feudal dependents was practically nil; much of the income so realised was spent elsewhere than in the land, on foreign
import trade or on foreign purposes of the Crown. Spalding, writing a few
years after the Act of Revocation, commented, "All change and trade
was taken away, because these 'slicht turnouris' was the only money
currency cirulating through all Scotland". (History, 235 & 463) The noble before
the Civil War was in a financially insecure state, seeking to raise
income in a country where there was but little. Methods of taxation,
levying and of renting by Crown and noble to raise more became
increasingly long before Cromwell's hated 'Cess'. "In all bygone times,
the country hath been most oppressed in taxation. There lands are
always retoured that a forty merk land with us will not pay so much
merk land elsewhere, by which means it comes that some five or six
hires in the West as Ayr, Galloway, Clydesdale, Lennox and Renfrew
I 00.
will pay more taxation than all Scotland besides! (Baillie, 
not a little of what cash there was in Scotland fell into the hands 
of the trader, rather than that of the producer. Despite foreign wars, 
Scottish trader in the first half of the 16th Century carried on a 
trade with the Baltic, France, the Netherlands and Spain. This trade 
continued during the Cromwellian regime. The large debts for which 
sheriffs sued noblemen so that the latter had to stay at home to avoid 
the payment of interest, Argyll among the number, would suggest that in the 
Protectorate the balance of cash was in burgher hands. Miss Keith says, 
in the early part of the 16th Century, "The Burghs and people generally 
practiced a restraint of export and free import, the landowners and coal-owners 
desired free export and restricted import". (Commercial Relations, 25.) 
The reason is obvious; free import gave burghs and townspeople cheaper 
commodities while at the same time, restricted export made home 
products more abundant and cheap. The land owner and country producer 
ally desired free export to have a wider market for his goods. 
In the Protectorate the burghs also were forced to support free export 
trade by the tolls which currency might enter the country to rehabilitate industry. 
(Articulation of Royal Burghs, III, 341.) The internal disturbances 
Civil War considerably reduced export trade by destroying much 
capital stock from which it sprang. Consequently the land owner 
needed the wherewithal to pay the merchant for goods which he had 
ordered. The feudal system of land tenure, with limited exceptions, 
somehow allowed him to sell land to pay a debt and in the Protectorate 
taken over from the feudal system, with limited exceptions, 
the tax had to be passed allowing debtors to take up land in payment. 
An inroad on feudal practice. By the time of the Protectorate, 
of the wealth of Scotland, if wealth it could be called, was in
the coffers of the merchants and importers of the Royal Burghs who enjoyed a practical monopoly of foreign trade. It can easily be seen why country districts were more anti-Cromwellian than the Burghs: they suffered much more.

A further source of economic poverty lay, paradoxically enough, in more efficient administration of Treasury affairs. These were not as well managed as those of England, though even there in that age management was by no means perfect. Since the advent of the Octavians, however, the collection of Revenue had been comparatively less haphazard; more under the control of the Crown than formerly. Here again, of what was raised went out of the country, an evil of Union and participation in English wars. In 1621, Scotland granted James 400,000 Scots, payable over three years to help in the war in support of the Elector Palatine. In 1625, £400,000 Scots was granted to Charles support of his war with France, a war which at the same time considerably hampered Scottish trade with that country, which had hitherto flourished, owing to the privileges, practically amounting to naturalisation, enjoyed by Scottish merchants trading in France. No Jack Cade or John Ball; even 'Lex Rex' discouraged rebellion on account of grievous taxation; but taxation was becoming worse by 1625 and no doubt the feeling that a measure of relief from it should thus be secured, prompted merchant as well as landowner to join the National Covenant. The Administration under James VI who had interest of Scotland at heart and under Charles who had largely forgotten it was draining away for alien purposes the already scanty supply of currency which the land possessed, at the same time as the
feudal breakdown, new standards of living and English wars were eating the pockets of both noble and merchant, the former more so than the latter for one class was as thrifty as the other was spendthrift. Under Cromwell the land was poor, the noble was bankrupt, the tenant suffered from the Dutch and later the Spanish war, and the administration was even more effective in extraction. Conditions prevailing were aggravated with some very few compensations. Scotland groaned under the 'Cess'. In the early occupation Mary commanders had levied a rough and ready assessment on Shires and Burghs under their control. By their instructions Parliament had the Commissioners who arrived in 1642 power to order taxation for upkeep of the army and administration. In 1652, they imposed an assessment of £10,000 a month to be levied on Scotland. Deane was authorised to apportion the amounts on the various districts and to allow the abatements, not to exceed £2000 a month to be made in the localities whose agriculture or industry had been adversely affected by the war. Parliament in October, 1652, approved the Commissioners' imposition and continued the assessment to May 1653. At date, the Council of State continued it till November and from the Barebones Parliament extended it to June 1654. Nominally the sum to be raised was £10,000 per month, actually the sum was £8500, 460 Scots per month. The Assessment was made with little regard to present resources of the land. It was based on valuations made in 1644–5, and 1649, before the devastation of the wars and these we re to be unduly reckoned in the calculation. "Scotland as well in its quality and intrinsic value before the late wars as in its present through devastation and spoil by the wars" was to be the norm
The Assessment of the three Kingdoms at this time was £30,000 per month, of which Scotland nominally paid £10,000, Ireland £10,000, England £50,000. Thus Scotland paid one sixth of the sum paid by England although the latter's wealth was variously computed as twelve, sixteen and twenty times greater than that of Scotland. Monk estimated Scotland's riches was a sixteenth of England's. (Firth, Hist. of II, II7.) Though Scotland's revenue was fixed at one sixth for taxation purposes, the English Parliament casuistically allowed it as at one twelfth, when it came to the matter of Parliamentary representation. Monk in the end secured the reduction of the Cess from £10,000 to £6,000 per month at which it remained till the Restoration. The resuscitated Long Parliament tried to double it.

The Cess was collected systematically and rigorously. Surveyors were appointed from each parish and burgh, collectors and assessors from each Shire. Refusal to pay brought the distress of the collector having power to break into a household and lay hands on the 'chest' or other article that might be conveniently sold. Nicoll it appears that on occasion this was done. In many cases
The Cess was a capital levy. According to the Order of the Council it was levied on estates real and personal and even household plate assessed. (Act Parl. Scot. VI, 2.842.) With little ready cash, and no incoming, unfortunate people were forced to sell their possessions or goods to pay it.

In July 1653, Scottish members had complained to Parliament, as Monk later, that, "The Cess of Scotland .... exceeds a fourth part of the (i.e., valuation)." The Cess exceeded more than that. The figures already quoted, given in 1614 for the value of yearly exports, £320,000 Scots, were for comparatively peaceful times at sea and fairly prosperous at home. Taking even this figure as a norm, the Cess of £1,080,000 exceeded it by £260,000 Scots (£21,666). As war had injured many of the staple industries and destroyed much of the stock on which the exports of wool, skins and leather depended, it is possible that the Cess of taxation over possible income from this source was much greater. Scottish exports, mainly agricultural, were the surplus left over when land had sustenance; heavy taxation in the first years of the Procratorate, by exceeding not only one quarter of the Valuation, but by greatly exceeding the total value of export trade, was completely destroying national solvency. The reduction of the Cess to £6000 meant that taxation probably equalled the total value of export. There was no opportunity in all this for Scotland to achieve any economic prosperity.

Other financial burdens lay heavy on the people. The best record for the tax payer's woes is found in the pages of Nicoll.

"The burdens within this nation daily increased and namely within the town of Edinburgh such as cesses for entertainment of soldiers; contributions for the fire in Glasgow to such persons as were damaged... above an thousand families; 3 Collection for ministers' stipends in Edinburgh... who had fled from the English on their coming to Edinburgh;
4. The annuity of house mails; 5. Collection for the soldiers imprisoned in England; 6. Contribution for the poor in Edinburgh; 7. Contribution for repairing and building up the two Kirks viz. the Friars Kirk and the College Kirk; 8. Another collection for alteration of three Kirks and division of one Kirk in two for ease and accommodation of the hearers; 9. A new imposition for Baptism and Marriage given to Patrick Henderson, viz. for every marriage 30 shillings and for every baptism 24 shillings; 10. For seats in the Kirk which we were forced to sell, otherwise be frustrated of the Word; 11. Fees quarterly to the dies of the Kirk; 12. Ordinary bills at 6pence sterling; 13. William Sharp's production; 14. Mr Sharp's protocols; 15. Monthly contribution for the poor; 16. Weekly contribution for coal and candle to the main; 17. Furnishing of soldiers with bed, coal and candle within our private families; 18. Lanterns with candles hung out upon the street during the whole time of winter; 19. The expenses put upon passes to these what went abroad five miles of the town of Edinburgh and other; 20. Cesses paid six month before the time and advancement of 1000 sterling uplifted through this nation." (Nicoll, I, 37-38.)

This passage shows that Kirk and burgh took further toll from the already oppressed taxpayer.

The reorganisation of the Customs and the proper establishment of Excise was intended to make up the deficiency of the Assessment as means of supporting the army of occupation. This work was carried under the Council by an English Customs official, Thomas Tucker, who wrote an interesting account of his work in his "Report upon the Settlement of the Revenues and Excise and Customs in Scotland". He achieved a fair measure of success in his task.

Tucker decided to organise the Excise first. It was practically an impost and he decided to let the Customs wait as they already had been farmed. Taxes such as the Excise had been farmed in Scotland, i.e. let to collectors for a fixed sum, the collector keeping the most of the bargain. There were English and Scots among the publicani, who like their Biblical predecessors enjoyed little charity. Tucker and his commissioners began work in September, 1655, starting to farm the taxes for four months at first as they did not have the intrinsic value of the Shires and Burghs and what their relative
consumption of excisable liquor might be. Returns of excise under administration they found 'but a glimmering and misty light' and months' trial of the farming system seemed the best basis for assessments. It was decided to treat with the proposing farmers, to find out how much they would give and from this fix a price and ask for sealed offers above it to be handed in upon the highest bidder, if of good security, would procure the farm Shire under question. The Scots were as astute as Tucker. When they came, "the mercat was full of people but few buyers". Many upset the whole scheme. The magistrates of the chief burghs critically pleading "the case and benefit of their poor" tried to force the letting of the chief Burghs apart from their Shires, and they were unsuccessful in this, sought to get preference in the letting of the Shires apart from their chief Burghs, and this being refused them, the magistrates, wherever the Excise was let, sought to stop the bidding; as the Scottish Council had directed the Excise Commissioners that all the Shires were to be let, the magistrates reckoned that, if they could stop the bidding, farms would then fall to them at whatever rate they chose. But the Commissioners procured an order from the Council, allowing them to let the unfarmed Shires themselves and again the magistrates were unsuccessful. Tucker described the magistrates as exercising "a kind of sovereignty over the people" and saw in this a minor attempt of the merchant to control taxation for its own profit. All the Shires were let, Argyll, Bute, Inverness, Sutherland, Cromarty and Caithness, which commissioners decided to collect themselves, with somewhat meagre results. The Excise was levied on beer, ale and strong waters.
The first month brought out the difficulties of the Excisemen. Measures employed, e.g. the 'tree', varied in different parts of the country, so the Council decided that as a standard, eleven gallons should be accounted a barrel. The old tax had been imposed on the boll of malt brewed, not on the quantity of ale and Tucker wished to revert to the older practice. The Council refused their consent as, "there is no absolute necessity of making such a change at that time, than a bare complying with the capacity and genius of the people". The same English policy later infuriated the Colonies and started the Boston Tea Party. This time, however, England repented and afterwards made the farmers to tax by boll or by barrel as was most convenient. Excisemen also were a problem; the English were hated; the Scottish apt to avenge private injury; most were new to the work. The Council, knowing the people, "through poverty and an inate habit of own to be cross, obstinate, clamorous and prone to apprehend every as oppression or injury and again to repel either noise or force", was led to give the farmers only collecting power and reserved the official power to themselves; the result was the people did not pay. A farmer was then allowed to execute summonses and a "timely conformity led". A four months letting neither had the farmers nor made for, so thereafter the Excise was let by the year, with better results. An Excise on salt was considered, which was manufactured in the coal districts of Fife and the Lothians. Spies, envoys Tucker calls them, sent to revue the industry and find the weekly output. The visitors discovered that they would have to pay duty, that their shipped to England would have to pay duty and that the English would have to pay duty, so quite naturally objected to exported being taxed, unless such salt was sold duty free in England.
Attempts to assess output failed, because of the method of making. The masters gave to the 'makers' so much coal, for which that latter paid so much salt to the masters and kept what was left to pay themselves. The 'makers' salt was peddled in the country, the masters' salt was used. The masters refused to register the quantity of salt made claiming this to be the 'makers' liability, told Tucker to proceed if he liked. The poverty of the 'makers' forbade any action against them, so Tucker proposed to tax the masters as 'first buyers' if they were not producers. These now reverted to the claim that they were producers, but said that the system of working made a true account impossible, which was probably correct. They offered a small sum for carrying their own Excise, but the Commissioners decided to collect it for themselves and divided the salt areas into four districts. A system which hurt the home industry started. The Scots had salted their own fish with foreign salt which was duty free and began to buy more than they needed and use the surplus for domestic purposes. No salt was bought. The Council tried to stop the practice by allowing imported salt to be used only to cure fish for merchandise, if it was duty free. The salt bought by people to cure fish for their own use had to pay duty. The loopholes in avoiding the salt Excise were few that income from it was never considerable and hardly paid its expenditure.

The organisation of the Excise was as thorough and efficient as the principle allowed and with a few disturbances was well administered. The revenue from Excise in 1656 was £36,964; by 1659 it had risen to £444.

Tucker's second task was to reform the Customs. An Ordinance was
promulgated authorising all Customs officials to search ships for contraband goods. Contraband trading and lax Customs officials who put their own, rather than the Crown's profit, had been notoriously blatant. Power was given to collectors to receive both export and import duties and to search all warehouses and collect tax on all goods imported since June, 1655. Collectors were ordered to keep true accounts and men were appointed to supervise the 'wayters' (weighers) at Leith and other ports. These weighers were trained men and the Board ordered that they should be transferable from port to port as required and enjoy a standard wage to ensure their honesty. Each port was to have a head searcher and itinerant surveyors were appointed to supervise the work of collectors and weighers thereat and to examine accounts. The port especially was watched for ships slipping up the higher ports to avoid duty at Leith and in this district the Mary commander at Linlithgow exercised the duty of preventive officer. He often accompanied the itinerant surveyor to instruct him in his duties. Leith was the most important port of the day as trade was still largely continental; it had a collector, assistant collector and checkers; a head searcher and itinerant surveyor were also resident. It was a school for Customs officers, for when a vacancy occurred, it was filled by men from Leith. Till Tucker took the matter in hand, "everybody pursued his own way and all of them intended more the receiving of writing bills, coquettes and transiures than levying what was due to the State. He imparted to the Scottish Customs an efficiency it never quite lost, and he established the Excise permanently in Scotland. Despite his efforts, the revenue from Customs was never great. In 1655-56 it was £5800 and by 1659 through his efforts and a
slight improvement in trade due to the cessation of the Dutch War amounted to £12,000.

In the Instructions drawn up for the Scottish Council in March, 1655, it was ordered, "to give all due encouragement to the Trade and Commerce that Nation and to advance manufactures and Fisheries there and to foster of all ways and means how the same may be improved to the advantage of the people and this Commonwealth". (Act Parl. Scot. VI, 2, 830). Collect the Cess and at one and the same time restore industry was impossible task. The Commissioners at the Convention of Royal Burghs asked for the removal of the prohibition on the export of wool, hair and hides pointed out that the Council might order them to manufacture these at home but the setting up of new industries took time and the only possible source of capital was a good foreign trade. (Ven. R.B. III, 391). This had been ruined by prohibitions and by the Bess far exceeded the value of the export trade. No new flourishing industry was established during the Protectorate. Money, time and opportunity were all lacking and the raw materials available been considerably reduced by the wars. If Scottish export trade suffered grievously and the Burghs through it, the producer of the exports, had no import trade as a limited compensation, was in even worse situation, at least as regards possession of cash. He could live on land, but that was about all, and if his debts were many, the land not cease to be his. England manufactured her wool and hides which was the reason why their export was prohibited; Scotland manufactured less and the manufacture was a cruder article, not so profitably portable. Hence the Union Ordinance, which imposed the same prohibitions. 
III.

Ived Scotland of revenue from the export of her raw materials and English war with the Dutch dealt a serious blow to Scottish trade, larger part of which was carried on with that country in wool, her and hides, cloth and spirits being imported in return. In 1650, Council of State had sought to have Cromwell prohibit Dutch trade Scotland, because it 'beat out' the English. "Their malignancy is not withstanding all the favours they have received from you, they will buy nothing of the English if they can have it from the Dutch'. A vain search would be made for any economic favour, granted England of her free will for which the Scots could have afforded to sacrifice their best source of trade. It was later sought, fortunately successfully, to close the Scottish Staple at Campvere. In the Protectorate, the Scots had less to sell in Holland and had to undergo and loss in selling it till after the Dutch War. England's war Spain next impaired their trade with that country which had been unconsiderable in relation to the bulk of Scottish commerce. Not after market was lost on the Continent and never completely restored. It was lost at the time, but it caused the eventual search for new markets which ultimately centered a great Scottish trade in the and with a New World, despite Darien and English merchant greed. Prohibitions ruined export, the Navigation Act, which prohibited the Exporting of goods, except in Commonwealth ships, or ships of the Exporting country, imposed heavy strictures on import. Scotland had not England's size. Her vessels were mostly built in Holland and the Dutch War the Civil Wars had considerably lessened her tonnage. Sufficient merchantmen to bring in the necessary imports were lacking. Petition of the Royal Burghs, already mentioned, permission was
II2.

to transport coal and salt in whatever ships foreign or native, could procure, and to import certain necessary commodities e.g. salt for curing fish, in foreign ships, whether or not they were exporting nation. Various expedients were adopted to avoid restrictions. Trade with Holland continued during the Wars. In the Spanish War, the Scots traded with Spain by sailing to Holland procuring Dutch passes, shipping a Dutch master or a partly Dutch

According to Tucker, they brought goods from Spain and elsewhere in ships which were made over to Scottish merchants by a bill of lading in the Scottish port and so became "ships of the nation"; unloaded set to sea and assumed their Dutch nationality. (Report, 44&45.)

The only Scottish industry which prospered through the Union was salt trade. Cheap Scottish salt was sold in England to the detriment of Newcastle's trade in that commodity. Parliament, having refused concessions to the Scottish Burghs, refused to grant a petition of Castle against the free passage of Scottish salt, on the grounds that it gave the same privileges to both nations and that cheap salt, it hurt Newcastle, benefited the whole nation. "A general good be preferred before a particular". Such was their ruling and evidently beneficial to the English merchant and manufacturer who cheap crude salt for curing purposes. (Crom. Un. LXX.) A

Such as plea to have the export duty on coal relaxed was granted and it was reduced from four shillings a ton, exported in native ships, eight shillings a ton exported in foreign ships, to two shillings and sixpence respectively. The reduction held good only for a

Scottish industry throughout the decade suffered from the

Equal tariff imposts
caused much economic loss to the Scots, since their exported articles of poorer quality than the English had yet the same Customs to pay it was considerably lessened. Imports had the same duty with result that prices were higher than the Scot could pay and the article, when bought, caused uneconomic debts to be accumulated for the buyer.

The economic union between the two countries was apparently just --
er; it took no account of the respective wealth of the two nations in purchasing power or in exportable commodities. The period of union was too short to bring the blessings intended. Had it

aloner trial, it might have brought reasonable prosperity and

lly, as the increased Customs revenue showed, though this was but

action of England's, Scottish trade was beginning to show signs

improvement. The Cess ruined all chance of real development. One

ation the Scots could have had, if they had known it: the upkeep of the army and administration in Scotland was impoverishing England.

9, the total revenue from Scotland was £143,652; the expenses of education and administration were £307,271, a deficit of £163,619. 

licit had varied yearly between £130,000 and £160,000. England very glad of a judicial separation after the Restoration.

The condition and state of the feudal landowner has been noted throughout. Through confiscation, sale for debt and other causes, many large feudal demesnes were broken up and never again achieved their former nature of small principalities. The smaller heritor owed independence to the Protectorate, for after that date it was never

he became master on and of his own land. The Ordinances and Acts destroyed feudal privileges, escheats and casualties were repealed by Act Recissory but they had done their work and heritor and tenant
were thereafter freed from many iniquities which had deterred
suitable working of the land. The Protector endeavoured to assure
while the noble lost his power, he kept his rank. While he was
endeavoured to improve the condition of the meaner sort, neither he nor
Council ever thought that sort should have any voice in their improve-
ment. Levellers and Fifth Monarchy Men gave him trouble enough at home
but such agitators finding another domicile in Scotland. Therefore
throughout the course of his rule, Ordinance's of the Council and Declara-
sions by the Scottish Council sought to ease somewhat the straitened
instances of the nobles. Wives of men penalised by exception in
Act of Pardon and Grace received annuities from the confiscations;
the 'excepted' persons had their estates restored; now they
were allowed a further consideration in the matter of their debts. Scottish
form was severe regarding debt recovery, though few merchants
entered a noble's demesne to distress his goods. But with their
broke, the merchants pressed with avidity their debts against
ability. In 1654, an Ordinance allowed debtors who could not pay
a convenient future date at which they would pay with interest;
they were then unable to do so, they were allowed to part with land
ment, valued as in 1648. It is difficult to ascertain how far
settled the question, for the Burghs objected to the Act; it was
the merchant wanted, not land. As the trader objected to becoming
and landlord, it may be reckoned that trade, even then, and with
acts had its profits.
Three of the Protectorate years were exceptionally good agriculturally
(1656 & 1657). 1655 and 1658 were bad, but prices were high, which
bated the producers who could sell to the English army of occupation.
was exceptionally good. (Nicol, I30, I88, 208 &)} In the good years
though currency was scarce, corn was cheap and plentiful and poverty not mean starvation; 1655 and 58 did bring hardship to the poor; but did not live to see the condition of the 'meaner sort' in 1658. Poor the agricultural worker was is difficult to determine. In Protectorate, the English practice of having the wages fixed by the Justices of the Peace in each Shire was introduced. Professor Thorold states that in England the Justices as a landed class used their power to depress wages in their own interest. It is not likely that Scottish contemporaries were any better or, with the prevalent scarcity of cash, that they could afford to be. An assessment of wages by the Justices of the Peace for the Shire of Edinburgh is extant, reveals that the wages of the Agricultural labourer were mostly in kind, a cot house, so much arable land, so much corn and so much grazing being allowed to the hind for the services of himself and wife, the 'half hind' receiving less, the labourer still less. The fixed in Midlothian were likely to be among the highest, as it was likely one of the best developed agriculturally. The wages of a hind (ploughman) were as follows: - a cot house and kail yard, 15 bolls one and a half bolls peas, ground to sow one and a half bolls and a firlot (quarter boll) of pear, pasture for two cows or five sheep. His wages were therefore from twenty five to thirty bolls of together with the other perquisites. In 1654, corn was £4 Scots a (Baillie, III, 256.). His wages therefore averaged about £11 2 Scots about £29 a year plus perquisites. This payment in kind had compensations for the price of corn and meal varied greatly with the weather from year to year. In 1563, a boll of meal cost five merks, pounds six and eightpence. In the following year, it cost only
eighteen shillings; a century later prices still fluctuated; in 1657, it must have been at least £8 per boll. The agricultural labourer, if paid in kind, at least had sustenance, but when it is considered that in the present century, allowing for the buying of bread, an average family of the agricultural worker uses approximately eight hundredweight of flour and six hundredweight of meal and receives quantity of meal with his wages, it does not appear that the labourer of the 17th Century had much more than sustenance. Twenty five bolls of meal would not yield much more than twenty five hundredweights of meal. A boll of oats would not then yield the hundred and forty pounds of flour given in modern farming measure through better milling and better grinding. (The above statistics were received from persons in agricultural service from thirty to fifty years. Till late in this Century, wages must much above the sustenance level.) The few coins the labourer needed came from the sale of his surplus. A half hind’s wages were the above, a shepherd’s about two thirds. The wages of the artisan were as follows:— masons I/12 per day, carpenters I/-, labourers 8d. The figure for the week was five to six shillings; a week, compared with from eight shillings in England. As compared with the agricultural worker, an Englishman had from £12 to £14 a year, but if victual was dear, he must have been lower; no record of their fixing exists for the Scottish labourer was better paid according to comparative wealth of the Country, than his English fellow. Wages and shires must have been lower; no record of their fixing exists.
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town and country. In the country, they had their sustenance and
wage for ale -- all the farmer could economically afford. In the
country, the magistrates were not free from the invidious pursuit of class
interest. Writing of the Edinburgh Magistrates, whom, as a Glasgow man
compares most unfavourably with the honest dignitaries of his own
Nicoll thus criticises, "In all these matters they were negligent
the people and the poor abused and neglected. In all taxations, Cess,es
other burdens, the mean middle and poor sort of the people of
Edinburgh were the only sufferers and the rich of the town and such as
of power and influence were overlooked and escaped" (Nicoll, I89.)

had accused burgh magistrates of the same sort of conduct; freedom
elsewhere was construed in terms of class and Cromwell’s efforts
half of the 'meaner sort' found obstruction in every quarter.

Mortality was high in all classes. The diaries are full of deaths
first, second and third wives whose lot seems to have been to bear
after child and die young. Many of the children too died at an
age. Insanitary conditions caused much of the disease and death
Scotland had not enjoyed a reputation for cleanliness;
ushed her ill-repute on lack of good soap. In 1619, when the enter-
Nathaniel Udward sought a license to manufacture it, the Privy
records narrate that, "this foreign pestiferous and noisome soap
cause of many shameful and heavy imputations against this Kingdom
ably by strangers frequenting the Kingdom, who cannot abide the
smell of napery and linen cloth washen with this filthy soap".
soap was the cause of unpleasant linen, it was not to blame for
Monk by personal insistence managed to have Edinburgh
kept fairly clean and better lighted at night, but his efforts were not entirely successful. Nicoll complained that although rates were levied for providing carts to remove the filth, it was not done. There was reason to believe that any of the other Scottish cities were more filthy in their habits.

The Church in Scotland carried on the work of education throughout the disturbances. In that work, they had Cromwell's whole-hearted support, though they refused to believe it and scrupled to take it, owing to visiting of Universities and the planting of Kirks being coupled with unfortunate Ordinance brought down by the disliked Gillespie.

Out of Cromwell's Scottish policy was more disinterested than his care for education. Gillespie could always procure a grant for University causes from the man who had saved Oxford from the spoiler and resented the rebones Parliament's attack on University privileges. Cromwell upheld the countryman's respect for learning and the reformer's desire for an educated people. Robert Baillie, as Professor of Divinity at Glasgow, incessantly complained that Gillespie, the Principal, taught seldom, spent most of his time on ecclesiastical politics and gave the capital of University endowments he had left of it to the erection of costly buildings in the college. Baillie became Principal, he had the same pride in his buildings and tried to get 20,000 merks out of Lauderdale to carry on Gillespie's scheme with less success than Gillespie had suited Cromwell. He upheld Oliver's generosity. "Mr Gillespie got from Oliver well paid which puts us in the greater hope of his Majesty's fatherly bounty", wrote Duite with quite unfulfilled hope. (Letters, III, 480.)

In 1656, the south and sides of Glasgow University were completed; the North and South of the outer court were next tackled and finally the whole front was pulled down and rebuilt. In 1654, the Protector granted Glasgow the
Lands of the Bishopric of Gallaway and to complete the work of
further revenues formerly belonging to the Dean and Chapter were
mentioned. Aberdeen received the revenues of the lands of its own
Bishopric and the Cromwell Tower of King's College was built by the
scriptions of Cromwellian officers. As Aberdeen under Row was for
some time being a hotbed of Independent thought, the subscriptions
were easily come readily and were liberal. Edinburgh was given a grant
of £500 a year in 1658. St.Andrews got little. Rutherford, whom
Row well disliked was Principal of St.Mary's, James Wood of St.Salvator's
attended; St. Andrews and not Campbell, the Protester. More than purely politic-
Rutherford, the Protester, would ask no favour; Wood, the Resolutioner,
and his namesake, but McWard, the Protester, being intruded on Glasgow, but McWard
a fair scholar and better than the Resolutioner nominee. Robert
Henderson had shown that both were competent
Institute of Aberdeen
Blair's influence, appointed Principal of the Old College, St.Salvator's
Principal of King's
and John Menzies as Professor of Divinity in Marischal College,
never. Professor G.D. Henderson had shown that both were competent
Professor and regents in office were allowed to remain; at least none
were considered for being either Resolutioner or Protester. The knowledge
required was the Scholastic teaching of the age and the Calvinist
ogy of the Church. Greek, Latin and Hebrew were taught and an
increasing high standard in these demanded from the student. It
was customary to bemoan Scotland's lack of literary output, to see Drummond
as a solitary star in a heaven darkened by clouds of controversy, Calvinism
and Antinomianism. Yet no finer examples of Scots prose have been penned
than exist in the Sermons of Samuel Rutherford and James Durham. To
Rutherford a Scottish Don was no exaggeration. As with the higher,
with the lower realms of education; no interference was offered and
encouragement given to the planting of schools throughout the land.
An Act of Parliament was issued allocating £1200 for the planting of schools in
the Highlands, where the Protector feared that they had not heard "so
fain whether there be a Holy Ghost".

**ADMINISTRATION**.

"Justice", wrote Rutherford in 'Lex Rex' should be at as easy a rate
as a draught of water. Scottish justice in past centuries
was neither cheap, speedy nor even. The Law lacked codification;
for Sir James Balfour’s "Practicks" (then unpublished), Sir John
Muir's "Treatises and Collection of early Statute Law" and Sir Thomas
Wilson's "Jus Feudale" published only in 1657, forty seven years after
the Act of Settlement, at a time when feudal law was being ruthlessly destroyed,
there was no clear Code of Law. Many of the prevalent legal evils, delay
and slowness, England shared with her Northern neighbour and, if justice
even in the South, it was, if anything, more intricate.

The English Commissioners departed from Scots Law, it was the Law
they followed, not English Common Law. The charge to the
Commissioners of 1653 had been to bring Scottish Law into consonance with
it in the Protectorate, the Commissioners for the administration
I2I.

Justice were charged to judge "according to equity and good

sense"—which they very honestly did to the dismay of some of their

colleagues. As far as a layman can judge, their decisions,

recorded in the "Decisions of the English Judges during the Usurpation"

all mostly concerned with land or property are sound judgements

in equity. In spite of the incoherence of Scottish Law, the impos-

sibility of any attempt to apply the equally incoherent English Common Law,

as a lawyer himself wrote, "and to speak the truth, the English

more indulgent and merciful to the Scots nor were the Scots to their

countrymen and neighbours as was too evident and their justice exceeded

nots in many things as was reputed". (Nicoll, 104.) With no personal

interests, they judged justly. "Diel thank them, a wheen kinless loons!"

reputed comment on their justice by a later Restoration judge; ties

were the curse of Scottish legal administration.

It was chiefly in the administration of justice, that changes were

The Ordinance of Union had abolished all the powers of the

Parliament, which had numbered among them power to try causes.

Court of Session, its Lords Ordinary and Extraordinary, Inner House

Outer House, was abolished. This Court, originally created by James V.

took the weight of civil cases from the judicial committees of

Parliament and Privy Council, had never been popular. The same corruption

feudalism of the administration which James V sought to remedy

flared within it also and continued to prevail in the Restoration

era. The destruction of feudal bonds was a necessary concomitant

just administration and it was this which made Protectorate justice

Of the Court of Session, Sheriff Mackay writes, "Its judges were

charged with good cause of arbitrariness, partiality and bribery and
In fairness to the Court, it was the working of the system, rather than the system itself, which was found inefficient, for Scottish Council through press of business found it necessary to have a form of the Outer House. The Commissioners for the Administration of Justice, who took the place of the Court of Session, appointed in May, 1652 under the great seal of the Commonwealth, were seven in number, with no President, each taking the chair in rotation. Mosely, March, Owen and Smith were English lawyers; John Hope of Craighall was son of a former Lord Advocate and of a family; Sir William Lockhart was more diplomatist and soldier than lawyer; Sir John Swinton was a time serving politician. The Personnel of the Commission underwent considerable change throughout the Protectorate. They dropped out after 1644 when new Commissioners were appointed, Fenwick, Swinton, Lockhart, Mosely and Alexander Pearson of Southall. In Lockhart and Swinton became members of the Scottish Council and continued to function as judges; Sir James Learmont and Sir Andrew Ker were appointed in their place. When they died in 1657, James Dalrymple and Alexander Brodie were appointed. The salary of the Scottish members was £100 per annum—half that of the English.

The Commissioners began their work in May 1652 by imposing a tactless penalty upon the Bar and instituting a sound measure of legal reform. The Commissioner demanded that the advocates should take the Tender, and in the first part of it asked them to swear to be "true and faithful to the health of England." To ask what was practically abjuration of loyalty was a needless insult to a profession valuing its traditions.
The leading advocates withdrew from the Bar but eventually returned. The Tender was laid aside. A tradition existed that this secession affected the practice of voluminous written pleadings which became characteristic of the Scottish Bar for two centuries, since it was found necessary to instruct the English judges in Scots Law, these instructions being conscientiously put by the succeeding advocates but signed by the compliant members of the Bar. The reform which outlasted the Protectorate and was a very great benefit to the country was the abolition of Latin and verbal contractions in legal documents; henceforth these were drawn up in English. The reform was permanent. The Commissioners instituted a purge of the clerical staff of the judicatories and "filled up the rooms of the courts with very honest clerks". (Nicoll, 104.) They issued rules for the regulation of legal fees, prevention of delays in process and custody of deeds to deter the extortion and malpractices which had not infrequent. A special day each week was appointed for the absorption of the poor.

The work of these Commissioners, like that of the Court of Session before them, lay in dealing with Civil causes, practically all concerned with land tenure and property rights. The Protectorate regime, with confiscations, allocations, grants, fines and abolition of feudal tenure, had brought the system of land holding and inheritance into a bordering on chaos. Writing to Thurloe, Broghil stated that the Lord President had told him there were nearly 50,000 cases pending. As a result, the Outer House where one judge could try cases which would have occupied the time of four (which was a quorum of Commissioners) was enlarged and greater expedition of legal business achieved. 50,000 cases was something of an exaggeration. If the calculation was correct, 10% of the population must have been involved in litigation in the
The 'Decisions' are not a twentieth of that higher courts alone. Though it is obvious that the collection is not by any means complete. There were long periods when the Commissioners did not sit. Sessions as recorded are November, 1655, to March '56, June and July '56, September '56 to February '57, June and July '57, November '57 to February '58, and July '58. Twelve decisions is the highest number recorded with in one day. The practice was both to consider written pleadings and issue judgement therefrom, these having been considered by the Commissioners in avizandum, and to listen to the advocates and forth give judgement in foro. To deal with the numerous cases recorded, none the 50,000 pending, the judges must have possessed a remarkable of diligence, patience and acumen. Respect was paid to Scots etc. considering evidence of possession, tenure but where present actions conflated the issue, judgements of equity were the rule. Scottish Bar did not suffer by an acquaintance with such principles. 'Institutes', the first great treatise on Scots Law, owed some to its author's contact with these English lawyers. The judges constant obstruction in their task from vested interests and from prejudice; they sat too seldom, to cope with all the litigation but by introducing the principle of equity in judgement as to that of privilege, defended by every quirk of feudal law, they nothing to the Bar never quite lost, not even in MacKenzie, who sought justice for the witches on principles of equity. I the Shires, the abolition of hereditary jurisdictions made it try to put something in their stead. In every shire, Justices of were established and ordered to hold quarter sessions in February, June and October. Monk was a justice for each shire. The
Justices were mostly gentlemen of the Shire who took the oath of the prescribed, which both parties in the Church opposed. Both Remnant and Covenanter could be found in their number. They had various and varied social and judicial functions of which the following brief summary from the Ordinance establishing or rather re-establishing the office --for James VI had formerly sought to introduce the system --interests of law and order in an unruly land.

The Justices could restrain any who threatened another till he gave security that he would keep the peace; if a case of assault was efficiently punished by the sheriff, they had power to report the matter to the Council and on its instruction mete out due penalty; in case of collusion between the guilty person and the sheriff, the Justices were to report to the Council who would deal with the subornation. An dignant sheriff was not likely to punish heavily one of Middleton's troopers nor a hereditary sheriff one of his own retainers unless he had sinned against himself). Riot, vagabondage, poaching, drunkenness with profanation, cursing and fornication were to be tried by them and punished. The fines for the last crime were fixed at £400 Scots for a nobleman, £200 Scots for a baron, £25 Scots for a farmer etc. and doubled for every repetition of the offence. They had to assure highways and bridges in the Shires and Burghs under their jurisdiction were kept in a proper state of repair; they had to oversee the brewing and regulate the quarterly wages of labourers, punishing who refused to serve with imprisonment; they fixed the price of craftsmen's work. Power of emergency action in plague was given to them. They had control of the jails and appointed constables in each at a shilling per day, when there were 'constabulary duties to
to be done'. The Justices were responsible for the care of the
In cases of major crime, murder, felony, incest etc., they were
make recognisances and pass the case on to the criminal court.
In many districts, the Justices functioned efficiently. They were
civil arm by which the Kirk visited its discipline on the persons
pockets of offenders. They kept the peace, perhaps not so much
through their constables as through the knowledge of those who would
affirm it that the Army was behind the law to enforce severe penalties;
English officers resident in the shires were included among the Justices
and the Peace. So well did the system work in the Highlands that Monk
outbreak from the Lowlands rather than from that quarter; letters
this officers there bore witness to the prevailing quiet and Monk
said: "I find them very punctual in observing of orders for apprehending
broken men or thieves in that country, which I could never bring them
all of late". The work of the Justices was not only to keep the
but to establish its conditions, hence their powers to fix wages,
wise legal brewing etc. Here was an attempt to help the 'meaner
of forming in social practice some of the principle of equity
the Commissioners administered in the law. Presumably cost of a
determined wages, the higher the price of corn, the higher the wage;
experience of this system showed that a bad year with high prices
the Justices to lower wages on the ground that the bad crop did
allow higher payment. In Scotland, much the same most likely
occurred; in a legal case the Justices might be fair, in matters of
and economic regulation they were as prone as the old hereditary
heralds to serve their class and kin. In the unsettled times such
rules were needed and the necessity of their institution is witnessed
by the fact that Charles II continued the system with practically the same instructions to the Justices who were then, of course, Royalists. Their powers were employed in crushing the Covenanting movement in the West. After the Revolution, perhaps because it was seen that the powers could be too readily the servants of party, their powers gradually diminished, passing into the hands of the sheriff or of the Burgh Magistrates. The supervision of licensing which in Scottish counties still in their hands is a relic of their former powers.

Legal innovation of the Protectorate was the establishment of Courts in every county. (Act Parl. VI, 2.816.) These had no relation to older baronial courts and were in reality small debt courts set in each parochial area, presided over by the local dignitaries. Each area, formerly deemed a 'manor', such a court was to be set up with power to determine suits of less than forty shillings value and bye-laws for the district. This court was intended to relieve the higher judicatures of the multitudinous small litigations which clogged the courts. It perished with the Protectorate, having sustained but little.

The condition of the Burghs in trade and social life had been altered. The administration of their affairs was in the hands of magistrates, who, within the limits of the Burgh, had powers greater to those of the Justice of the Peace, which they had gradually attained in the past century and which were still largely vested in the merchant class. Though their trade was diminished, by the action of feudal legislation the power of the Burgh in its own laws and in those of the realm was increased. The freedom which enjoyed was used by the merchants to further their own interests. Wilkie, Tucker and Nicoll, widely differing authorities commented...
gly on their petty tyranny. During the Protectorate, the
rates in various Burghs and the Kirk were at loggerheads with
other over the taking of the Tender, though as the regime extended
ferences began to heal. Magisterial imposition of local taxes
fertile source of discontent and in Edinburgh the advocates had sore
off with the bailies over an impost on beer and claret, additional
the Excise, which seemed to hit the faculty rather hard. The
rates had little scruple in gathering where they had not strawed;
ough was constantly seeking to mulct Leith; other cases of the
rbitrary extent of jurisdiction are recorded; Cupar magistrates
ought to levy taxes on goods sold in Auchtermuchty. The rise
as a city dates from this time when it had become second
the realm, although possessing only twelve ships, none over
ns; Leith was still the largest. The Protectorate administration
favoured to the city; M'coll and Baillie both write of the enter-
and industry of her magistrates. "Our town thrives in proportion
e all in the land". Gillespie's interference in magisterial
was checked by Monk and the town grew steadily in wealth and
stance. A few other Burghs, such as Inverness, enjoyed a temporary
erity because of the trade brought by the residence of a large
ish garrison.
Under the Scottish Council, other courts and Commissions than those
ly mentioned functioned continuously. Admiralty and Exchequer
s were transacted by separate bodies and showed an impersonal
oughness in their administration. The offices of Signet, Privy
and Lord Clerk Register were retained and employed. Over all,
Scottish Council created in 1655 had complete control. It exercised
an authority as supreme as that of the Star Chamber. It was the document of perfecting the Protector's policy; all its members were men, rather than servants of Parliament or of the English Council of State. Professor Firth thinks that the guiding spirit of the Council Broghil, but Broghil was only little more than a year in Scotland as President. The true director of affairs was Monk who was constantly resident; the other members Scottish and English were often in England attending Parliament or, like Lockhart, employed on the Protector's business elsewhere. Monk remained behind to keep the peace.

Letters show a painstaking care for all details of administration; advice the Protector almost invariably followed (e.g. in reducingress); when someone wormed out of Cromwell some special favour or reference, a letter from Monk could always reinstate the status quo. It has been seen that he was a little inclined to be vengeful when tricked, as he was not often tricked, he was not often vengeful. If James I determined to make "the key keep the castle and the bracken bush the Monk sought to make even the key superfluous. Property, if stated by the assessor and collector, was made safe from the robber.

The efforts of the administration were directed to making justice easy and impeccable; the establishment of the Justices and Courts had the needs of the poor in view; in the Higher Courts fees cheapened, though after the appointment of Wariston to the Register-they again rose. Justice was expedited and the Scots bore tribute to its honesty. The English Commissioners worked hard and seriously; unfettered by their Common Law and with a good deal more for their common sense, tied by no personal considerations, on occasion, just according to the light that was in them, they other personifications of "Monk's spirit". The Council equitably
applied the economic clauses of the Union; the failure of these
left up Scotland from poverty was due to the heavy assessment which
perceived and tried to remedy. His letter to Thurloe, already
said, with its kindly wording, "I much desire you will pity this poor
ry", showed that he had a genuine regard for its welfare. So
did he do his work and in such high, if unvoiced, respect was he
by the Scots, that during the anarchy that followed Richard Cromwell's
tion and the subsequent withdrawal of Monk and his army from
land in January 1660, no such intrigue and turmoil as broke out
the Southern Kingdom troubled Scotland which dwelt in peace until
Restoration. If Charles had sent Monk back to Scotland as his
missiort?, the land might have been spared the sorrows of the Killing

THE END OF THE REGIME.

The death of the Protector, the abdication of Richard and the
icts between the Army and Parliament changed little in Scotland
Monk stood guard. Warriston, first a member of the Protector's
House, then for a time President of the Council, and Argyll, now
ber of the Commons, intrigued for their old power, yet character-
ally also sought the absolute establishment of Presbyterianism
the complete restoration of Scots Law. How much Scotland might
st from England now that Oliver was gone was shown by the fact
Parliaments of the anarchy both denied the right of the Scottish
ers to sit and doubled the Assessment of the country whose rights
denied. In February 1660, Monk's last speech on behalf of the
ry he governed demanded from the House a fairer proportionable
ation.
The epitaph on the Protector's administration in Scotland might fittingly be, "He meant well". Difficulties which could be solved by the use of arms or by straightforward legislation were solved. It was a matter to enjoy peace, even if it meant enduring poverty, poverty which long been the lot of the common people. Cromwell could justly claim that men were freer from servile ties. These things the law achieved by the sword could achieve. But such methods could not recreate industry nor increase trade; it was one thing to order the establishment of industries and quite another to create them in a land overburdened with taxation and devastated by war. Macaulay's picture of a prosperous land is simply untrue. The merchants, as was their custom, generated in their own interests their poverty and the hardness of their case; they had a better livelihood than most other classes; their found money to dress better than most—and in a Puritan regime, were trade and commerce sorely reduced and did not prosper till the Next century. If the manufactures of the two countries had been of equal hard, if the Scots had kept their continental markets intact, the rate in Customs imposed by the Union might have been considered reasonable, if hard. But Scottish goods were inferior and Scottish continental markets were lost, without compensation, for Scotland had the such as England possessed with the Indies and the West. The of trade affected all classes of the community from landowner to The abolition of feudalism was a necessary reform but not even evils are abolished without creating new. Vagabondage became the landless feudal retainer, when his lord could not sustain him. Affairs were settled, insecurity of tenure caused unrest, multiplied
debts and disturbed agriculture. By the end of the Protectorate, the settled regime was emerging and the freedom gained was never lost. In Law, the Protectorate left some mark in the country if only by abolition of legal Latin and the production of the author of the Institutes. The reform went deeper; the old hereditary systems received a death blow; as a class the professional lawyer sprang into being to include the older feudal judges and administrators; an acquaintance with equity gave the Scots a desire for even judgement; the chaos of law revealed through those who attempted its fair administration bred the necessity of codification; Stair’s Institutes arose directly from the legal needs which the time revealed.

Scottish politics of the age, like those of England, are confused tortuous. It is a simple picture to see them as the revolt against first tyranny causing an alliance between Church and State against the King and the defeat at Dunbar severed and as a subsequent need subjection under a Protector. In truth, the land was full of grannies great and small. The Kirk sought freedom from the Crown with the feudal constitutionalist and once the Kirk was seated in the latter sought his freedom from her trammels. The nobles, the Kirk sought freedom from them. The smaller heritors and middles sort from theirs if in the country and if in the town, the petty tyranny of the merchant magistrate. The merchants had their complaints and interests to prosecute. In every case, the petty desired, when a measure of it came to be enjoyed, became liberty press the opponent or the inferior. Oliver oppressed all that they oppress none. Only the Puritan discipline of the Church was
encouraged and this tyranny was grievous. With all Cromwell's intentions, much petty oppression existed in the lot of the common
The Remonstrants alone of all the parties voiced a claim for relief.
The growth of the two parties within the Church had been traced. The protagonists every type of establishmentarian and seceder in the
Scottish Church can be found, even to the seceder who did not
people to use the law for his own purposes, although he had violently
acted to his opponents' so doing. No disservice was occasioned
the Church through the abolition of the Assembly. It prevented
national separation and Presbyterian principles throve in Protectorate
land. The Resolutioner-Protestor strife was a grievous illustration
the gradual loss of first principles in a party feud developing
been two sets of intriguing Church politicians. These principles s
olved the feuds, however, and by process of synthesis, created the
lished Church of the Revolution; the statesmen who built that
which profited by the experiences of the old controversy. It may not
too much to say that the Church remained democratic in constitution
cause of the Protestor and Established and National because of the
olutioner. Had these two parties not fought in the Protectorate,
Church of the Revolution would have had a different shape.
There were many reasons why Scotland welcomed the Restoration.
chief is simply that she valued her independence. No nation has
valued good government more highly than self-government, a fact
Englishmen have been slow to realise. Tired of an impoverishing
the Scots endured the Protector's peace; tired of an impoverishing
and ecclesiastical penalties, they welcomed the Restoration.
When that did not bring either peace or plenty, the Revolution accepted with a more restrained and sober anticipation. Cromwell, in some consideration to Scotland's wishes; he restrained the reckless recklessness which his Parliaments would have practised. But he too did some consideration to Scotland's wishes; he restrained the reckless recklessness which his Parliaments would have practised. But he too

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