Saints and Subverters:

The Later Covenanters in Scotland *c.* 1648-1682

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Abstract

In 1649 a radical faction of Covenanters seized power in Scotland. Upheld by supporters as the zenith of the 'Covenanted Reformation' – the constitutional revolution and godly reformation underwritten by the National Covenant of 1638 and Solemn League and Covenant of 1643 – the 'rule of the saints' left an ideological legacy which endured its termination in 1651, the Cromwellian occupation from 1652 and the restoration of Charles II in 1660. By investigating how this period was remembered and reimagined, and by scrutinising the relationship between policies and practices, this thesis explores how Covenanting developed in the politically hostile environment of Restoration Scotland.

Taking inspiration from innovations in the fields of intellectual history and memory studies, the thesis draws upon a range of cultural artefacts in order to reconsider the intellectual and social dynamics of Covenanting opposition to the Restoration regime. In particular, journals, diaries, memoirs, histories, correspondence and printed polemic are examined to explain how the cause came to endorse a mix of religious dissent, popular protest and armed resistance the likes of which had been hitherto unseen in early modern Scotland – if not the wider early modern world. As a result, the thesis challenges traditionally static views of seventeenth century Scottish society while charting the remarkably subversive nature of later Covenanting ideology.

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Abbreviations and Conventions

Baillie, *L&J*	Robert Baillie, *Letters and Journals, 1637-1662*, ed. David Laing, 3 vols., (Edinburgh, 1841)
Balfour, *Historical Works*	Sir James Balfour, *Historical Works*, ed. James Haig, 4 vols, (Edinburgh, 1824)
Blackadder, *Memoirs*	John Blackadder, *Memoirs*, ed. Andrew Crichton, second edition, (Edinburgh, 1826)
Brodie, *Diary*	*The Diary of Alexander Brodie of Brodie MDCLII-MDCLXXX. and of his son, James Brodie of Brodie MDCLXXX-MDCLXXXV.*, ed. David Laing, (Aberdeen: Spalding Club, 1863)
Burnet, *HMOT*	Gilbert Burnet, *The History of My Own Time*, ed. Martin Joseph Routh, second edition, 6 vols, (Oxford, 1833)
Fountainhall, *Historical Notices*	Sir John Lauder of Fountainhall, *Historical Notices of Scotish Affairs*, ed. David Laing, 2 vols, (Edinburgh: Bannatyne Club, 1848)
EHR	*English Historical Review*
EUL	Edinburgh University Library
Fasti	Hew Scott, *Fasti Ecclesiæ Scoticanæ*, 7 vols, (Edinburgh: Oliver & Boyd, 1915-28)
GCA	Glasgow City Archives
Guthry, *Memoirs*	Henry Guthry, *Memoirs*, ed. George Crawford, second edition, (Glasgow, 1747)
HJ	*Historical Journal*
JEH	*Journal of Ecclesiastical History*

Kirkton, *History*	James Kirkton, *The Secret and True History of the Church of Scotland from the Restoration to the year 1678*, ed. Charles Kirkpatrick Sharpe, (Edinburgh, 1817)
Law, *Memorialls*	Robert Law, *Memorialls; Or, The Memorable Things That Fell Out Within This Island of Brittain From 1638 to 1684*, ed. Charles Kirkpatrick Sharpe, (Edinburgh, 1818)
Lauderdale Papers	*The Lauderdale Papers*, ed. Osmund Airy, 3 vols, (London: Camden Society, 1884)
Life of Blair	*The Life of Mr Robert Blair*, ed. Thomas McCrie, (Edinburgh: Wodrow Society, 1849)
Montereul	*The Diplomatic Correspondence of Jean De Montereul and the Brothers De Bellievre, French Ambassadors in England and Scotland 1645-48*, ed. J. G. Fotheringham, 2 vols, (Edinburgh: Scottish History Society, 1898-9)
Nicoll, *Diary*	John Nicoll, *A Diary of Public Transactions and Other Occurrences, Chiefly in Scotland, From January 1650 to June 1667*, ed. David Laing, (Edinburgh, 1836)
NLS	National Library of Scotland
ODNB	*Oxford Dictionary of National Biography*, online edition, (Oxford, 2004-16) <http://www.oxforddnb.com>
RPCS	*Registers of the Privy Council of Scotland*, ed. P. Hume Brown, third series, 14 vols, (Edinburgh, 1908-33)
RCGA	*Records of the Commissions of the General Assemblies of the Church of Scotland*, ed. Alexander F. Mitchell and James Christie, 3 vols,

	(Edinburgh: Scottish History Society, 1892)
RPS	*Records of the Parliaments of Scotland to 1707*, eds. K. M. Brown *et al*, (St Andrews, 2007-11)
SHR	*Scottish Historical Review*
SHS	Scottish History Society
SJT	*Scottish Journal of Theology*
STS	Scottish Text Society
Turner, *Memoirs*	Sir James Turner, *Memoirs*, ed. Thomas Thomson, (Edinburgh: Bannatyne Club, 1829)
Veitch, *Memoirs*	William Veitch, *Memoirs*, ed. Thomas McCrie, (Edinburgh, 1825)
Wariston, *Diary*	Sir Archibald Johnston of Wariston, *Diary*, eds. G. M. Paul, D. Hay Fleming and James D. Ogilvie, 3 vols, (Edinburgh: Scottish History Society, 1911-40)
Wodrow, *History*	Robert Wodrow, *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution*, ed. Robert Burns, 4 vols, (Glasgow, 1835)

Unless indicated otherwise, all spelling, punctuation, capitalisation and italicisation has followed the original sources. Where appropriate, minor amendments have been added in square brackets.

Covenanting Scotland

We noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the Gospel and commons of all sorts.[1]

We have in this Period, not only an Illustrious Testimony for the Principle, but a continued and unintermitted putting into practice the duty of defensive Armes, *in resisting the Soverain power, malversing and abusing Authority to the destruction of the ends of it.*[2]

In 1637 disaffected nobles led the Scottish political community and wider society in opposing the government of Charles I. In 1680 the radical cleric Richard Cameron declared war on Charles's son and heir, Charles II, and guided protest *against* the political community and wider society. While vastly different events, both were justified by appeals to 'the Covenants' – the National Covenant of 1638 and the Solemn League and Covenant of 1643. It is the purpose of this thesis to explore the remarkable development of this ideological shift.

The promulgation and widespread subscription of the National Covenant in 1638 was an event of enduring significance. A reaction against the style and substance of government under Charles I, the Covenant consolidated protests which had been triggered by the unconstitutional imposition of the Book of Common Prayer in Scotland. The prayer book proved to be the tipping point for grievances which had their origins in the reign of Charles's father, James VI, who had become James I of England (and Ireland) from 1603. Religious controversy – especially surrounding the Erastian episcopate governing the Kirk and the unscriptural ceremonies and holy days promoted by the Perth Articles in 1618 – was supplemented by aristocratic fears of being sidelined from their traditional role in the political process. The economic policies of the Caroline regime – an attempt to implement Britannic uniformity as well as freeing the Scottish gentry from their apparent dependency on noble power – were no less an issue,

[1] Quoted from the Solemn League and Covenant in S. R. Gardiner, ed, *The Constitutional Documents of the Puritan Revolution, 1625-1660*, second edition, (Oxford: Clarendon, 1899), 267.

[2] [Alexander Shields], *A Hind let loose: Or, An Historical Representation of the Testimonies, Of the Church of Scotland, for the Interest of Christ*, (n.p., 1687), 85.

although, paradoxically, a closer relationship with England and social restructuring became features of a radical Covenanting platform during the 1640s.

After the riots and petitioning which had greeted the prayer book in the summer of 1637, opposition to government policy was formalised through the creation of the 'Tables' – an unauthorised convention of the Scottish Estates and Presbyterian clergy who marshalled resistance to the king. It was this body who launched the National Covenant on 28 February 1638 as a vehicle to confront royal authority while galvanising Scottish society against the prerogative rule of absentee Britannic monarchy. With momentum on their side, the Covenanting movement wrought a Presbyterian reformation of the Kirk in defiance of the Crown at a General Assembly in November. It then went on to secure a constitutional revolution which reorientated the political system and mechanisms of state. The political ineptitude of the king saw his military campaign against the Covenanters defeated during the Bishops' Wars of 1639-40, and, as a result, he had accepted the reality of Covenanting hegemony in Scotland by the autumn of 1641. However, the crisis in his 'ancient kingdome' was also replicated south of the border. Forced to call the English Parliament in response to the Covenanting dynamic, Charles was unable to prevent an accord of the aggrieved from each kingdom. An alliance of Scottish Covenanters and English Parliamentarians was duly consummated by the Solemn League and Covenant on 25 September 1643. At the same time, the alliance ruptured the Covenanted coalition in Scotland and gave rise to a Royalist faction fronted by the formerly enthusiastic Covenanter, James Graham, fifth Earl (later first Marquess) of Montrose.[3]

As historians have demonstrated comprehensively, the Covenanting movement placed unremitting demands on Scottish society for fiscal, military and ideological commitment.[4] It is with this ideological commitment that the thesis is primarily

[3] For Montrose, see Edward J. Cowan, *Montrose For Covenant and King*, second edition, (Edinburgh: Canongate, 1995) and for Scottish Royalism, see Barry Robertson, *Royalists at War in Scotland and Ireland*, (Farnham: Ashgate, 2014).

[4] David Stevenson, *The Scottish Revolution, 1637-44*, revised edition, (Edinburgh: John Donald, 2003); Walter Makey, *The Church of the Covenant, 1637-51: Revolution and Social Change in Scotland*, (Edinburgh: John Donald, 1979); Allan I. Macinnes, *Charles I and the Making of the Covenanting Movement, 1625-41*, (Edinburgh: John Donald, 1991); Margaret Steele, 'Covenanting Political Propaganda, 1638-89', unpublished PhD thesis, (University of Glasgow, 1995); John R. Young, *The Scottish Parliament 1639-1661: A Political and Constitutional Analysis*, (Edinburgh: John Donald, 1996); Julian Goodare, 'The Scottish Revolution', in Sharon Adams and Julian Goodare, eds, *Scotland in the Age of Two Revolutions*, (Woodbridge: Boydell, 2014),

concerned. Taken together, and without doubt, the Covenants were the most forceful expression of political and religious ideology yet seen in early modern Scotland. Indeed, the Covenanters were not just armed with ideas; they had a distinctive ideology which shaped Scottish (and, until 1645, British) politics and became the chief reference point in Scottish political culture across the seventeenth century – whether by affirmed activists or avowed adversaries. Most striking of all was that every rank of society was engaged. As well as increasing the influence of the gentry and burgesses in central government, who, along with the nobility and clergy, had to take the Covenants as a prerequisite for holding public office in Kirk and state, Covenanting comprehended the unfranchised in political affairs in a manner hitherto unprecedented. In fact, the Covenants arguably politicised Scottish society by their uncompromising demand for nationwide conformity. The movement drew in lesser proprietors via shire committees of war and local presbyteries, while the dependents of landholders – which included women – were bound to the cause by proxy. Similar developments occurred within urban communities, while the posterity of the Covenanted generation were held to be equally engaged. And irrespective of whether support for the Covenants was genuine, feigned, reluctant or rejected, there was no room for latitude; everyone was involved in the struggle, one way or another.[5] Having emerged as a vehicle for protest and rationale for revolution, Covenanting became the language of power in Scotland.

In a Scottish context the idea of covenanting arose from a late medieval and early modern culture of subscription which was marked by oath-taking and written bonds.[6] In particular, it can be traced to the 1550s when the practice of banding for mutual defence was given a divine makeover by Scotland's premier Protestant reformer, John Knox.[7] Knox's Biblical legalism had seen him look to Old Testament Israel rather than the Scottish past for antecedents to the Protestant cause – unlike Scotland's foremost Renaissance humanist, George Buchanan, who fabricated an early history of the Kirk

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79-96. Laura Stewart's *Rethinking the Scottish Revolution: Covenanted Scotland, 1637-1651*, (Oxford, 2016) was unavailable for consultation.

[5] Popular political engagement during the British Civil Wars has been explored in an English context but remains unresearched in Scotland. For recent work on England, see David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-60*, (Oxford, 1985) and John Walter, *Crowds and popular politics in early modern England*, (Manchester, 2006). See also n. 48 below.

[6] See Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603*, (Edinburgh, 1985).

[7] For a recent biography of Knox, see Jane E. A. Dawson, *John Knox*, (Yale, 2015).

free from Catholic 'corruption'.[8] As a result, Knox drew on the Biblical tradition of covenanting and viewed the Scots as divinely sanctioned successors of the Israelites as the 'chosen people' of God. Thus, by styling these ostensibly religious but undoubtedly political arrangements as 'covenants' the Lords of the Congregation (the magisterial proponents of Protestant reform) were imbued with the sense that they had associated together to lead the 'cause of God' against the French-dominated government of the Queen Mother, Mary of Guise. At the same time, Knox characterised 'official' reformations as the date when entire nations had covenanted with God.[9] Consequently, Scotland became a covenanted nation – in defiance of the Crown – during the 'Reformation Parliament' of August 1560.[10]

Further expressions of covenanting followed in the later sixteenth century. In 1581, James VI and his household signed an anti-Catholic band which was later extended to the country at large and became known as the 'Negative Confession'. Of particular importance for the future was its abrogation of the 'worldlie monarchie and wicked hierarchie' of the Pope – a principle which Scottish Presbyterians applied to episcopacy in the seventeenth century.[11] As Ted Cowan has shown, the Negative Confession was first considered a covenant in 1586 by the minister of Haddington, James Carmichael.[12] A decade later, the General Assembly of the Church of Scotland led a renewal of the covenant among the clergy, where, in an atmosphere of solemn repentance, they raised their hands 'to testifie their entering in a new league with God'. The language stressed personal reform and was extended to the regional synods.[13] As well as the recent past, this revivalist meeting was inspired by the reception of federal or covenant theology in Scotland via the Principal of the newly-founded University of Edinburgh, Robert Rollock, who systematised the Calvinist doctrine of election in terms of a covenantal arrangement.

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[8] Roger A. Mason, *Kingship and the Commonweal: Political Thought in Renaissance and Reformation Scotland*, (East Linton: Tuckwell, 1998), 165-86.
[9] Ibid., 139-64.
[10] See Keith M. Brown, 'The Reformation Parliament', in Keith M. Brown and Roland J. Tanner, eds, *The History of the Scottish Parliament Volume I: Parliament and Politics in Scotland, 1235-1560*, (Edinburgh, 2004), 203-32.
[11] David Calderwood, *The History of the Kirk of Scotland*, ed. Thomas Thomson, 8 vols, (Edinburgh, 1842-4), III, 502-6. See also David George Mullan, *Scottish Puritanism, 1560-1638*, (Oxford, 2000), 181-3.
[12] Edward J. Cowan, 'The Making of the National Covenant', in John Morrill, ed, *The Scottish National Covenant in its British Context*, (Edinburgh, 1990), 68-89, at p. 70.
[13] Calderwood, *History*, V, 406-7. See also Julian Goodare, 'The Scottish Presbyterian Movement in 1596', *Canadian Journal of History*, 45 (2010), 21-48.

This array of ideas was woven together in the purported 'renewal' of the National Covenant in 1638.[14] Indeed, the first part of the Covenant was a restatement of the Negative Confession alongside a series of parliamentary statutes against idolatry and in favour of 'God's true and Christian religion'. However, this fictional historicity masked the revolutionary intent of the Covenanting movement. Firstly, the appeal to precedent gave rise to a constitutionalism which recalibrated the relationship between king and kingdom within the Union of Crowns. By upholding the king's person and authority as also the authority of parliaments, 'without which neither any laws or lawful judicatories can be established', the Covenant rejected absolute monarchy and reasserted the role of constitutional assemblies – and thus, the Scottish Estates – in the political process. Secondly, the Covenant articulated a 'general band' for two inter-related imperatives: the defence of true religion and maintenance of the king. Although justified by appeals 'to the practice of the godly in former times', subversive potential lay in the stipulation for subscription by 'all ranks'. Moreover, by stating that signatories promised to maintain the king 'in the defence and preservation of aforesaid true religion, liberties and laws of the kingdom', the Covenant ultimately subordinated allegiance to Charles I. Thus, as Allan Macinnes has argued, the Covenant must be read as 'a positive act of defiance in reserving loyalty to a covenanted king'.[15] Finally, its revolutionary essence was affirmed by a clause for 'mutual defence and assistance'. In short, signatories committed themselves to defend one another in support of the Covenanting cause. As will be seen, later Covenanters appealed to the ideal of mutual association when justifying popular resistance in the Restoration era.

Despite the cohesion of the Covenanting movement in its early stages, the promotion of a godly confederacy to check dissension did not prevent its steady unravelling during the 1640s. The nominal conservatism of the Covenant aroused suspicion among those less inclined to the radicalism of its undisputed leader, Archibald Campbell, eighth Earl of Argyll, who was created Marquess in 1641 when the king formally accepted the political realignment of Scotland. The Covenant was also deeply ambiguous. Most obviously, episcopacy was not expressly abjured and presbytery was not explicitly mentioned. Although this was addressed at a stage-managed General Assembly in November, the Covenant had to be amended and recirculated thereafter. Critics of the Covenanting

[14] See Gardiner, ed, *Constitutional Documents*, 124-34.
[15] Macinnes, *Covenanting Movement*, 176.

regime would emphasise this when attempting to enforce conformity to the Episcopalian Kirk in the Restoration era. In addition, ideological tensions were apparent at its germination, such as the simultaneous promotion of national inclusion and confessional purity. In other words, the Covenant promoted the idea that the whole nation was elect while supposing the majority of the people degenerate. Although initially dormant, this became increasingly difficult to reconcile as the war raged on – a product of the conceptual range of covenanting in the early modern period.

With the promulgation of the Solemn League and Covenant in 1643 the Covenanting revolution was exported to England. The godly confederacy was thus expanded to become a godly confederation of the three kingdoms. Although not explicitly presbyterian as the Covenanted Scots believed, the second article of the Solemn League was unequivocally against prelacy; 'that is, government by Archbishops, Bishops, their Chancellors and Commissaries, Deans and Chapters, Archdeacons, and all other ecclesiastical officers depending on that hierarchy'.[16] This extension of the 'Covenanted Reformation' was sustained by a conference of commissioners known as the Westminster Assembly, which, by 1647, had produced a collection of documents which detailed the bases of doctrine, worship, discipline and government in the reformed churches of Britain and Ireland. This material became especially important to nonconforming Presbyterians seeking legitimacy in the Restoration era and was re-adopted by the Church of Scotland in 1690.[17] But despite the apparently divine origins of this concord as outlined in the fifth article of the Solemn League – 'a blessed peace between these kingdoms, denied in former times to our progenitors, is by the good providence of God granted to us' – it was not to last. Its perpetual nature notwithstanding, 'a firm peace and union' was not settled conclusively until the Act of Union in 1707.

By 1660 the British Civil Wars had been brought to a fortuitously bloodless close with the restoration of Stuart monarchy in the three kingdoms. With the Covenants largely abandoned by a political community opting to appease the restored king in the hope of recovering their respective fortunes, the statutory basis of Covenanting was dismantled by the Scottish Parliament in 1661. But while the constitutional settlement attempted to

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[16] Gardiner, ed, *Constitutional Documents*, 268-9.
[17] *RPS*, 1690/4/33, 43; *Acts of the General Assembly of the Church of Scotland, 1638-1842*, (Edinburgh: Church Law Society, 1842), 225-6.

turn the clock back to 1633, it could not undo the social and economic dislocation occasioned by warfare, nor erase the memory of political and religious upheaval across the previous two decades. To the chagrin of Restoration officials, the Covenants lived on. But what happened to the Covenanting cause?

Historiography

The later Covenanting movement was the grassroots response to regime change and the emergence of a political environment now hostile to the Covenanting cause. It was a reaction against the Restoration settlement of 1661-2 – effectively a Royalist counter-revolution upholding absolute monarchy and Erastian episcopacy at the expense of Covenanting constitutionalism and an institutionally independent Presbyterian Kirk – and a stand against the repressive enforcement of Charles II's government in Scotland. With no little irony, these nonconformists were testimony (itself a rhetorical device of the later Covenanters) to the success of elites in securing Covenanting conformity in the 1640s. In fact, given the legal challenges and personal risks awaiting those inclined to dissent from or protest against the status quo after 1660, the later Covenanters embodied two interconnected phenomenon: an unbending commitment to an outlawed cause and an essentially ideological nature to their resistance of government policy. However, far from staying true to an unchanging 'tradition' as adherents believed, recourse to the recent past for legitimacy – and especially after 1648 – saw Covenanting ideology successively reshaped to meet present exigencies. Consequently, Scottish statesmen and Restoration officials became increasingly fearful of the subversive developments taking place under the aegis of Covenanting. An expression of power generally discredited among elites was now co-opted by unfranchised men and women in order to justify their conduct.

Forty years have now passed since the publication of Ian Cowan's book-length study of the later Covenanters.[18] His book followed an earlier call for a reappraisal of the later Covenanting movement which moved away from traditional Presbyterian hagiography and instead focused on social and economic issues.[19] His work represented a welcome

[18] Ian B. Cowan, *The Scottish Covenanters, 1660-1688*, (London: Gollancz, 1976).
[19] I. B. Cowan, 'The covenanters: a revision article', *SHR*, 47 (1968), 35-52.

break from the previously polarising effect of the Restoration era on Scottish History, with the Covenanters often characterised as either conscientious champions of religious liberty or bigoted fanatics undeserving of celebration.[20] However, Cowan's understandably dispassionate account eschewed his own advice and made no attempt to interrogate the ideas of the later Covenanters. Given the primacy which ideology was accorded, this was a serious omission.

Since then, historians have taken various approaches to the study of the later Covenanting movement. Cowan's student, Mark Mirabello, has analysed the relationship between dissent and the Episcopalian Kirk.[21] Through a psychoanalytic method Louise Yeoman has considered conversion experiences within the context of Covenanting.[22] Elizabeth Hyman has outlined the organisational practises of nonconforming clergymen.[23] Alison Muir has looked at religious dissent in a local community by exploring Fife in the seventeenth century.[24] Ginny Gardner has provided an international perspective by analysing the community of Scots who were exiled in the Netherlands during the Restoration era.[25] Allan McSeveney has investigated the conspicuous role of women in the nonconforming Presbyterian community, and finally, Mark Jardine has provided the first scholarly treatment of the United Societies as a distinct entity which emerged from that community in the 1680s.[26] There is little doubt that each has made a substantial contribution to the programme of social and economic research first proposed by Cowan in 1968.

More generally, however, the historiography of Restoration Scotland has parted from the preoccupation with religion and instead turned towards politics. For example, Julia Buckroyd and G. M. Yould have assessed the ecclesiastical policy of the Restoration

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[20] Cf. W. L. Mathieson, *Politics and Religion: A Study in Scottish History from the Reformation to the Revolution*, 2 vols, (Glasgow, 1902) and J. K. Hewison, *The Covenanters*, 2 vols, (Glasgow: John Smith & Son, 1913).
[21] Mark Linden Mirabello, 'Dissent and the Church of Scotland, 1660-1690', unpublished PhD thesis, (University of Glasgow, 1988).
[22] Louise Anderson Yeoman, 'Heart-work: Emotion, Empowerment and Authority in Covenanting Times', unpublished PhD thesis, (University of St Andrews, 1991).
[23] Elizabeth H. Hyman, 'A Church Militant: Scotland, 1661-1690', *Sixteenth Century Journal*, 26 (1995), 49-74.
[24] Alison G. Muir, 'The Covenanters in Fife, c. 1610-1689: Religious Dissent in the Local Community', unpublished PhD thesis, (University of St Andrews, 2002).
[25] Ginny Gardner, *The Scottish Exile Community in the Netherlands, 1660-1690*, (East Linton: Tuckwell, 2004)
[26] Alan James McSeveney, 'Non-Conforming Presbyterian Women in Restoration Scotland: 1660-1679', unpublished PhD thesis, (University of Strathclyde, 2005); Mark Jardine, 'The United Societies: Militancy, Martyrdom and the Presbyterian Movement in Late-Restoration Scotland, 1679 to 1688', unpublished PhD thesis, (University of Edinburgh, 2009).

state; Ronnie Lee the machinery of government; Gillian MacIntosh the Scottish Parliament under Charles II; and Allan Macinnes and Allan Kennedy the relationship between central government and the Scottish Highlands.[27] Richard Greaves and Tim Harris have also provided integrated 'three kingdoms' approaches to the Restoration in which Scotland is far from a peripheral entity.[28] Indeed, each can lay claim to being among the more successful exponents of John Pocock's 'New British History' which dominated early modern historiographical debate in Scotland, England and Ireland until the late-1990s.[29]

However, as Keith Brown has recently noted – and reiterating the sentiments of Michael Lynch some 20 years previous, who had styled the Restoration era as the 'black hole' of Scottish History – there remains no study focused specifically on the ideas of the later Covenanters.[30] There has persisted the impression that they are a well-known entity in Scottish History, and yet, alongside the Covenanting Revolution itself, remain an under-researched phenomenon. Ian Smart and Allan Macinnes are the only scholars to have produced article- or chapter-length studies of Covenanting ideas which have a chronological span that encompasses the periods before and after 1660.[31] However, Smart's lacks detail and is not related to the political process; as a result, it tells us little about the development of the Covenanting cause. Macinnes is stronger in this regard, but his research is concerned primarily with the earlier period. Nevertheless, his suggestion that the Covenanting movement was in fact two distinct movements – of

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[27] Julia Buckroyd, *Church and State in Scotland, 1660-1681*, (Edinburgh: John Donald, 1980); G. M. Yould, 'The duke of Lauderdale's religious policy in Scotland, 1668-79: the failure of conciliation and the return to coercion', *Journal of Religious History*, 11 (1980), 248-68; Ronald Arthur Lee, 'Government and politics in Scotland, 1661-1681', unpublished PhD thesis, (University of Glasgow, 1995); Gillian H. MacIntosh, *The Scottish Parliament under Charles II, 1660-1685*, (Edinburgh, 2007); Allan I. Macinnes 'Repression and Conciliation: The Highland Dimension, 1660-1688', *SHR*, 65 (1986), 167-95; Allan Kennedy, *Governing Gaeldom: The Scottish Highlands and the Restoration State, 1660-1688*, (Leiden: Brill, 2014).

[28] Richard L. Greaves, *Deliver Us from Evil: The Radical Underground in Britain, 1660-1663*, (Oxford, 1986); idem., *Enemies Under His Feet: Radicals and Nonconformists in Britain, 1664-1677*, (Stanford, 1990); idem., *Secrets of the Kingdom: British Radicals from the Popish Plot to the Revolution of 1688-89*, (Stanford, 1992); Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685*, (London: Penguin, 2006).

[29] See J. G. A. Pocock, 'British History: A Plea for a New Subject', *Journal of Modern History*, 47 (1975), 601-21 and Glenn Burgess, ed, *The New British History: Founding of a Modern State, 1603-1715*, (London: I. B. Tauris, 1999).

[30] See Michael Lynch, 'Response: Old Games and New', *SHR*, 73 (1994), 47-63, at p. 47 and Keith M. Brown, 'Early Modern Scottish History – A Survey', *SHR*, 92 (2013), issue supplement, 5-24, at p. 6.

[31] Ian Michael Smart, 'The Political Ideas of the Scottish Covenanters, 1638-1688', *History of Political Thought*, 1 (1980), 167-93; Allan I. Macinnes, 'Covenanting ideology in seventeenth century Scotland', in Jane H. Ohlmeyer, ed, *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony*, (Cambridge, 2000), 191-220.

power, from 1638, and of protest, from 1660 – will be considered with respect to the aims and objectives of this thesis.

Fortunately, recent work has begun to make some in-roads. Calvin Beisner's study of the later Covenanters' chief lay propagandist, James Stewart of Goodtrees, has placed him among a pantheon of Calvinist resistance theorists and argued convincingly that he represents an important intellectual link between early thinkers such as Samuel Rutherford and the political thought of John Locke.[32] This followed an article by Robert von Friedeburg which probed Stewart's reading of the German jurist Johann Althaus.[33] However, as Beisner was concerned overwhelmingly with integrating Stewart into the mainstream of European letters, his account failed to discuss the relationship between theory and practice. It also underplayed the uniquely radical aspects of his thinking. In a similar vein John Coffey has considered the influence of George Buchanan on the later Covenanters.[34] His conclusion that it was Buchanan's *Rerum Scoticarum Historia* (1582) and less his incendiary *De Jure Regni apud Scotos* (1579) which had the greater impact is supported by the findings in this thesis. Yet this should not be over-emphasised at the expense of more recent ideological touchstones rooted in the British Civil Wars. Finally, Caroline Erskine has provided an unduly negative assessment of later Covenanting thought which condemns it as 'narrow and localised, fanatical and extreme' and so 'ultimately a dead end'.[35] While right to ask difficult questions of the movement, her focus on intellectual limitation obscures the wider significance of popular political engagement and runs counter to their unquestionably durable legacy. Perhaps unintentionally, Erskine's criticisms are symptomatic of the entrenched perception of the stagnant nature of intellectual life in the Restoration era.

Regardless, the broader intellectual context of Restoration Scotland has begun to receive much-needed attention. Long regarded as an intellectual dark age preceding the

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[32] E. Calvin Beisner, 'His Majesty's Advocate: Sir James Stewart of Goodtrees (1635-1713) and Covenanter Resistance Theory Under the Restoration Monarchy', unpublished PhD thesis, (University of St Andrews, 2002).

[33] Robert von Friedeburg, 'From Collective Representation to the Right of Individual Defence: James Steuart's *Ius Populi Vindicatum* and the Use of Johannes Althusius' *Politica* in Restoration Scotland', *History of European Ideas*, 24 (1998), 19-42.

[34] John Coffey, 'George Buchanan and the Scottish Covenanters', in Caroline Erskine and Roger A. Mason, eds, *George Buchanan: Political Thought in Early Modern Britain and Europe*, (Farnham: Ashgate, 2012), 189-203.

[35] Caroline Erskine, 'The Political Thought of the Restoration Covenanters', in Adams and Goodare, eds, *Scotland in the Age of Two Revolutions*, 155-72, quotes at pp. 157, 172.

Enlightenment dawn of the mid-eighteenth century – a perception due in no small part to the writings of Enlightenment thinkers themselves – the intellectual reputation of the era is beginning to be rehabilitated. Through the lens of intellectual history Roger Emerson and Colin Kidd have reflected on cultural and religious changes towards the Act of Union, each revealing a vibrancy which had been overlooked.[36] Meanwhile, Clare Jackson has provided the first treatment of the Royalist culture which pervaded the reigns of Charles II and his brother James VII.[37] Similarly, Alasdair Raffe has charted the evolution of rival Episcopalian and Presbyterian cultures.[38] He has also considered the reception of Cartesian philosophy in Scotland.[39] Raffe's work has been of undoubted importance in providing a scholarly examination of an episode long plagued by partiality. However, as Scott Spurlock has suggested, his chosen chronology, from the restoration of Charles II in 1660 to the accession of George I in 1714, leaves part of the story untold – namely, the tumultuous events of the 1640s and 50s from which the Episcopalian-Presbyterian controversy arose.[40] Although there are sensibilities shared by his work and this thesis, most clearly concerning the intellectual and social dynamics of early modern Scotland, the thrust of the research presented here is to explain the ideological development of the Covenanting cause.

Methodology

In order to recover Covenanting ideology and the context(s) in which it developed, this thesis has taken inspiration from a variety of approaches to the study of ideas. Firstly, as the relationship between ideas and action is a central preoccupation of the project, the philosophy of intention has been of particular interest. In this direction Gertrude

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[36] Roger L. Emerson, 'Scottish cultural change 1660-1710 and the Union of 1707' and Colin Kidd, 'Religious Realignment between Restoration and Union', in John Robertson, ed, A *Union for Empire: Political Thought and the British Union of 1707*, (Cambridge, 1995), 121-44 and 145-68.
[37] Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas*, (Woodbridge: Boydell, 2003).
[38] Alasdair Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714*, (Woodbridge: Boydell, 2012).
[39] Alasdair Raffe, 'Intellectual Change before the Enlightenment: Scotland, the Netherlands and the Reception of Cartesian Thought', *SHR*, 94 (2015), 24-47.
[40] R. Scott Spurlock, 'Half the Story? A review of Alasdair Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714*', *Journal of Irish and Scottish Studies*, online reviews section (2013) <http://www.abdn.ac.uk/riiss/content-images/Spurlock_half-the-story.pdf>

Anscombe's *Intention* (1957) has been most notable.[41] A recent overview has been provided by Carlos Moya.[42] The philosophy of intention can also be taken in another direction as action need not manifest itself physically – an observation lying at the heart of John Austin's path-breaking work on 'speech acts'.[43]

Anscombe and Austin's philosophy had a formative influence on a group of scholars whose work continues to inform the analysis of texts by historians: Quentin Skinner, John Pocock and the so-called 'Cambridge School' of intellectual history. These scholars have become synonymous with the study of political 'languages' and the linguistic contexts in which political theorists operated. Skinner first presented this method of historical enquiry in a now famous article.[44] It has since been the subject of considerable academic debate.[45] His colleague, Pocock, had similar, although not identical, ideas.[46] The method stresses the importance of interpreting ideas in the context – or rather, contexts – in which they were articulated. In order to recover the meaning of a text it becomes necessary to ascertain the contemporary linguistic conventions to which the author was subject. What is more, by tracing the use of concepts over time the detection of underlying shifts in their application becomes possible.[47] The general outcome has been to free intellectual history from the constraints of an accepted 'canon' while opening up the prospect of analysing a much broader range of material. With textual analysis forming the bulk of this thesis, such an approach is well-suited to the study of Covenanting ideology as it developed in seventeenth century Scotland.

However, although the approach of Skinner and Pocock has been preoccupied with print material, their work has given considerably less attention to the culture of print which emerged in the early modern period. Nevertheless, other historians have been concerned not only with the content of printed items but the very processes by which these items were generated. This has been the focus of two penetrating studies by Jason

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[41] G. E. M. Anscombe, *Intention*, paperback edition, (Harvard: Cambridge, MA, 2000).
[42] Carlos H. Moya, *The Philosophy of Action: An Introduction*, (Oxford: Polity, 1990).
[43] J. L. Austin, *How to Do Things with Words*, (Oxford: Clarendon, 1962).
[44] Quentin Skinner, 'Meaning and Understanding in the History of Ideas', *History and Theory*, 8 (1969), 3-53.
[45] James Tully, ed, *Meaning and Context: Quentin Skinner and his Critics*, (Oxford: Polity, 1988).
[46] J. G. A. Pocock, *Politics, Language and Time: Essays on Political Thought and History*, (London: Methuen, 1972) and *Political Thought and History: Essays on Theory and Method*, (Cambridge, 2009).
[47] Terence Ball, James Farr and Russell L. Hanson, eds, *Political Innovation and Conceptual Change*, (Cambridge, 1989).

Peacey.[48] As well as exploring the nature of print culture and manuscript circulation, Peacey has also revealed the close relationship between print and politics in revolutionary England. While there is, as yet, no comparable work on Scotland, David Stevenson, Alastair Mann and Scott Spurlock have all made vital contributions.[49] Of particular importance to this thesis is Mann's examination of the Scottish Covenanting 'press in exile' at Rotterdam in the Netherlands.[50] Indeed, as will be made clear, the printing press, as also the circulation of manuscript material – often in the form of correspondence – was no less crucial to the Covenanting cause after 1660 as it had been in propagating Covenanting hegemony during the 1640s.

More generally, this thesis has been informed by the various branches which have come to constitute 'intellectual history' as a discipline: the history of ideas (the study of systematic thought), intellectual history proper (the study of informal thought or climates of opinion), the social history of ideas (the study of ideologies and idea diffusion) and cultural history (the anthropological study of culture and collective mentalities). While this array of approaches cannot all be undertaken at once, neither can they be neatly demarcated.[51] So rather than apply them rigidly, the thesis has remained open to the interpretive potential of each. Moreover, the work of John Salmon has provided an outstanding example of how intellectual and social history can be integrated in order to reveal the dynamics of a particular society.[52] In fact, as a recent synopsis has made clear, intellectual history is fundamentally an interdisciplinary enterprise.[53] Thus, the study of ideas ought not to occur in isolation nor be divorced from the contexts in which they emerged. As such, the thesis is mindful of the relationship between theory and practice; that is, between expressions of Covenanting ideas and how they were actually applied in Restoration Scotland.

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[48] Jason Peacey, *Politicians and Pamphleteers: Propaganda During the English Civil Wars and Interregnum*, (Aldershot: Ashgate, 2004) and *Print and Public Politics in the English Revolution*, (Cambridge, 2013).

[49] David Stevenson, 'A Revolutionary Regime and the Press: the Scottish Covenanters and their Printers, 1638-51, *The Library*, 7 (1985), 315-337; Alastair J. Mann, *The Scottish Book Trade, 1500-1700: Print Commerce and Print Control in Early Modern Scotland*, (East Linton: Tuckwell, 2000); R. Scott Spurlock, 'Cromwell's Edinburgh Press and the Development of Print Culture in Scotland', *SHR*, 90 (2011), 179-203.

[50] Mann, *Scottish Book Trade*, 84-6.

[51] Roger Chartier, *Cultural History: Between Practices and Representations*, trans. Lydia G. Cochrane, (Cambridge: Polity, 1988), 19-52.

[52] J. H. M. Salmon, *Renaissance and Revolt: Essays in the intellectual and social history of early modern France*, (Cambridge, 1987).

[53] Richard Whatmore and Brian Young, eds, *Palgrave Advances in Intellectual History*, (Basingstoke: Palgrave Macmillan, 2006).

In addition to the work of Roger Chartier, the '*Annales* School' of history has contributed to another area which informs this thesis: the study of individual, collective and social memory. The classical statement on the connection of history and memory is by Jacques le Goff.[54] The structures of memory have been sketched by the sociologist Eviatar Zerubavel.[55] An useful historiographical parallel is provided by Matthew Neufeld.[56] By considering how the past was remembered and forgotten by various social groups or communities over time, these scholars have shown how memory functions in the forging of identities. Of particular importance for this thesis is the concept of 'social memory'. Where collective memory connects the past to the present but denies any ideological output, social memory is the process by which the past is used for sustaining a sense of common identity. This can be further divided into two categories: communicative memory and cultural memory.[57] The former represents the oral recall of an event which had been experienced directly or indirectly while the latter constitutes the survival of memories in cultural artefacts – from art and architecture to letters and literature. This insight on mnemonics helps explain the complex interaction of memory and history in tradition formation and political thought at the core of this thesis. As will be seen, an understanding of how the recent Covenanting past was remembered and reimagined leads to an explanation of how Covenanting ideology was reshaped in the Restoration era.

Like the work of Neufeld, it is cultural artefacts which constitute the historical material on which this thesis is based. The material can be classified loosely as: printed tracts, official records and personal accounts. Of the tracts, James Stewart of Goodtrees's *Jus Populi Vindicatum, or The People's Right, to Defend themselves and their Covenanted Religion, Vindicated* (1669) is of particular significance. This is not because (or not simply because) Stewart was a great thinker, but due to it providing a comprehensive statement of Covenanting ideas after nearly a decade of government under the Restoration regime. Furthermore, it was consciously vindicating a popular uprising – the Pentland Rising of

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[54] Jacques le Goff, *History and Memory*, trans. Steven Rendall and Elizabeth Claman, (New York: Columbia, 1992).
[55] Eviatar Zerubavel, *Time Maps: Collective Memory and the Social Shape of the Past*, paperback edition, (Chicago, 2004).
[56] Matthew Neufeld, *The Civil Wars after 1660: Public Remembering in Late Stuart England*, (Woodbridge: Boydell, 2013).
[57] Ibid., 5-6, citing the work of Jan Assmann. See also Jan Assmann and John Czaplicka, 'Collective Memory and Cultural Identity, *New German Critique*, 65 (1995), 125-33.

1666 – and doing so in the unstinting language of Covenanting. It also offers a route into the dissenting or nonconforming mindset while revealing wider social attitudes. The official records, meanwhile, encompass a range of documentary evidence, such as parliamentary papers, the registers of the Scottish Privy Council, church court records and the accounts of state trials. As well as being mined for the ideological insights they contain, it will be demonstrated how the later Covenanters drew on the acts of constitutional assemblies – namely, the Scottish Parliament and the General Assembly of the Church of Scotland – in order to confer legitimacy on their cause. Finally, the personal accounts of contemporaries – journals, diaries, memoirs, histories and private correspondence – have been interrogated on two levels: the first considers how the recent Covenanting past was remembered, with focus predominantly, although not exclusively, on the perception of supporters, while the second scrutinises the ideological development of Covenanting in Restoration Scotland. Although much of the material is familiar to historians, it has yet to be examined in this way. So with the historical background, historiographical context and methodological approach now outlined, it remains to state the aims and objectives of this thesis.

Aims and Objectives

At its most basic level, the thesis aims to provide the first updated narrative of the later Covenanting movement since Ian Cowan's account in 1976. However, where it differs from previous interpretations is in its chronology. Rather than begin from the return of Charles II in 1660 the thesis commences from 1648 and the controversy surrounding an aristocratic attempt to restore the authority of Charles I in the three kingdoms: The 'Britannic Engagement'. This was the episode from which contemporaries dated the decline of the Covenanting movement – although not before the 'Covenanted Reformation' had reached its apparent apex under the 'rule of the saints' in 1649. As such, the thesis takes in the British Civil Wars and the Interregnum while reconnecting the Restoration era to the two decades of upheaval which preceded it. At the opposite end, the chronology will not stretch beyond the emergence of the United Societies in 1682 as Mark Jardine's work has covered them in considerable detail.

As well as an alternative chronology, a chronological approach has been adopted in order to chart ideological development and underlying social shifts. The narrative also seeks to modify or challenge those accounts which tend to be fixated on the clerical dimension of the Covenanting movement or else condemn the so-called 'extremism' of the later Covenanters at the expense of other interpretive possibilities. Where the thesis intersects with and diverges from the historiography has been indicated in the relevant chapters. In addition, the research of scholars working on England, Ireland, Continental Europe and British America has been cited where a comparative insight serves to illuminate.

Beyond these chronological considerations, the thesis endeavours to explain how the Covenants came to endorse popular protest and resistance as expressed in the Pentland Rising of 1666, the Bothwell Rising of 1679 and the proliferation of conventicles (that is, private religious meetings) in house and field. Indeed, while the remarkable social dynamic to these events was recognised long ago, there has been limited interest in testing it.[58] At the same time, the thesis looks to move away from the elite while exploring how the nobility and clergy were each criticised during the Restoration era. To be sure, Covenanting ideology was loaded with an anti-aristocratic and anti-clerical potential which has been largely passed over by historians. The thesis therefore focuses on the radical edge of Covenanting; but while concerned less with occasional or partial conformity, the Epilogue will make some constructive remarks in this direction.

More broadly, the thesis seeks to understand how the Covenanting past informed the Restoration present. How were the mid-century upheavals remembered and how did they shape political and religious thinking in Restoration Scotland? Similarly, by scrutinising the ideas and ideological context of Presbyterian dissent after the Restoration settlement of 1661-2, the thesis asks how past actions informed ideas, and conversely, how ideas were reworked to justify contemporary action. Although such analysis is overwhelmingly qualitative in nature, a quantitative-style approach can be found in the brief prosopography of the 'Mauchline cohort' – those ministers present at the Mauchline Rising of 1648 – and the systematic accounting of nonconforming Presbyterian ministers indulged (that is, licensed to preach) by the Restoration regime between 1669 and 1672.

[58] Gordon Donaldson, *Scotland: James V-James VII*, (Edinburgh: Oliver & Boyd, 1965), 367-9.

Finally, the thesis hopes to rehabilitate the reputation of the later Covenanters. By moving beyond established paradigms (were they godly patriots or fanatical bigots?) the thesis instead considers the extent to which Covenanting was a movement of subversion. Rather than judge their ideas and ideology in terms of intellectual rigour or standards of scholarship, of greater concern is the apparent wielding of political and religious principles by grassroots supporters of the Covenants – lesser lairds, yeomen, tenant farmers, merchants, craftsman and women of varied social rank – in opposition to Stuart kingship and the social hierarchy recruited to enforce the Restoration settlement. Regardless of the numbers involved, a query which has often dogged the study of the later Covenanting movement, this political engagement is of undeniable significance and requiring of further investigation.

Thus Chapter 1 explores the ideological context of Covenanting radicalism from 1648 to the Restoration settlement of 1661-2. Beginning with the popular uprising at Mauchline in Ayrshire, it highlights how the parliamentary sanction of this episode during the 'rule of the saints' saw the right of resistance expanded implicitly to include those outside the political community. It then outlines how Covenanting ideology invigorated protest against Charles II, the Scottish nobility, the Presbyterian Kirk and the Cromwellian occupation. At the same time, it reveals how Covenanting became an increasingly exclusive and divisive enterprise as the movement began to crumble.

Chapter 2 connects the legacy of Covenanting radicalism to Presbyterian dissent in the first decade of the Restoration era. It explains the nonconformity of Presbyterian ministers and demonstrates how their subsequent actions chimed with their experiences during the 1650s. It then discusses the social dynamics of the Pentland Rising of 1666 in order to reveal that the makeshift guerrilla force consisted of unfranchised supporters of the Covenants as well as radical stalwarts from the 1640s. Finally, it demonstrates how this expression of popular resistance against the Restoration regime was vindicated by a reimagining of the recent past in the treatises of James Stewart of Goodtrees.

Chapter 3 focuses more closely on the political thought of Stewart of Goodtrees. It argues that he articulated a theory of society and government which was both undeniably radical and unshakeably popular. It reveals how his constitutionalism was informed by the controversial accession of Charles II during the 'rule of the saints' and explores the more subversive aspects of his thinking. It also identifies the corporate sin

of Restoration Scotland as the ideological context in which nonconforming Presbyterians reconciled visions of a national church with a commitment to confessional purity.

Chapter 4 provides the first in-depth study of conventicles as the most potent expression of Presbyterian nonconformity between the popular uprisings of 1666 and 1679. In addition to outlining their chronological and geographical spread, it utilises case studies to assess their organisation, militancy, social dynamics and ideological significance. It contends that dissent was as much lay-driven as clerical-led and argues that the proliferation of conventicles in the Restoration era represented a tangible step-change in their use by Presbyterians.

Chapter 5 looks at the ideological import of government initiatives to comprehend the nonconforming clergy within the Episcopalian Kirk. It considers the intellectual issues which emerged in the wake of 'conciliation' and examines specific areas of dispute – a dispute which regressed into a debate on the Covenants. It also reveals how the nonconforming clergy confronted clerical disunity and laic militancy through the effective creation of a covert church structure in order to control the Covenanting cause. It concludes that although the Restoration regime was successful in sowing dissension among the later Covenanters, government policy presented an opportunity for Presbyterian ministers to subvert the Kirk from within while conventicles challenged the Kirk from without.

Chapter 6 looks first at the ideological impact of government repression in Restoration Scotland and especially the 'Highland Host' raised in 1678 to enforce conformity or provoke resistance. It then discusses the reciprocal militancy of nonconforming Presbyterians. This forms the background to an extended analysis of the debates which plagued the Bothwell Rising of 1679. Comparisons are drawn with rebel disputes and those which sundered the regime they wished to restore – the 'rule of the saints'. It also reflects on the anti-aristocratic and anti-clerical potential of Covenanting which was realised by a faction of militant conventiclers.

The thesis concludes with an Epilogue which traces the mental world of Alexander Brodie of Brodie – a laird from Moray whose political career climaxed during the 'rule of the saints' but who survived to see much of the Restoration era. While study of his

diary is used primarily as a mechanism to summarise the arguments made in this thesis, it will also illuminate the interstices between conformity and nonconformity in this period. Brodie's thoughts are then juxtaposed with those of the militant conventiclers who became known as 'Cameronians' from 1680. Claiming sole ownership of the Covenanting tradition, it is suggested that the Cameronians were the culmination of subversive developments which had taken place under the aegis of Covenanting since 1648.

Covenanting Radicalism

Do not I hate them, O Lord, that hate thee? And am not I grieved with those that rise up against thee?[1]

[...] *the truth is our ministers in the 48 were so deeply interested in such affairs that they framed to themselves new and strange principles which the Remonstrators afterwards hammered into a model of sedition.*[2]

It is a central contention of this thesis that analysis of Restoration Scotland has been hampered by its disconnection from the decades of warfare that preceded it. In particular, it will be argued that Presbyterian dissent during the Restoration, and the development of Covenanting ideology which sustained it, can only be fully understood once the era has been reconnected to the upheavals that constituted the 'British Revolution'.[3] The following chapters will therefore reflect on aspects of a radical tradition that developed in Scotland during the British Civil Wars, particularly in the aftermath of the failed Britannic Engagement for the restoration of monarchical authority in the three kingdoms. The fall of the Engagers, followed by the institution, rule and subsequent demise of a radical Covenanting regime in their stead – the 'rule of the saints' – left a legacy which shaped perceptions of, and reactions to, the Restoration constitutional settlement of 1661-2. It also provided a basis for protest that could be directed against the excesses of government policy. As will be seen, later Covenanting ideology was rooted in memories of this recent past, maintained by personnel who had been directly involved and was reinforced by a corpus of printed material from the period. Yet this past was far from uncontested, and held the equal capacity to exacerbate divisions among Presbyterians as it did between nonconformists and their adversaries. Furthermore, when Covenanting ideas were adapted and applied in a dramatically altered political environment, a distinctly different discourse emerged. Despite

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[1] Psalm 139:21.
[2] *Lauderdale Papers*, II, app. B, lxxii.
[3] Allan I. Macinnes, *The British Revolution, 1629-1660*, (Basingstoke: Palgrave Macmillan, 2005).

contemporary beliefs otherwise, Covenanting ideology was neither monolithic nor unchanging.

Incidents of signal importance to the development of this tradition, but which have also received little scholarly attention, were the battle of Mauchline Moor in June 1648 and the Whiggamore Raid the following September.[4] The former, a tangible expression of grassroots resistance in the south-west to the Engager levies, and the latter, a successful coup d'état by the radicals who had opposed the Britannic Engagement, provided the foundations for the 'rule of the saints' in 1649. Chapter 1 will therefore begin by sketching the background and dynamics of the rising at Mauchline.

Mauchline Rising

The skirmish at Mauchline occurred during the phase of the British Civil Wars known as the 'Britannic Engagement'. The Engagement was a treaty concluded covertly between Charles I and Covenanting conservatives for the restoration of monarchical authority in the three kingdoms. The transfer of the king from the custody of the Covenanting regime to the English Parliament in January 1647, and his subsequent kidnapping at the hands of the Independent-controlled New Model Army in June, led to a conservative reaction in Scotland headed by James Hamilton, first Duke of Hamilton and his brother William, first Earl of Lanark. The Hamiltons led a conservative ascendency in the Scottish Parliament which challenged the powerbase of Archibald Campbell, first Marquess of Argyll and Covenanting radicals through manipulation of the centralised committee structure that had developed since the constitutional settlement of 1640-1.[5] The desire to secure the king reflected a reassertion of aristocratic dominance in Scotland at the expense of religious and constitutional imperatives that were enshrined in the National Covenant of 1638 and the Solemn League and Covenant of 1643. These non-negotiable imperatives – the pursuit of a limited, godly monarchy and the promotion of Presbyterian confederation in the three kingdoms – had been pursued assiduously by Argyll and the 'mainstream' of Covenanting radicals in Kirk and state

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[4] However, see David Stevenson, *The Battle of Mauchline Moor 1648*, (Ayr: Ayrshire Archaeological and Natural History Society, 1973).

[5] David Stevenson, *Revolution and Counter Revolution, 1644-51*, revised edition, (Edinburgh: John Donald, 2003), 68-102; Young, *Scottish Parliament*, 189-214.

since the outbreak of war in 1639. The Engagement also represented a substantial challenge to the intrusion of the Kirk in civil government. Indeed, contemporaries interpreted the debates surrounding the Engagement as a struggle between Kirk and state to shape public policy. Scots were therefore induced to obey the directives of either Kirk or Parliament.[6] Contemporaries also viewed the Engagement as a battle of wills between Argyll and Hamilton, albeit some sceptical observers postulated incorrectly that public opposition masked private collusion.[7] Either way, the coalition of interests that had characterised the Covenanting movement since 1638 was ruptured irrevocably and replaced with ideological fragmentation and internal factionalism.

With the Scottish Parliament firmly under the control of the Engagers, preparations began for a military invasion of England to secure the king despite the opposition mobilised by Argyll and the Kirk.[8] Indeed, the Engagement had elicited petitioning on a scale not seen since 1637.[9] In May, Argyll, Alexander Montgomerie, sixth Earl of Eglinton and John Kennedy, sixth Earl of Cassillis, along with a cohort of ministers, met at Irvine to discuss the possibility of organising armed resistance to the Engager levies. The nobles that supported the radical agenda held their powerbases in the west, while radical support could also be counted among western gentry and burgesses. Indeed, the English Presbyterian and critic of Argyll, Clement Walker, claimed that the Marquess could be considered 'earl of *Irwin*' as 'all the interest he had there' was channelled through the provost Robert Barclay, his former tutor.[10] Glasgow, under the direction of the provost George Porterfield and his faction, was also reluctant to support the levies.[11] The Engager officer James Turner attributed this stance in no small part to the conduct of David Dickson, Robert Baillie, George Gillespie and James Durham – 'all mightie members of the kirk of Scotland' – whose preaching had led

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[6] Baillie, *L&J*, III, 51-2; Burnet, *HMOT*, I, 77-8; Kirkton, *History*, 46; Turner, *Memoirs*, 53-4.
[7] *Montereul*, II, 497-9.
[8] *The Hamilton Papers: Being Selections from Original Letters in the Possession of His Grace the Duke of Hamilton and Brandon, Relating to the Years 1638-1650*, ed. S. R. Gardiner, (London: Camden Society, 1888), 202-4, 222-3.
[9] Macinnes, *British Revolution*, 188.
[10] Clement Walker, 'An Appendix to *The History of Independency*' in *Relations and Observations, Historical and Politick, upon the Parliament begun Anno Dom. 1640*, (n.p., 1648). Argyll's erstwhile estranged half-brother, James Campbell, Lord Kintyre, had in fact been created Earl of Irvine in 1642. Although the title became extinct upon his death sometime between June 1645 and March 1646, the Marquess did acquire James's estate and title. It is also to this episode that Walker alludes. For the earldom, see James Balfour Paul, *The Scots Peerage*, 9 vols, (Edinburgh: David Douglas, 1904-14), V, 21-7.
[11] Baillie, *L&J*, III, 47-8. The Porterfield faction were momentarily ousted from power for refusing the levy. See William Scott Shepherd, 'The politics and society of Glasgow, 1648-72', unpublished PhD thesis, (University of Glasgow, 1978), 39-43.

Glasgow 'to a perfite disobedience of all civill power, except as was authorised by the Generall Assemblie and Commission of the Kirk'. He was duly sent west to quarter on the town, thus exacerbating opposition that was rooted equally in the military and fiscal exhaustion occasioned by the previous years of warfare.[12] The west of Scotland also held strategic significance with regards to Scottish troops returning from Ireland, many of whom doubted the lawfulness and sensibility of the Engagement. As it was, however, the Irvine meeting concluded that only passive resistance would be offered to the levying, a response no doubt conditioned by the extension of treason to include all those who opposed the venture.[13] Despite this resolution, rumours continued to circulate that dissidents were gathering to mount resistance in the west. On 10 June, a meeting of western nobles and gentlemen in the sheriffdom of Ayr had debated late into the evening on the possibility of armed resistance, but they soon discovered that the sheriffdom of Fife had yielded to Engager demands and Argyll had retired to his seat at Inveraray.[14] Nonetheless, active resistance to the Engagers did take place within the estate of Argyll's kinsman and ally John Campbell, first Earl of Loudoun and Lord Chancellor, at Mauchline Moor on 12 June 1648.

While it is difficult to ascertain the extent to which the rising itself was spontaneous or orchestrated, it is clear that it originated in a communion service celebrated on 11 June at Mauchline Kirk.[15] As 'the times were, forsooth, dangerous' it was intimated that 'all the men should come armed'.[16] The following day Lieutenant-General John Middleton (a replacement for the leading commanders Leven and Leslie who had refused to serve in the Engagement) and six troops of horse were sent to investigate; upon arrival they found around 2,000 armed men and a group of ministers assembled on Mauchline Moor. The men were predominately the unfranchised as 'gentlemen and officers very few was [sic] among them'. They consisted primarily of yeomen from Clydesdale who had liaised with deserting soldiers at Loudoun Hill, alongside the tenantry of Cunningham and Kyle. Though in effect a peasant rising, the involvement of these

[12] Turner, *Memoirs*, 53-4; *Montereul*, II, 497-9, 502-4.
[13] Allan I. Macinnes, *The British Confederate: Archibald Campbell, Marquess of Argyll, c.1607-1661*, (Edinburgh: John Donald, 2011), 239.
[14] Baillie, *L&J*, III, 48; Stevenson, *Counter Revolution*, 89-91.
[15] Presbyterian communion services on the Sabbath were flanked by a day of preaching on the Saturday and Monday. See Andrew Edgar, *Old Church Life in Scotland: Lectures on Kirk-Session and Presbytery Records*, (Paisley, 1885), 117-181, esp. pp. 124-30.
[16] Turner, *Memoirs*, 55.

soldiers and the trial of five officers at a hastily convened court of war in the aftermath of the skirmish does point to the Mauchline gathering having a military core.[17] While the dissenting nobles eventually acquiesced in supporting the Engagement, the lower classes and soldiery knew they would be pressed to join. The minister of Mauchline, Thomas Wylie, attempted to negotiate between the communicants and Middleton's party but some of the men wanted a fight.[18] A confused skirmish was then fought in which several of the communicants were killed, but not before Middleton had suffered a head wound at the hands of a local smith.[19] That these men were compelled to resist parliamentary directives and their own superiors should not be understated. Indeed, Henry Guthry, writing as Bishop of Dunkeld in the Restoration era, relates that the Mauchline men included 600 of Hamilton's own tenants from Avondale and Lesmahagow 'who, having risen at his very elbow, and at the time he was at Hamilton, were most violent of any'.[20] Reluctant to be recruited into another war, buoyed by the exhortations of clergymen and increasingly sceptical of noble endeavours to prosecute the Covenanting cause, the westerners did what they could to resist the Britannic Engagement.

Ideological opposition to the Engagement was indeed augmented by the Kirk, and most notably by the theologian and former chaplain to the Cassillis household, George Gillespie. His *An Usefull Case of Conscience* – published posthumously by his brother Patrick in 1649 – was based on sermons delivered 'about the time of contriving the late War against the Kingdome of England'.[21] Together with *A Treatise of Miscellany Questions* (1649) the tract was a signal Scottish contribution to the burgeoning literature on casuistry in early modern Britain.[22] Gillespie's sermons had considered 'whether a confederacy and association with wicked men or such as are of another Religion, be lawfull, yea, or no'. To this end he made a distinction between a variety of covenants: while civil covenants for peace or commerce could perhaps be lawful, military, religious, and mixed covenants with the wicked had been expressly forbidden by God.[23] What is

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[17] Baillie, *L&J*, III, 48-9; *Montereul*, II, 507-9; Turner, *Memoirs*, 56-7; *Two Letters from Penrith Another from Northumberland*, (London, 1648).
[18] Wodrow, *History*, I, 89.
[19] Baillie, *L&J*, III, 49; Guthry, *Memoirs*, 278; Turner, *Memoirs*, 56.
[20] Guthry, *Memoirs*, 278.
[21] George Gillespie, *An Usefull Case of Conscience*, (Edinburgh, 1649), preface.
[22] For early modern casuistry, see Edmund Leites, ed, *Conscience and Casuistry in Early Modern Europe*, (Cambridge, 1988) and Harald Braun and Edward Vallance, eds, *Contexts of Conscience in Early Modern Europe, 1500-1700*, (Basingstoke: Palgrave Macmillan, 2004).
[23] Ibid., 3-21.

more, confederacies with enemies of true religion 'made after the light of Reformation' were held to be inexcusable.[24] The practicalities of this position were then spelled out in his letter to the Commission of the Kirk, noting that 'all the faithfull Witnesses that gave Testimony to the Thesis, that the late Engagement was contrary and destructive to the Covenant, will also give Testimony to the Appendix, That complyance with any who have beene active in that Engagement is most sinfull and unlawfull'.[25]

At the heart of Gillespie's discussion of covenanting and confederacy was the interplay between national imperatives and the individual conscience. Having bound their consciences to the so-called 'cause of God' in the National Covenant and the Solemn League and Covenant, the godly could not now be expected to unite with the enemies of true religion in opposition to their Covenanting commitment. That is, they could not join with 'malignants' in a cause that ultimately compromised the Covenanted Reformation in the three kingdoms.[26] Resistance to the Britannic Engagement, and by extension, to the dictates of the Scottish Parliament, was therefore expressed in terms of *non-compliance*; active, armed resistance was not explicitly advocated. Similarly, although Samuel Rutherford's *Lex Rex* (1644) had left open the possibility of defensive resistance by private men, his treatise was directed primarily towards vindicating the resistance undertaken by the Scottish Estates against Charles I and the alliance with English Parliamentarians via the Solemn League and Covenant.[27] Yet, in practice – and as seen at Mauchline Moor – the implications of these arguments went further when men were pressed to join in a cause they believed to be sinful. Indeed, the Anglo-Scot Gilbert Burnet later noted, as Bishop of Salisbury, that preachers everywhere opposed the levies by 'solemn denunciations of the wrath and curse of God' on all who joined the Engagers, leading to that 'strange piece of opposition to the state'.[28] However, while armed resistance had not been justified, Gillespie's writing exhibits the ideological shift

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[24] Ibid., 21.

[25] Ibid., 24. See also 'The Answer of the Comissioners of the Generall Assembly unto the Observations of the Honourable Comittee of Estates upon the Declaration of the late General Assembly', in *RCGA*, II, 8-26.

[26] 'Malignant' was a pejorative term applied to opponents of the Covenanting regime but which came to be used indiscriminately against anyone who held Royalist sympathies. 'Confederacy' was also a polemically potent concept and could be associated equally with the Irish Catholic Confederation formed in 1642 in the wake of the Ulster Rebellion of 1641.

[27] Samuel Rutherford, *Lex Rex: The Law and the Prince*, (London, 1644), 257-65, 326-40, 378-84. That said, his treatise rejected the concept of passive obedience; see pp. 313-26.

[28] Burnet, *HMOT*, I, 77-8. Burnet was also the nephew of leading Covenanter Sir Archibald Johnston of Wariston. See Martin Greig, 'Burnet, Gilbert (1643-1715)', *ODNB*.

within the Covenanting movement that saw national inclusion subordinated to confessional exclusion.[29] As will be seen, this reorientation had significant ramifications for the future direction of Covenanting as a cause which commanded nationwide support.

Nevertheless, a printed letter which emerged later in the year, possibly written by the provost of Edinburgh, James Stewart, reveals the strands of thinking which later legitimised active opposition to the Engagement.[30] The letter argued that there had been no 'violent or tumultuous' action against the Scottish Parliament or its committees, but simply 'the greatest part of the people of this Kingdom petitioned only against the designes of the major part of Parliament'. In other words, the unfranchised or disenfranchised had resorted, initially at least, to protest only; meanwhile, 'the well-affected Members of Parliament' – the rump of radical opposition – 'dissented and protested (according to the practise of this Kingdom) against the engagement'.[31] Thereafter, however, the 'high tyranny, oppression and usurpation of power' undertaken by Lanark and the quorum of nine on the Committee of Estates had 'necessitated the honest Party to betake them unto the just wayes of defence which the Laws of this Land allow, and the natural rights of all men do provide for them in such cases'.[32] For the law, the author pointed to the constitutional revolution settled in 1641, and in particular, those 'standing Lawes of this Kingdome lately confirmed, when the King was last with us in Parliament' which 'have provided a remedy for publick grievances, when they are come to the extremity, and otherwise fail'. Indeed, the spirit if not the letter of the law confirmed '*that the Subjects of this Kingdome may meet together in cases of eminent danger, for the Preservation of their Religion, Lawes and Liberties, and the Publique good of the Kirke and State*'.[33] Beyond the constitution, though, was a natural right of self-defence – a significant component of Samuel Rutherford's argument in *Lex Rex*. But 'besides naturall right, the Nationall Covenant did bind them expressly to assist each other, in maintaining and promoting the ends of their Covenant against all lets and impediments whatsoever'.[34] In

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[29] See e.g. Gillespie, *An Usefull Case of Conscience*, 13-15, 21-22.
[30] The letter was signed 'J S' – see *A Letter from Edinburgh, Concerning The difference of the Proceedings of the Well-affected in Scotland From the Proceedings of The Army in England*, (London, 1648), 13. For the burghal factionalism which was exacerbated by the Britannic Engagement, see Laura A. M. Stewart, *Urban Politics and the British Civil Wars: Edinburgh, 1617-53*, (Leiden: Brill, 2006), 277-87.
[31] *A Letter from Edinburgh*, 3.
[32] Ibid., 3-4.
[33] Ibid., 5.
[34] Ibid.

effect, the revolutionary precedents of 1637-41 justified parliamentary opposition, popular protest and, eventually, a godly confederacy in defence of Covenanting imperatives. To be sure, it was apparently clear that the actions of this socially diverse group were 'most warrantable by all the Laws of God and man in this land, as well as Natural as Civill and Ecclesiastical'.[35] Indeed, the social dynamic of the opposition was highlighted explicitly in the letter; though led by the nobles in tandem with shire and burgh commissioners, they were later 'accompanied with a considerable number of the Gentry and Yeomanry' on the march to Edinburgh to confront the Committee of Estates. Thus, on account of the Covenants, those without or who had been denied a political voice were able to express themselves politically. In this instance, political expression was marked by godly resistance. Significantly, such resistance moved beyond the magisterial opposition of the Tables in 1637-8.

The session of the General Assembly held on 13 July 1648 was obliged to proceed against the ministers at Mauchline, who were identified as 'raisers of that tumult'.[36] There was a noted reluctancy among leading clergymen to moderate, and, due to the Engagement controversy, they were unable to hold their usual meetings with the Argyll faction in the chambers of Sir Archibald Johnston of Wariston as they had done prior to previous assemblies. The ministers were identified as William Adair, Alexander Blair, Gabriel Maxwell, John Nevay, William Guthrie, Matthew Mowat and the aforementioned Thomas Wylie. The latter three had been dissuaded from appearing, possibly escaping across the Irish Sea, but the remainder protested that they had neither 'directly nor indirectly' convened the men on the moor.[37] This cohort of Ayrshire ministers had certainly gained first-hand experience of war as regimental chaplains attached to the Covenanting armies of the 1640s. Their backgrounds reveal the nexus of kin and colleague which reinforced solidarity in the Covenanting movement.

William Adair was the son of the Wigtownshire laird William Adair of Kinhilt and brother to Sir Robert Adair of Kinhilt and Ballymena.[38] Sir Robert was a prominent Scots planter in Antrim, and this Irish connection appears to have been harnessed by

[35] Ibid., 5-7, 10.
[36] Baillie, *L&J*, III, 53; *RPS*, 1649/1/30.
[37] Baillie, *L&J*, III, 52-3; Guthry, *Memoirs*, 277-8; *Montereul*, II, 511-12.
[38] *Fasti*, III, 8-9. For more on Adair of Kinhilt, see John R. Young, 'Scotland and Ulster Connections in the Seventeenth Century: Sir Robert Adair of Kinhilt and the Scottish Parliament under the Covenanters', *Journal of Scotch-Irish Studies*, 3 (2013), 16-76.

the Commission of the Kirk to promote Presbyterian confederation: William was sent to administer the Solemn League and Covenant in Ulster in 1644 in response to news from the presbytery that the Scots army had taken an ambiguous oath that was deemed contrary to the National Covenant.[39] Adair was also instrumental in the erection of a kirk session in Belfast that same year.[40] He returned to the west of Scotland in 1645 and was presented by Ayr burgh council to the parish. He was admitted on 22 August 1646. That the Adairs were active supporters of Covenanting radicalism is confirmed by the election of Sir Robert to represent Wigtownshire in the Scottish Parliament of 1649, his involvement in a range of parliamentary session and interval committees[41] and subsequently in the formation of the Western Association.

Much like Adair, William Guthrie had impeccable Covenanting credentials. The cousin of the committed radical and minister of Stirling, James Guthrie, William had been taught by James at the University of St Andrew where he graduated MA in June 1638. He then continued his studies at St Andrews under the Professor of Divinity at that time, Samuel Rutherford. Having been licensed to preach by the presbytery of St Andrews in 1642, Guthrie accepted the post of tutor to James, eldest son of the Earl of Loudoun. Guthrie's ties to the Campbells were later reinforced by his marriage to Agnes, daughter of David Campbell of Skeldon. He was appointed minister of Fenwick in Ayrshire on 7 November 1644.[42] Loudoun was likewise involved in the early career of Thomas Wylie. Wylie had graduated MA from Edinburgh in 1638 and was ordered to Borgue parish, Kirkcudbrightshire, in 1642; in June 1646, however, he was presented by Loudoun to the parish of Mauchline, being admitted on 16 July 1646.[43] Wylie had spent the intervening years ministering to the Galloway Foot as part of the Army of the Solemn League.[44]

John Nevay was the nephew of Aberdeen minister Andrew Cant. Cant was, by all accounts, a forthright supporter of the Covenants, and it certainly appears that Nevay

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[39] Patrick Adair, *A True Narrative of the Rise and Progress of the Presbyterian Church in Ireland*, ed. W. D. Killen, (Belfast, 1866), 102-6, 116-17. The presbytery of Ulster had been instituted by regimental chaplains in 1642 (pp. 92-7).
[40] Ibid., 119.
[41] *RPS*, 1649/1/2; Young, *Scottish Parliament*, 250, 252, 257, 264, 265, 292.
[42] *Fasti*, III, 93-4; Vaughan T. Wells, 'Guthrie, William (1620-1665)', *ODNB*.
[43] *Fasti*, III, 49, 94-5.
[44] Edward M. Furgol, *A Regimental History of the Covenanting Armies*, (Edinburgh: John Donald, 1990), 141-2.

inherited his outspoken nature.[45] Graduating MA from King's College, Aberdeen, in 1626, Nevay worked initially as tutor for George, master of Ramsay. He was licensed by the presbytery of Dalkeith on 14 October 1630, but left a fortnight later; he was then admitted to Loudoun parish around 1637. Nevay operated as an army chaplain in the 1640s and was most notorious for his involvement in the massacre of Royalist MacDonald kindred at Dunaverty Castle in 1647. Contemporary accounts suggest that Nevay was instrumental in inciting the bloodshed and recent research appears to confirm this.[46]

Of Alexander Blair, Gabriel Maxwell and Matthew Mowat relatively little is known until their appearance at Mauchline Moor. Blair had graduated MA from St Andrews in 1638 and had resided with the laird of Blair in north Ayrshire until he was admitted to Galston parish in March 1643.[47] Blair also served as an army chaplain in the 1640s, attending Glencairn's Foot, and later, William Stewart's Foot.[48] Maxwell was the third son of John Maxwell of Stanelie and a cousin of Sir George Maxwell of Nether Pollok, a Renfrewshire gentleman who would later demonstrate his own Covenanting convictions in the aftermath of the Britannic Engagement. Maxwell graduated MA from Glasgow in 1634 and was installed at Dundonald, south Ayrshire, in 1642, but little is known of his whereabouts until August 1647, when he was appointed by the General Assembly to attend Lieutenant-General David Leslie's regiment.[49] Finally, Matthew Mowat graduated MA from Glasgow in 1624, and was presented to Kilmarnock parish by Robert Boyd, Lord Boyd in 1641; he attended Boyd's Foot in the second Bishops' War alongside David Dickson.[50]

Rule of the Radicals

The humiliating defeat of Hamilton's forces at Preston in August 1648 by the New Model Army left the Engager-controlled Committee of Estates dangerously exposed.

[45] Baillie, *L&J*, III, 123; Guthry, *Memoirs*, 277-8.
[46] Guthry, *Memoirs*, 243; Turner, *Memoirs*, 47, 240; David Stevenson, 'The Massacre at Dunaverty', *Scottish Studies*, 19 (1975), 27-37.
[47] *Fasti*, III, 39.
[48] Furgol, *Regimental History*, 143, 264.
[49] *Fasti*, III, 35; GCA, Maxwell of Pollok Muniments, GB243/T-PM/113/33, 'Letter from Gabriel Maxwell to Sir George'.
[50] *Fasti*, III, 105; Furgol, *Regimental History*, 43.

When news filtered back to Scotland that the Engager army had been comprehensively defeated, it appeared to the Covenanting radicals that God had declared his judgement on the Britannic Engagement.[51] Argyll, Loudoun, Cassillis and Eglinton had been 'busy at home preparing the people to be in a posture' in case of the ruin or surrender of the Engagers, and around 6,000 men from the western districts of Kyle, Cunningham, Renfrew, Clydesdale, Avondale and Lesmahagow were soon marched towards Edinburgh by Loudoun and Eglinton.[52] Known infamously as the 'Whiggamore Raid' on account of peasant participation, the radicals were able to constitute a new regime which was supported by Oliver Cromwell and the Independents in England.[53] A treaty was then struck between radicals and remaining Engagers in order to assure Cromwell that the 'malignant' threat from Scotland had been extinguished.[54] As the Presbyterian historian James Kirkton later remarked, at the 'Whiggs' Road' the 'protestors in parliament became entire masters of Scotland'.[55]

The coup was followed by a declaration – the 'Acknowledgement of Sins and Engagement to Duties' (1648) – wherein the radicals made 'a free and particular confession of the sinnes of their Princes, their Rulers, their Captains, their Priests and their people' on account of their crossing the Solemn League and Covenant. Interpreting the Engagement controversy as a divine trial, the Acknowledgement commanded the godly 'to remain steadfast in the Covenant and cause of God'. They were to continue the push for institutional and moral reform in the Kirk, maintain 'the Privileges of the Parliaments and Liberties of the Subject' by denying 'our King an arbitrary & unlimited powre destructive to both' while defending 'the Union betwixt the Kingdomes'.[56] With memories of the revivalist General Assembly of 1596 in mind, the Commission of the Kirk and Committee of Estates issued orders for humiliation, fasting and Covenant renewal throughout the kingdom in December. Following Gillespie's strictures above, malignants were expressly debarred access to the Covenant

[51] Guthry, *Memoirs*, 285. For the Engager army, see Furgol, *Regimental History*, 268-91.
[52] Guthry, *Memoirs*, 283, 285.
[53] See Burnet, *HMOT*, I, 78 for the etymology of the term 'whig'.
[54] *Life Blair*, 204-10; Stevenson, *Counter Revolution*, 95-9.
[55] Kirkton, *History*, 46.
[56] *A Solemn Acknowledgement of Publick Sins, And breaches of Covenant, And A Solemn Engagement to all the Duties contained therein*, (Edinburgh and London, 1648), 1-12.

and communion.[57] This exclusive, and indeed, divisive, approach would be debated several decades later by Covenanting rebels.

The Mauchline cohort were soon vindicated by the second session of the Second Triennial Parliament that was under the control of the radicals. Western opposition to the Engagement was now proclaimed to have been 'not onlie laufull bot a zealous and loyall testimony to the truth and covenant'.[58] By extension, armed resistance by private groups of the godly now had parliamentary sanction. Wylie, Guthrie and James Rowat also supported the supplication of John Dunbar of Knochshannoch, who had 'himselff joyned with the honest pairtie at Mauchline Muir'. Dunbar, fearing he would be pressed to submit to the Engagers 'against the light of his conscience', had fled to Ireland; however, as his property on either side of the Irish Sea had been ravaged by Engager troops he supplicated the Scottish Parliament for reparations. Any funds granted were to come from 'the estaits of those persouns that wronged him at Mauchline Muir, whither commanders or sojors or any uther persouns that wer[e] accessorie therto'.[59] This response was part of a broader campaign of retribution against the Engagers, with all legislation enacted during the first session (i.e. the Engager Parliament) rendered null and void.[60] A new Act of Classes was also passed on 23 January 1649 that was for 'the brecking of the malignants teith'. The enemies of the radical regime were comprehended within four classes, with the upshot being that Engagers would now be excluded from holding public office – although they would not be forfeited or sequestrated.[61] As 56 nobles had sat in the previous session, the legislation had clear anti-aristocratic implications; indeed, only 16 nobles would take their places in the second session.[62] This development was similarly reflected in the passing of parliamentary legislation which promoted strict moral discipline and extensive social restructuring, which, if not a direct attack on the established social hierarchy, undoubtedly undercut noble authority.[63] In effect, the regime was holding the nobility accountable for leading the 'late unlaufull

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[57] Ibid., 4-5, 13-18.

[58] *RPS*, 1649/1/30. See also *A Declaration of the Marquesse of Argyle, with The rest of the Lords, and others of the Estates of the Kingdom of Scotland*, (Edinburgh and London, 1648), 3-4.

[59] *RPS*, 1649/5/350.

[60] Young, *Scottish Parliament*, 218-222.

[61] Balfour, *Historical Works*, III, 377; *RPS*, 1649/1/43. For the previous Act of Classes, see *RPS*, 1645/11/110.

[62] Young, *Scottish Parliament*, 217.

[63] *RPS*, 1649/1/300, 1649/1/234, 1649/1/240, 1649/5/203. See also Macinnes, *British Confederate*, 247-9 and Stevenson, *Counter Revolution*, 113-18.

Engadgement', with the 'rule of the saints' constituting a reaction against an Estate that was evidently unable, or unwilling, to put the 'cause of God' before its own interests. Unlike many of their peers, however, Argyll and his noble supporters had recognised the necessity of working with, and inculcating support among, the gentry and burgesses in support of the Covenanting cause.

The ever-evolving political situation changed dramatically once again with the execution of Charles I by the Rump Parliament in England on 30 January 1649. On news of the king's execution the Scottish Parliament immediately proclaimed the Prince of Wales as King Charles II of Great Britain, France and Ireland when it reconvened on 5 February 1649 – thus severing the relationship between the radical regime and the Cromwellians. However, Charles was not to be admitted to the exercise of royal power until he had subscribed and pledged to defend the Covenants.[64] The attempt to restore royal authority in the three kingdoms once again generated considerable controversy within the Covenanting movement. After protracted negotiations at Breda a treaty was eventually struck with Charles, with his arrival at Speymouth on 23 June 1650 precipitating the invasion of Scotland by the Cromwellian army. However, while Charles had eventually taken the Covenants, it had evidently been against his inclination. Doubts concerning his sincerity firmed up divisions within the regime which had appeared during the treaty negotiations. Committed radicals were well aware that a victory for Charles would undo the Covenanted Reformation if sufficient safeguards were not put in place to preserve it. They were also concerned about the cause they would be fighting for in battle against Cromwell. Ensuring the correct 'testimony' was declared before God was considered vital before military engagement; God would not countenance any who did not fight for Him. This was particularly important in a battle against Cromwell and the New Model Army, where both sides recognised that the enemy would be claiming divine support. Thus, the radicals affirmed that under no uncertain terms were they upholding the king in support of any 'malignant' interest, despite Cromwell's goading otherwise.[65] They were instead upholding the Solemn League and Covenant by preserving the king's person and authority in so far as he pledged himself to the Covenanting cause. In keeping with previous principles, Charles was to accept

[64] *A Seasonable and Necessary Warning and Declaration, Concerning Present and Imminent Dangers, and concerning Duties relating thereto from the Generall Assembly of this Kirk*, (Edinburgh, 1649), 11.
[65] *The Letters and Speeches of Oliver Cromwell*, ed. S. C. Lomas, 3 vols, (London, 1904), II, 77-80. For the influential West Kirk declaration of 13 August 1650, see Balfour, *Historical Works*, IV, 95-6.

limitations on royal power and to assist the radicals in realizing their apocalyptic vision of a godly commonwealth united with England and Ireland through Presbyterian confederation. Despite the tortuous debates which took place during the military preparations – with the radical agitators successfully bending the will of those who wished to maintain unity in the face of external threats – the purged Army of the Covenants was routed by the Cromwellians at Dunbar on 3 September 1650.[66] The rout may have been witnessed first-hand by Gabriel Maxwell, who was again in attendance as an army chaplain, although in this instance he was attached to the Master of Forbes' Horse. John Cruickshank, an Irish minister who would later be of signal importance during the Pentland Rising of 1666, was also present as a chaplain for Lord Coupar's Foot.[67]

As was the case with the Engagement controversy, the aftermath of Dunbar entrenched ideological splits within the Covenanting movement which had arisen during preparations for battle. Investigation into the causes of defeat fostered an atmosphere of mutual distrust in the regime.[68] A vocal minority argued that the army had not been sufficiently purged of malignants and this had provoked the wrath of God; the majority, meanwhile, believed that it was the purges themselves which had ensured military defeat. The majority were also suspicious of treachery, fearing that discontented elements wished to unite with Cromwell and the Independents in pursuit of their own vision of a godly commonwealth. The divisions within the regime came to a head with the revival of the Western Association, in which the Mauchline cohort played a leading role. An association of the western shires had first been considered in November 1648 during the struggle for political supremacy between the Engagers and their opponents, and was built on the foundations laid by the Mauchline Rising and the Whiggamore Raid.[69] At the instigation of Patrick Gillespie – the clerical leader of western radicalism – efforts were then made to revive the association in August 1650, almost certainly for the purposes of reinforcing the radical agenda in Scotland should Covenanting forces be

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[66] Kyle David Holfelder, 'Factionalism in the Kirk during the Cromwellian Invasion and Occupation of Scotland, 1650 to 1660: The Protester-Resolutioner Controversy', unpublished PhD thesis, (University of Edinburgh, 1998), 17-53.
[67] Furgol, *Regimental History*, 306-7, 310-11.
[68] The psychological impact of this defeat should not be underestimated. See R. Scott Spurlock, *Cromwell and Scotland: Conquest and Religion, 1650-1660*, (Edinburgh: John Donald, 2007), 7-38.
[69] *Extracts from the Records of the Burgh of Glasgow*, ed. J. D. Marwick, 3 vols, (Edinburgh: Scottish Burgh Records Society, 1881), II, 153, 154, 155.

defeated by the New Model Army.[70] Baillie reports that Gillespie had procured a meeting at Kilmarnock 'of some of the chiefe gentlemen and ministers' of Ayr, Clydesdale, Renfrew and Galloway.[71] However, while the Western Association had ultimately taken part in the disaster at Dunbar, it eventually pursued an agenda independent to that of the Committee of Estates.

Having convinced the western gentlemen of the need 'to raise a strength of horse and dragoones, as they had designed in their Association, but far above the proportion of any bygane leavie', Gillespie urged the forces to operate under the command of 'four colonells, the lykliest men to act speedilie against the enemie' – namely Gilbert Ker, Archibald Strachan, Robert Halket and Sir Robert Adair.[72] These officers had become Covenanting stalwarts since the Britannic Engagement, having been involved in extinguishing a series of Engager and Royalist uprisings north of the River Tay in 1649 and 1650.[73] Despite the size of their force it had been remarkably successful. Indeed, it was this success that had led them to believe that a small army of the godly was all that was required for the protection of the kingdom. In a report to the Committee of Estates after victory at Balvenie Castle, the officers stressed that 'God speaketh this language to *Scotland* this day by his dispensations, that if they will have a tender eye to his Kingdome, you shall not be troubled much with any fear for your own'.[74] As a result, the officers had agitated for the purging of malignants from the Army of the Covenants prior to Dunbar and were among Lieutenant-General Leslie's fiercest critics in the months that followed.[75] With support forthcoming in the west, Gillespie rode to Stirling with Sir George Maxwell of Nether Pollok and William Mure of Glanderston and successfully petitioned the Committee for permission to levy an army. While many in the regime 'did smell, and feare the designe of a divisione', they recognised the strategic necessity of

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[70] *Extracts*, ed. Marwick, II, 192; Holfelder, 'Factionalism in the Kirk', 38-9, 53.

[71] Baillie, *L&J*, III, 111. Baillie assumed this meeting had taken place after Dunbar but Stevenson has argued that he must be referring to the meeting in August. See David Stevenson, *The Covenanters and the Western Association, 1648-50*, (Ayr: Ayrshire Archaeological and Natural History Society, 1982), 181, n. 31.

[72] Baillie, *L&J*, III, 111-12.

[73] *A Full Relation Of The particulars and manner of the late great Victory obtained Against Iames Marquesse of Montrosse, In Scotland*, (Edinburgh, 1650); Balfour, *Historical Works*, III, 406-7, IV, 8-12; John Lamont, *Diary, 1649-1671*, ed. G. R. Kinloch, (Edinburgh: Maitland Club, 1830), 16.

[74] *A Letter Sent from Collonel Gilbert Ker, Lieutenant Col. Hacket, and Lieutenant Col. Strachan, to the Committee of Estates of the Kingdome of Scotland*, (n.p., 1649), 3. Their force took inspiration from Gideon's army in the Book of Judges. See Rutherford's letters to Gilbert Ker in *Letters of Samuel Rutherford*, ed. Andrew A. Bonar, fifth edition, (Edinburgh, 1891), 649-52.

[75] *The humble Remonstrance and Supplication of the Officers of the Army*, (Edinburgh, 1650).

protecting the west from Cromwell, particularly in the aftermath of Dunbar.[76] Strachan's service against the Royalists had also 'got him the Church's extraordinarie favour, to be helped with one hundred thousand merks out of their purses, for the mounting him a regiment'.[77] Indeed, it had previously been declared that none were 'capable to persew that enymie, bot onlie Colonellis Strachane and Ker, quho wer estemed to be for the Kirk, and the kirkis airmy'.[78] However, while there was an expectation that the army would be subordinate to Leslie, Strachan convinced the Committee to allow 'the forces of the West to act apart, and never trouble them with any of his orders'.[79] A force of 3,500 was quickly raised, with the hope of increasing its strength to 5,000 with volunteers.[80] Gabriel Maxwell and John Nevay proved instrumental in persuading the committee of war for Kyle and Cunningham to levy troops for the Association.[81] With the independence of the Western Association secured, divisions were now entrenched in the regime. Nevertheless, there was no open breach until October 1650.

Royalists in the north led by the former Engager, John Middleton, convinced Charles to escape the Estates' control and join them in a coup d'état. He had also been informed that the Western Association would deliver him to Cromwell.[82] Despite his indecision Charles eventually left Perth on 5 October, but while the venture known as the 'Start' was a failure, it had major political consequences.[83] It was now clear, if it had not been before, that Charles could not be trusted. While the western radicals had already brought forth a 'strange Remonstrance' from the synod of Glasgow and Ayr to the Committee of Estates on 2 October, it was 'drowned' subsequently by 'a more absurd one' in the name of the Association after news had reached them concerning the king's liaison with the northern Royalists.[84] After much debate, the declaration to be presented to the Committee was approved on 17 October. It came to be known as the Western Remonstrance.

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[76] Baillie, *L&J*, 112.
[77] Ibid., 113.
[78] Nicoll, *Diary*, 32.
[79] Baillie, *L&J*, 112.
[80] Holfelder, 'Factionalism in the Kirk', 58-9; Stevenson, *Western Association*, 157-8.
[81] Baillie, *L&J*, III, 112.
[82] *Life Robert Blair,* 243-4.
[83] Holfelder, 'Factionalism in the Kirk', 65-8; Stevenson, *Western Association*, 158.
[84] Baillie, *L&J*, III, 114.

With the Remonstrance, the Western Association became an explicit critic of government policy and a vehicle for protest against deviations from the Covenanting cause. It criticised the treaty negotiations with Charles, who had repeatedly demonstrated his opposition to the cause of God by his refusal to abandon the counsel of malignants. While he had eventually taken the Covenants he had evidently done so by dissimulation; there was consequently no duty to uphold a Covenanted king who was patently sinful. This was consistent with the Covenant's distinction between the office and the person of the king – an idea reinforced by Rutherford in *Lex Rex*.[85] The Remonstrants then urged the Committee to ensure the king abandoned malignant counsel and instead exercised power 'with the like restriction and condition, He ruling according to the counsells of this Kingdome and Kirk'.[86] Yet the Remonstrance similarly condemned Scottish statesmen for conniving at malignancy and involving themselves in the 'mother sinne' of backsliding from their Covenanting obligations.[87] Indeed, the anti-aristocratic thrust of the Remonstrance was affirmed by the condemnation of those 'eminent persons' who 'entended an invasion, and forcing of the King on another Nation not subordinate to us' for their own personal aggrandisement. Such avarice had seen them make their 'power, places an imployments rather an matter of gaine and interest'.[88] However, while the Remonstrants claimed they did not have 'anie design to follow the footsteps of a Sectarian partie, and change the fundamental Government of this Kingdom by King and Parlament, or any levelling waie', there were so many 'grosse faults' pressed against the nobility that it appeared they wished to see 'our State modelled of new; soe that no active nobleman should have had any hand therein'.[89]

Although the Remonstrance was in essence an uncompromising reiteration of 'the '49' blueprint for limited monarchy and godly government, it did certainly open up the Remonstrants to the charge of holding Fifth Monarchist or anti-monarchical principles and intending the creation of a Covenanted Scottish republic united with the English Commonwealth.[90] While such fears had existed since the decision to declare Charles

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[85] See Rutherford, *Lex, Rex*, 265-80.
[86] 'The Humble Remonstrance of the Gentlemen, Officers, and Ministers attending the Western Forces', in *RCGA*, III, 99.
[87] Ibid., 100.
[88] Ibid., 99-100, 103-4. See also David Stevenson, 'Reactions to Ruin, 1648-51. 'A Declaration and Vindication of the Poore Opprest Commons of Scotland', and other pamphlets', *SHR*, 84 (2005), 257-65.
[89] Ibid., 105; Baillie, *L&J*, III, 119.
[90] See later Resolutioner polemic, e.g. [George Hutcheson and James Wood], *A True Representation Of the Rise, Progresse, And State Of the Present Divisions Of The Church Of Scotland*, (London, 1657), 4-5, 8-9, 20, 33.

Stuart as king in February 1649, the Remonstrance appeared to some as a statement of intent against monarchy. However, as Baillie made clear, it was not yet apparent what motivated the Remonstrants to such apparent 'changes of former protest principles'.[91] At this juncture only Strachan – who had actually served as a major in the New Model Army against the Engagers and was later instrumental in the negotiations between the radicals and Cromwell – appeared to be leaning in this direction. Indeed, he had supposedly professed that Charles II had 'so farr fallen from all his right in England, that for his wrongs in Scotland, he aught at least to be banished the land, or made ane perpetuall prisoner'.[92]

While issued in the name of the western gentlemen, officers and ministers, the Remonstrance in fact divided opinion among them, largely on account of Strachan and his damaging links to Cromwell.[93] Such matters of divergence exemplified the fluidity of a political situation that allowed for various shades of radicalism. Having been presented to the Committee by Maxwell of Nether Pollok on 22 October, fierce debate ensued across November, but despite recognition that it contained many 'sadd trueths in relation to sinnes charged upon the King, his familie, and the publict judicatories' it was ultimately rejected by both the Committee of Estates and Commission of the Kirk on account of its divisive nature and tendency to encourage the subversion of civil and ecclesiastical government.[94] Analysis of those who dissented from this decision reveals that the Mauchline cohort remained amongst its staunchest supporters. William Adair, Gabriel Maxwell, John Nevay and Thomas Wylie all protested the Commission's interpretation of the Remonstrance and were supported by George Porterfield in his capacity as ruling elder.[95] The Remonstrance was also defended in the Committee by Sir Robert Adair.[96] In addition, the Remonstrants were supported by other radicals in the east who were sympathetic to their demands.[97] However, with the rejection of the

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[91] Baillie, *L&J*, 113-14.
[92] Ibid., III, 113.
[93] Nicoll, *Diary*, 35-6; Baillie, *L&J*, III, 113. Though not necessarily a double agent, for his apparent treachery Strachan was excommunicated by the Commission of the Kirk on 12 January 1651 and sentenced for treason *in absentia* by the Committee of Estates on 31 March. He died the following year. For further information, see Edward Furgol, 'Strachan, Archibald (*d.* 1652)', *ODNB*.
[94] Balfour, *Historical Works*, IV, 169-78; *RCGA*, III, 131; Wariston, *Diary*, II, 28-30.
[95] *RCGA*, III, 130; Baillie, *L&J*, III, 123.
[96] Oliver Cromwell, *A True Relation Of a Second Victorie Over the Scots a Hamilton*, (London, 1650), 19.
[97] Analysis of those called before the Committee of Estates in the summer 1651 on account of the Remonstrance confirms that lay support for the radical agenda was predominately, although not exclusively, to be found among western lairds and burgesses. The Remonstrants included Sir John Cheisly

Remonstrance the radicals on the Commission withdrew in protest. The Remonstrance was officially declared void on 28 December by the sixth session of the Second Triennial Parliament.[98]

The defeat of the Western Association by the New Model Army at Hamilton on 1 December effectively ended the ability of the Remonstrants to bolster their agenda with military force. Although the Remonstrance itself had proved divisive, moves to restore former Engagers to positions of public trust galvanised radical opposition to the direction of the regime. On 14 December the first Public Resolutions were issued by the Commission, which relaxed the terms of the Act of Classes and provided official sanction for a steady influx of Engagers and Royalists into a new national army provided they repented their former actions and paid lip service to the Covenants.[99] While far from an impartial commentator, the Engager Sir James Turner noted that the ministers who had supported the Resolutions

> ressavd all our repentances as unfained, tho[u]gh they knew well enough they were bot counterfeit; and we on the other hand made no scruple to declare that Engadgment to be unlaufull and sinfull, deceitfullie speakeing against the dictates of our oune consciences and judgments.[100]

The fear of division that had been exacerbated by the Remonstrance had arguably led many to accept that the threats of conquest and sectarianism necessitated national unity over confessional purity to protect the Kirk and kingdom. The Resolutioners thus rejected George Gillespie's strictures against ungodly confederacies which had justified opposition to the Britannic Engagement. At the same time, the king's position was becoming stronger: the Resolutioners were increasingly reliant on his support in order to maintain control of the machinery of government as Royalists were finding their way back into positions of influence. Nonetheless, they sought to retain the initiative by preserving an accommodation with Engagers and Royalists through the coronation of Charles at Scone on 1 January 1651, with Argyll in the conspicuous role of king-

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of Cresswell, Sir Hugh Campbell of Cessnock, Sir William Cunningham of Cunninghamhead, Sir George Maxwell of Nether Pollok, William Mure of Glanderston and the magistrates of Glasgow. A notable signatory from the east was Sir James Stewart, provost of Edinburgh, albeit he was in fact a western landholder (Balfour, *Historical Works*, IV, 309-10). Clerical support outside the western shires included Andrew Cant, James Guthrie and Samuel Rutherford (*RCGA*, III, 132). Although Stewart would disclaim the Remonstrance, he later recanted in a letter to Wariston (Wariston, *Diary*, II, 130).

[98] Holfelder, 'Factionalism in the Kirk', 80; Young, *Scottish Parliament*, 269-71.

[99] Young, *Scottish Parliament*, 269-71.

[100] Turner, *Memoirs*, 94.

maker.[101] The coronation sermon of Robert Douglas reminded the king that the Resolutioners had certainly not given up hope of him ruling according to the Covenants.[102] However, the symbolic achievement of Covenanted kingship proved to be short-lived.

The following months were characterised by intense debate between the Resolutioners and Remonstrants in an attempt to resolve their differences. Yet there was little in the way of rapprochement and the Resolutioners became increasingly suspicious that the Remonstrants intended to separate from the Presbyterian Kirk. In the synod of Glasgow and Ayr, Patrick Gillespie and the Mauchline cohort organised a campaign against the Resolutions. In April 1651 Matthew Mowat was successfully elected moderator of the synod by 'so many sillie yeoman presently chosen for the purpose'. Indeed, Baillie, now a Resolutioner, had complained the previous month that the Remonstrants by 'many letters and great industrie had conveened from the Presbyteries the brethren of their mind with [a] multitude of yeoman elders'. Thus, Gillespie 'could carie what he pleased'. Baillie also believed such 'adherers to the Remonstrance, protesters, preachers, writers against King, Kirk, and Commission' would ensure that the upcoming General Assembly was 'overthrowne'.[103] In the interim, and with Mowat moderating, eight commissioners – 'the rigidest opposers of the union of the forces' – were chosen to sway the opinion of the Commission; alongside Mowat and Gillespie, the delegation included Gabriel Maxwell and John Nevay. They were joined by John Carstairs, Alexander Dunlop and James Naismith.[104] The episode reveals that the ministers could count on a groundswell of support among the unfranchised, and that careful manipulation of this support could be utilised for party advantage in the presbyterian system. Such support appears to have acted as a counter-balance to the declining influence of the Remonstrants on the Committee of Estates and Commission of the Kirk.

Any hopes of conciliation were dashed by the repeal of both the 1646 and 1649 Act of Classes which had the tacit support of the Commission.[105] Despite evident scruples from leading Resolutioners and radical nobles, the Royalist resurgence which had begun

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[101] Macinnes, *British Confederate*, 263.
[102] *The Forme and Order of the Coronation of Charles the Second*, (Aberdeen, 1651), 3-19.
[103] Baillie, *L&J*, III, 138, 141-2.
[104] Ibid., 142-4.
[105] *RCGA*, III, 439-42; *RPS*, A1651/5/7.

in December 1650 could not now be halted. The Commission's reply to the Scottish Parliament concerning the readmittance of Engagers and Royalists into the Committee of Estates became known as the second Public Resolution and effectively spelled the end of the 'rule of the saints'.[106] This development coincided with the passage of the Act against the Western Remonstrance which stipulated that no further action would be taken against those who disclaimed it. However, those who refused were to be 'proecidit against in maner following as seditious persons and breakers of the peace'.[107]

The divisions in local church courts concerning the Public Resolutions became consolidated at national level in the summer of 1651. The Commission, having abandoned any pretence of securing conciliation with the Remonstrants, cited those who opposed the Resolutions in a bid to exclude them from the upcoming General Assembly to be held at St Andrews. At the same time, James Guthrie and Patrick Gillespie made moves to draw the western and eastern opponents closer together in order to prosecute a unified course of action.[108] The Assembly opened on 16 July and was a tumultuous affair, with heated debate focused on its constitution and moderator. The Remonstrants attempted to prevent members of the Commission sitting in the Assembly as it was 'under such a scandal for carrying on a course of defection contrary to the covenant', but to no avail. The previous moderator, Andrew Cant, also proposed a meeting between the contending parties, but this was rejected until the Assembly had been constituted and a new moderator chosen. Despite the efforts of the Remonstrants the Assembly was constituted and Robert Douglas elected moderator, thus ending the first session.[109] With news that the Cromwellians had landed at nearby Inverkeithing and defeated the Scots army, the Assembly then adjourned to Dundee. However, on the night of 20 July, Samuel Rutherford handed in a protestation in the name of 'the Kirk of Scotland and of all that would adhere to it'. Signatories included William Adair, William Guthrie, John Nevay and Thomas Wylie. The protestation declared the Commission to consist of 'unfaithful men' who minded 'their own things more than the things of

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106 Holfelder, 'Factionalism in the Kirk', 116-121; Stevenson, *Counter Revolution*, 169-70; Young, *Scottish Parliament*, 285-291.

107 *RPS*, A1651/5/10; Young, *Scottish Parliament*, 287-8. Argyll, Loudoun and Cassillis dissented the passing of the act. This was arguably to keep radical support on side having witnessed the steady erosion of their influence in civil government. Robert Barclay and Hugh Kennedy (provost of Ayr) also entered their dissent.

108 Holfelder, 'Factionalism in the Kirk', 121-4.

109 *Life of Blair*, 274-6; *Records of the Kirk of Scotland*, ed. Alexander Peterkin, (Edinburgh, 1838), 626-7.

Christ' and that the present meetings ought not to be considered sessions of a lawfully-constituted General Assembly.[110] Indeed, the controverted election of the synod of Glasgow and Ayr had been a major flashpoint.[111] All who adhered to the protestation absented themselves from the sessions at Dundee, which duly ratified 'all the Kirkis procedinges aganes the Remonstrantores'.[112] Wariston also reports that Nevay, Carstairs and Naismith were imprisoned for their involvement in the protestation. On news of this development, William Guthrie was 'sent West, to gather the Remonstrators to see what protestation they would send' in response.[113] Regardless, the protesters were publicly condemned, with James Guthrie, Patrick Gillespie and James Simpson deposed. Naismith was also suspended. They were accused of preaching against 'the proceidings of church and state' and being 'ring leaders in the meater of the Remonstrance and protestatione'. The remainder of the protesters were to be dealt with by the Commission.[114] This series of events institutionalised the schism which had been growing since the battle of Dunbar and divided clergymen into Resolutioner or Protester factions.

Cromwellian Conquest

After the English conquest of Scotland following the defeat of the Army of the Kingdom at Worcester on 3 September 1651 (ominously on the anniversary of Dunbar), the Resolutioners and Protesters remained at odds throughout the 1650s. The situation was exacerbated by controversial polemic, with the Protester position outlined exhaustively in *The Nullity of the Pretended-Assembly* (1652) but encapsulated effectively in the more accessible yet vitriolic *Causes of the Lords Wrath against Scotland* (1653).[115] Their criticisms were ideologically consistent with the Western Remonstrance and in effect argued that the fears of malignancy and corruption which reinvigorated opposition to government policy had been well placed: the destruction at Worcester, the exile of the

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[110] *Life of Blair*, 277; Wariston, *Diary*, II, 93.
[111] *Records of the Kirk*, ed. Peterkin, 627.
[112] Nicoll, *Diary*, 54-5.
[113] Wariston, *Diary*, II, 89.
[114] Lamont, *Diary*, 33.
[115] *The Nullity of the Pretended-Assembly at Saint Andrews and Dundee*, ([Leith], 1652); [James Guthrie and Archibald Johnston], *The Causes of the Lords Wrath against Scotland, Manifested in his sad late dispensations. Whereunto is added a Paper, particularly holding forth the Sins of the Ministry* ([Edinburgh], 1653). See also Spurlock, 'Cromwell's Edinburgh Press'.

king and the English occupation all revealed God's displeasure with the Covenanted Scots. Meanwhile, the Resolutioners insisted that it was the Remonstrance, not the Resolutions, which had occasioned the schism. Indeed, it was this rupture itself that courted the wrath of God, with the Protesters extra-judicial meetings, counteracting of church courts and outdoor conventicles held to have subverted the Covenanted Reformation.[116]

However, the debate also shifted onto the issue of compliance with the English authorities. Not only did this cause significant strife between the contending factions, it also led to internal divisions among them. Indeed, some Protesters, through the encouragement of English Independents, separated from the Presbyterian Kirk altogether and embraced Congregationalism and religious toleration. Independency flourished at Aberdeen, with the provost Alexander Jaffray and the ministers John Menzies and John Row prominent separatists.[117] In addition, a handful of radical gentry – most notably Sir James Hope of Hopetoun, his brother Sir John Hope and John Swinton of Swinton – attempted to pursue the policies for social reform that had been initiated by 'the '49' through co-operation with the English Commonwealth.[118] Hopetoun had condoned the stance of the Western Association in November 1650 and had been an outspoken critic of the Committee of Estates, noting that all it 'wes doeing wes destructive to King and kingdome'. This stance had courted the ire of Argyll, who asserted angrily 'that Sr. James, in all the carriage of this bussines, from the begining, both in parliament and commitee, wes not only a maine enimey to King and kingdome, bot a maine plotter and contriuer, assister and abaitter of all the mischeiffe that hes befallen the kingdome euer since'.[119]

While these developments appeared to confirm Resolutioner suspicions that the Protesters had intended to unite with the Independents all along – and that they counted subversive sectaries and republicans among their number – both factions

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[116] [Hutcheson and Wood], *True Representation.*
[117] Wariston, *Diary*, II, 180-1; Holfelder, 'Factionalism in the Kirk', 174-9;. Spurlock, *Cromwell and Scotland*, 100-57.
[118] Arthur H. Williamson, 'Union with England Traditional, Union with England Radical: Sir James Hope and the Mid-Seventeenth-Century British State', *EHR*, 436 (1995), 303-22. For Covenanting social reform, see John R. Young, 'The Covenanters and the Scottish Parliament, 1639-51: The Rule of the Godly and the 'Second Scottish Reformation'', in Elizabethanne Boran and Crawford Gribben, eds, *Enforcing Reformation in Ireland and Scotland, 1550-1700*, (Aldershot: Ashgate, 2006), 131-58.
[119] Balfour, *Historical Works*, IV, 172-3.

competed for English favour on a number of occasions. The Protesters did briefly flirt with the idea of seeking English approval for the establishment of Scotland as an 'independent commonwealth', and in a letter to Cromwell 'they did not speak one word against the abolishing of monarchical government and the liberties of Parliament'.[120] The Resolutioners could argue reasonably that this was a breach of the third article of the Solemn League and Covenant which preserved the privileges of Parliament and the king's person and authority, although it was technically in keeping with Covenanting principles. Rutherford had previously stressed in *Lex Rex* that the *form* of government (whether monarchy, aristocracy, democracy or a mixture of all three) was contingent on the collective desire of the people.[121] While it is unclear to what extent the idea of a Covenanted Scottish republic was actually endorsed, the wielding of executive power by the Committee of Estates, particularly during the 'rule of the saints', certainly provided a basis for its establishment. Ultimately, though, the form of government was less important to the Protesters than the purity and preservation of the Presbyterian Kirk. Nevertheless, it was around this time that perceptions of a seditious relationship between Scottish Covenanters and English republicans was consolidated among those inclined to Royalism; such a theme became well-worn in Restoration Britain.[122] Regardless, the idea of a Covenanted Scottish republic had no truck with a regime that declared its desire to free Scotland from aristocratic and clerical tyranny by incorporating it into the English Commonwealth.[123] Moreover, the south-west proved to be particularly intransigent in the process of incorporating union which commenced in February 1652. Three shires (Ayr, Kirkcudbright, Renfew) and eight burghs (Ayr, Dumfries, Irvine, Galloway, Glasgow, Kirkcudbright, Lanark, Renfrew) either declined to send their representatives to Dalkeith to treat with the English commissioners, or, in the case of Glasgow and Kirkcudbrightshire, registered their formal dissent. However, the shires of Dunbarton, Lanark and Wigton and the burghs of Dumbarton, Rutherglen and Wigton appeared to embrace the union with enthusiasm.[124]

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120 *Life of Blair*, 293-4.
121 See Rutherford, *Lex Rex*, 9-28.
122 Jackson, *Restoration Scotland*, 36-7; Harris, *Restoration*, 50, 239-44, 320. For Protester republicanism, see also Holfelder, 'Factionalism in the Kirk', 155-60 and Sharon Adams, 'In Search of the Scottish Republic', in Adams and Goodare, eds, *Scotland in the Age of Two Revolutions*, 97-114.
123 'A Declaratioun of the Parliament of the Commounwealth of England concerning the sattlement of Scotland', in Nicoll, *Diary*, 81-3.
124 F. D. Dow, *Cromwellian Scotland: 1651-1660*, (Edinburgh: John Donald, 1979), 36-42. For reactions to the Tender of Incorporation, see Kirsteen M. MacKenzie, 'Presbyterian Church Government and the

Prior to his eventual collaboration from 1657, Covenanting opposition to the Cromwellian regime was summarised by Johnston of Wariston, who had circulated a tract against the incorporating union. It spelled out how the political and religious strands of Covenanting made engagement with the English all but impossible. In essence, 'All the arguments which were before against association and incorporation with Malignants, do make against incorporation and association with Sectaries; because, by their principles, they are no less enemies to religion than they'.[125] While he had yearned to recover political office, by 1659 Wariston was regretting his apostasy.[126] Such ambivalence was also mirrored in his and James Guthrie's 'new Covenant' project. Based loosely on the National Covenant and Solemn League and Covenant, the new Covenant removed all references to the king, the Scottish Parliament and national liberties and instead required signatories to uphold the Presbyterian Kirk as it stood in 1650.[127] However, it generated little enthusiasm among Protesters and failed to get off the ground. But although abandoned in theory, it again signalled the exclusive direction of the Covenanting movement in practice.

Meanwhile, the Mauchline cohort, who, as we have seen, became key players in the Western Association and vocal critics of the Public Resolutions, maintained a platform of protest under both the English Commonwealth and Protectorate. Indeed, the 'westland renters of the churche' proved to be leading protagonists in the Protester faction.[128] On 13 August 1651, a meeting of Protesters took place at the house of John Nevay; however, Wariston was unable to attend as he feared his appearance would 'rayse great jealousises and rumors both amongst Sectaryes and Malignants of our raysing a new Westland Rayde'.[129] On the anniversary of the schism in 1652, Adair, Nevay and Wylie all led prayers at a Protester meeting.[130] A new protestation against the Resolutioners was then drawn up at a meeting on 21 July, to which all but one of the ministers (Alexander Blair) appended their name, and which was presented by, amongst others, Mowat and Wylie. Notable elders from the west who subscribed this document

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'Covenanted Interest' in the Three Kingdoms 1649-1660', unpublished PhD thesis, (University of Aberdeen, 2008), 68-75.

[125] See Brodie, *Diary*, 66, 117-18.

[126] John Coffey, 'Sir Archibald Johnston of Wariston, Lord Wariston (*bap.* 1611, *d.* 1633)', *ODNB*.

[127] See Holfelder, 'Factionalism in the Kirk', 214-17.

[128] Balfour, *Historical Works*, IV, 330.

[129] Wariston, *Diary*, II, 108-10.

[130] Ibid., 179.

were Lord Kirkcudbright, Sir John Cheisly of Cresswell, Colonel Robert Halket and the Glaswegian clerk John Spreul, with the latter three 'some of the pryme remonstrators wich haue not subscriued the band'.[131] On 8 August 1653, Adair, Guthrie, Nevay and Wylie were among the named 'certifiers' in the 'Ordinance for the Better Support of the Universities in Scotland, and Encouragement of Publick Preachers There'. The ordinance, otherwise known as 'Gillespie's Charter' on account of Patrick Gillespie's successful lobbying of the Cromwellian regime, gave Protesters the power to purge and plant in the Presbyterian Kirk.[132] Significantly, the ruling elders named for Glasgow and Ayr were the former Remonstrants Sir George Maxwell of Nether Pollok, William Mure of Glanderston, John Graham, John Spreul and George Porterfield.[133] Indeed, at a Protester conference held in Edinburgh during the summer of 1654, Sir George was part of a committee constituted to purge and plant in Lanark. At the same meeting William Guthrie was elected moderator with Adair, Maxwell and Wylie all present.[134] On 8 November 1655, Maxwell was part of a Protester delegation that conferred with the Resolutioners about a possible union.[135] Wylie would later attempt to effect union himself in 1659.[136]

The Protesters were also successful in winning over Argyll, whose leadership had steered the Covenanting movement during the Civil Wars, and who had hitherto supported the Resolutioners. From 1656 he was aligned with Patrick Gillespie and became the Protesters' lobbyist in London for the next two years. In addition, Argyll created a western confederacy based loosely on the Western Association which was complemented by his policy of reviving the economic potential of war-devastated Kintyre through the plantation of settlers drawn from the western shires.[137] Settlers included the two sons of Mure of Rowallan and the heirs of John Porterfield, both of whom were former Remonstrants. The Remonstrant officer Robert Halket also settled

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131 *The Representation, Propositions and Protestation of divers Ministers, Elders and Professors, &c. Presented by Lord Warriston, Mr. Andrew Cant, Mr. John Livingstone, Mr. Samuel Rutherford and diverse others*, (Leith, 1652), 15-19; Balfour, *Historical Works*, IV, 309-10. Blair's dissent during the Restoration era does suggest that he can be counted a radical.

132 For 'Gillespie's Charter', see Holfelder, 'Factionalism in the Kirk', 207-10; Mackenzie, 'Presbyterian Church Government', 134-44; Spurlock, *Cromwell and Scotland*, 140-4.

133 Nicoll, *Diary*, 164-7. The ordinance was largely rejected by the named certifiers with the exception of 'some few Protesters' – including William Guthrie and John Nevay. This was most likely on account of their close proximity to Gillespie in the synod of Glasgow and Ayr (*Life of Blair*, 318).

134 Baillie, *L&J*, III, 245-6; Wariston, *Diary*, II, 305, 316.

135 Baillie, *L&J*, III, 296.

136 Holfelder, 'Factionalism in the Kirk', 286-9.

137 Macinnes, *British Confederate*, 272-5, 280, 281, 286.

in Kintyre and became an elder in his local kirk. Significantly, Lieutenant-Colonel James Wallace and the Protester John Carstairs found a safe haven there.[138] They later provided crucial military and clerical support for nonconforming Presbyterians during the Restoration era.

Restoration Reaction

With the collapse of the English Commonwealth and the formal restoration of Charles II in the three kingdoms on 29 May 1660, the Protesters were quickly marginalised and unable to exert the kind of influence on political and religious affairs which had been possible after the Britannic Engagement. Conversely, it was the leading Engagers to whom Charles entrusted the settlement and government of Scotland. Nevertheless, the Protesters had not given up hope of securing the constitutional gains which had culminated in the 'rule of the saints'. John Leslie, seventh Earl (later first Duke) of Rothes reported to John Maitland, second Earl (later first Duke) of Lauderdale on 18 April 1660 that there was a proposed meeting of the western shires to 'throust in a remonstratir intrist' which had the support of William Kerr, first Earl of Lothian, Loudoun and 'underhand Argayll'.[139] Likewise, on 23 August 1660, a meeting of Protesters in Edinburgh led by James Guthrie produced a supplication to be presented to Charles to remind him of his Covenanting obligations.[140] They rejoiced that the 'late usurped powers' had finally been broken and thanked God that he had 'been pleased to bring you back' to the British Isles in order to make way for the 'repairing of the ruins' of civil government without further bloodshed. However, as it was the providence of God that had delivered Charles from exile, it was now vital for the king and his subjects to prosecute the ends of the Covenants with renewed vigour. Specifically, the supplication lobbied for the 'carrying on of the work of uniformity of religion in the church of God, in the three kingdoms' in line with the Solemn League and Covenant; the preservation of religion by ensuring 'all places of power and trust be filled with men of a blameless Christian conversation, approven integrity, and known affection to the cause of God' (i.e. the continuation of the Acts of Classes); and the protection of the

[138] Stevenson, *Western Association*, 172-3; Wariston, *Diary*, II, 216.
[139] *Lauderdale Papers*, I, 14.
[140] Kirkton, *History*, 72; Lamont, *Diary*, 125.

Covenanted Reformation by royal assurances to 'consent and agree to all acts of parliament' that had been approved by the Scottish Parliament and General Assembly during the 1640s.[141] Thus, the supplication encapsulated the cornerstones of the radical agenda; that is, limited monarchy, Presbyterian confederation and godly government. However, a letter from Samuel Rutherford reminded his brethren that they were still represented to the king as those inimical to royal power because they had refused to accept the condemnation of the Western Remonstrance by the Commission of the Kirk. Such aspersions required careful explanation, not least because 'we were and are obliged to believe that they had no sectarian design therein, nor levelling intention'.[142] Indeed, Rutherford's criticisms of a draft petition produced by the Edinburgh meeting highlights the Protesters' struggle with the dual necessities of ingratiating themselves with the king while remaining true to the Covenanting cause.[143]

Steered by the former Engager William Cunningham, ninth Earl of Glencairn, and now unequivocally Royalist in inclination, the revived Committee of Estates soon caught wind of the Protesters' endeavours, and after three unsuccessful attempts to dissolve the meeting, requested their papers be brought to them 'for preseruation of the peace' while committing those present to Edinburgh Castle.[144] Efforts soon followed to silence the Protesters outright, with magistrates instructed to suppress unauthorised meetings and a proclamation issued outlawing Samuel Rutherford's *Lex Rex* and *The Causes of the Lords Wrath against Scotland*.[145] Indeed, with remarkable foresight, the Committee declared that in these tracts lay 'the f[o]undation and seed of rebellion for the present and future generations'.[146] Consequently, the Protesters were denied a voice in the constitutional settlement the following year on account of their seditious principles; a number were also removed from local church courts.[147]

The Restoration settlement concluded by the Scottish Parliament in 1661-2 thoroughly dismantled the Covenanted Reformation in Kirk and state: the Committee of Articles was soon revived, the royal prerogative restored and the parliaments of the 1640s

141 [John Brown], *An Apologetical Relation of the Particular Sufferings of the Faithful Ministers and Professors of the Church of Scotland*, (n.p., 1665), 69-77.
142 *Letters of Rutherford*, 694-5.
143 Ibid., 696-7.
144 Young, *Scottish Parliament*, 306-9; Lamont, *Diary*, 125-6.
145 Lamont, *Diary*, 126.
146 Quoted in MacIntosh, *Scottish Parliament under Charles II*, 13.
147 Wodrow, *History*, I, 123-30.

annulled. This technically complex procedure also required the passing of a specific act which formally approved the Britannic Engagement. The same act also condemned the resistance at Mauchline Moor, the Whiggamore Raid and the 'unlawfull' Parliament of 1649, wherein the radicals had 'intendit to establish and fix the power in their oun persones forever'.[148] Above all, it was argued that 'royal power could never be established' until the Covenants were overturned.[149] While controversial, the king's commissioner – the former Engager John Middleton, now first Earl of Middleton – was able to push the royal agenda through a largely pliant chamber that desired to diminish clerical influence in civil government while appeasing the restored monarch in the hope of recovering their political and economic fortunes.[150] The Parliament had been made all the more pliable by the administering of an oath of allegiance which required recognition of the king's supremacy before sitting. While Cassillis and George Melville, fourth Lord (later first Earl of) Melville were the only nobles unable to comply at the time, the oath inverted the Covenanting policy of exclusion and soon became 'the states shibboleth' in rooting out Covenanting support.[151] The necessary exclusion of Covenanting supporters was affirmed by the clerk register Sir Archibald Primrose, who rejoiced that there 'Never wes yr a Parl. so frank for the King' but noted that 'nothing can be of so great discouragement to them as to sie any who have beene always against the King, espealie in these unhappie yeeres 1649 & 1650'.[152] In fact, Remonstrant discouragement had been reinforced just days before with the 'Proclamation against the remonstrantors' which commanded the removal from Edinburgh of all who had been involved in the Western Remonstrance and *The Causes*.[153] Criminal proceedings were also begun against those in the Western Association who had damaged the property of James Douglas, second Earl of Queensberry, among them Sir George Maxwell of Nether Pollok and William Adair of Kinhilt.[154] Fundamentally, the Remonstrants were in the ignominious position of being 'a sort of men hated by the king above all mortals. And whether it was for their displeasing principles in state matters, or their strict

[148] See *RPS*, 1661/1/67. For further analyses of the constitutional settlement, see Buckroyd, *Church and State in Scotland*, 26-40; MacIntosh, *Scottish Parliament under Charles II*, 1-28; Young, *Scottish Parliament*, 304-20.
[149] Kirkton, *History*, 91.
[150] Harris, *Restoration*, 106-7
[151] Kirkton, *History*, 89-91.
[152] *Lauderdale Papers*, I, 63.
[153] *RPS*, 1661/1/22.
[154] *Memoirs of the Maxwells of Pollok*, ed. William Fraser, 2 vols, (Edinburgh, 1863), II, 296-99, 301-2; *RPCS*, I, 103-12; *RPS*, A1661/1/31; Wodrow, *History*, I, 291-2.

principles in morals, God knows; but it was believed they suffered as much from hatred as from fear'.[155]

Of greater significance, however, were the processes for treason begun against the Covenanting grandee Argyll and the Protesters James Guthrie and Johnston of Wariston. As the radical leader of the Covenanting movement Argyll's head was especially sought after; but while successful in refuting the fourteen charges against him, he was convicted spuriously as an active Cromwellian collaborator.[156] Guthrie was indicted on account of 'raiseing division amongest his subjects and sedition againest his majesties persone, dignitie, authoritie and priviledge of his croun' which had assisted the 'bloodie usurper' Cromwell in his conquest of Scotland. In particular, attention was drawn to the fifth and sixth steps of defection from the Covenants outlined in *The Causes* which condemned the treaty with Charles II and the rejection of the Western Remonstrance.[157] Wariston was similarly prosecuted on account of his accession to the West Kirk declaration, his involvement in *The Causes* and his collusion with the Commonwealth. The depositions of witnesses also highlighted the involvement of other Protesters in the production of *The Causes*, including Thomas Wylie and John Nevay.[158] Ultimately the outcome of the trials were a foregone conclusion, with all three sentenced to death.[159] Their testimonies from the scaffold would later be put to polemical use by nonconforming Presbyterians, with Guthrie particularly defiant.[160] He refused to relinquish his principles, and noted that he

> did Protest against, and stood in Opposition unto these late Assemblies at St Andrews, Dundee and Edinburgh; and the Publick Resolutions for bringing the Malignant Party into the Judicatories and Armies of the Kingdom, conceaving the same contrary to the Word of God, and to our Solemn Covenants and Engagements; and to be an inlet to Defection, and to the Ruine and destruction of the Work of God. And it is now manifest to many consciences, that I have not been therein mistaken; nor was not fighting against a man of straw.[161]

Fortunately, as far as Guthrie was concerned, God 'hath not cast away his People nor work in Brittain and Ireland'; there was yet 'a Holy Seed and precious Remnant, whom

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[155] Kirkton, *History*, 71.
[156] See Macinnes, *British Confederate*, 294-303.
[157] *RPS*, A1661/1/67, M1661/1/32; [Guthrie and Johnston], *Causes*, 6-7, 52-62.
[158] *RPS*, A1661/1/81, A1661/1/82. Wariston's execution in 1663 was accompanied by an error-strewn account of his involvement in the Covenanting and Cromwellian regimes: *The Crimes and Treasons of Archibald Johnston, Laird Wariston*, (London, 1663).
[159] MacIntosh, *Scottish Parliament under Charles II*, 39.
[160] [James Stirling and James Stewart], *Naphtali, or, the Wrestling of the Church of Scotland for the Kingdom of Christ*, (n.p., 1667), 194-9, 199-208, 209-14.
[161] Ibid., 202.

God will preserve and bring forth' to maintain the Covenanting cause.[162] Thus the Covenanting movement, which had begun as a national, corporate enterprise, was ascribed to a seditious few whose deaths prevented a large-scale inquiry into the Civil Wars. But although Charles was 'desireous, if it wer[e] possible, to reclame the worst of his subjects to their dutey be acts of mercy and grace', the exemptions from the Act of Indemnity wrought fiscal retribution upon those who had conspired against him and his father. The godly duly paid the price for their radicalism. Those who had either opposed the Britannic Engagement, 'violently usurped' the machinery of government, secluded Charles II, joined 'in a most seditious remonstrance', 'associat[ed] themselffs in most treasonable declarations and protestations' and 'joyned in councill or armes with the murderers of the king' were fined reputedly 'small sums'. The shires of Edinburgh, Glasgow, Lanark, Dumfries, Ayr, Aberdeen, Renfrew, Stirling, Wigtown, Kirkcudbright and Argyll were the heaviest hit. Again, involvement in the Britannic Engagement mitigated or prevented punishment being brought to bear upon those held to have pursued 'rebellious courses' in 1637. Notably, of the 896 people named as exempt from the indemnity, only eight were noblemen.[163]

Conclusion

The Restoration settlement was both a belated triumph for the Engagers and a pyrrhic ideological victory for the Protesters. The threat to aristocratic power which had moved the nobility to push for constitutional checks on absentee monarchy, but which subsequently undermined the framework of government they purportedly wished to restore, had seen a realignment of their priorities in 1648. Co-operation with the other Estates, previously a means to preserve their leading roles in central government and local society, was now rejected, initially at least, in favour of acquiescence to the directives of absolute monarchy. Seemingly, only the king's prerogative powers in Kirk and state could provide the constitutional equilibrium necessary to prevent the diffusion of anarchy in Scottish, and indeed, British, society.

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[162] Ibid., 206.

[163] *RPS*, 1662/5/87, 1662/5/96. The noblemen exempted were the Earls of Loudoun and Lothian and the Lords Balmerino, Borthwick, Burleigh, Coupar, Rollo and Ruthven. The maximum fines were the equivalent of one year's rent (MacIntosh, *Scottish Parliament under Charles II*, 47).

However, the entanglement of constitutionalism and religious reform, as also patriotism and godliness, militated against the Covenants being wiped from the Scots' collective memory. In a culture where oath-taking continued to represent a profound and sacred act, and against a backdrop of apocalyptic expectation, many Scots were unable to abrogate the oaths they had taken to support what they believed to be the cause of God.[164] Moreover, the principles of protest and resistance which had underwritten the pursuit of Covenanting imperatives, though repeatedly legislated against, were neither sufficiently undermined nor successfully countered in the early years of the Restoration.[165] In sum, and as will be further demonstrated, the legacy of Covenanting radicalism during the British Civil Wars – as much intellectual and social as political and ecclesiastical – continued to have considerable import in seventeenth century Scotland.

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[164] Consequently, to circumvent the issue of perjury, the Covenants had to be construed by Restoration officials as unlawful. Literature on oath-taking has been well-developed in an English context. See, e.g., Caroline Robbins, 'Selden's Pills: State Oaths in England, 1558-1714', *Huntingdon Library Quarterly*, 35 (1972), 303-21; David Martin Jones, *Conscience and Allegiance in Seventeenth Century England: The Political Significance of Oaths and Engagements*, (Woodbridge, 1999); John Spurr, 'A Profane History of Early Modern Oaths', *Transactions of the Royal Historical Society*, 11 (2001), 37-63; Edward Vallance, *Revolutionary England and the National Covenant: State Oaths, Protestantism and the Political Nation, 1553-1682*, (Woodbridge: Boydell, 2005); Conal Condren, *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices*, (Cambridge, 2006).

[165] Recent analysis of episcopal shortcomings in Scotland can be found in Alasdair Raffe, 'The Restoration, the Revolution and the Failure of Episcopacy in Scotland', in Tim Harris and Stephen Taylor, eds, *The Final Crisis of the Stuart Monarchy*, (Woodbridge: Boydell, 2013), 87-108.

Covenanting Resistance

We are persuaded, let him wish what he will, the memory of these memorable wayes shall never be buried, but shall stand as exemplary monuments to succeeding generations, when God shall think it meet to animate them with the spirit of courage, to free the land of tyranny.[1]

Have respect unto the covenant: for the dark places of the earth are full of the habitations of cruelty.[2]

The execution of Argyll, Guthrie and Wariston may have deprived the Covenanting movement of its leadership, but their deaths became integral to a burgeoning tradition of martyrdom developed by Presbyterians after 1660. At the same time, defence of the so-called 'Covenanted religion' devolved onto the lower orders as the political elite came largely to abandon the Covenants. Much like the Whiggamores in 1648 and the Western Association in 1650, the restoration of the royal prerogative and reassertion of aristocratic power at the expense of the Covenanted Reformation engendered a response from radicals to ensure its preservation. Conditioned by the fear of 'our practical breach of covenant first, and then, our legal breach thereof', and sustained by an ideology which had developed in reaction to the British Civil Wars, nonconforming ministers and laymen strove to maintain an unblemished testimony for the Covenants as the rest of Scottish society became mired in perjury and sin.[3] While the Restoration settlement had attempted to turn the clock back to 1633, it could not undo the social and economic dislocation occasioned by warfare, nor erase the memory of political and religious upheaval across the previous two decades. Indeed, the impact of the Civil Wars on Scottish society had rendered a return to the pre-revolutionary period all but impossible. Instead, the Restoration regime faced the novel problem of nonconformity that was prevalent – perhaps dangerously so – among lesser lairds, yeomen, tenant farmers, merchants and craftsmen who had arguably been politicised in a manner

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[1] [James Stewart], *Jus Populi Vindicatum, or the Peoples Right, to Defend themselves and their Covenanted Religion, Vindicated*, (n.p., 1669), 31.
[2] Psalm 74:20. Psalm 74 and 78 were sung by the ministers of the Pentland Rising before the rebel engagement with government forces (Burnet, *HMOT*, I, 431-2).
[3] The quote is by Samuel Rutherford, writing to an incarcerated James Guthrie in February 1661. See *Letters of Samuel Rutherford*, 701-2.

hitherto unimaginable prior to the signing of the National Covenant in 1638 and the outbreak of war in 1639. The most spectacular expression of this dynamic in the early years of the Restoration was the Pentland Rising, an outbreak of popular protest and armed resistance which was legitimised by recourse to Covenanting.

From Power to Protest

With the legal basis of the Covenants now removed, Charles proceeded to settle the affairs of the Kirk. He had already sent Justice-Clerk Sir Robert Moray to Paris to secure the services of French Reformed divines to support the Restoration and 'to write for Episcopacy'. Indeed, having met the pastor of Charenton, Alexander More, Moray 'gave him a paper with 5 Queries, comprehending the chief points wherein the two Governements of church and state have clasht amongst us'. To this end, Moray had requested from Lauderdale 'the 111 propositions of Gillespy'.[4] The legacy of the Kirk's opposition to the Britannic Engagement lived on; its realignment would now ensure it was thoroughly subordinate to the state. The ideological backlash against the Covenants was reinforced by the license given to Robert Forbes, Professor of Philosophy at Marischal College, to reprint the 1637 disputation between the Aberdeen Doctors and Covenanting ministers Alexander Henderson, David Dickson and Andrew Cant.[5]

Nonetheless, Charles did issue a letter in response to the presbytery of Edinburgh on 10 August 1660 to reassure the clergy that he was resolved 'to protect and preserve the Government of the Church of Scotland as it is settled by Law'.[6] The Resolutioner lobbyist – and now Charles's chief ecclesiastical agent – James Sharp also attempted to assuage the fears of his brethren. The letter was circulated throughout the presbyteries but interpreting the king's promise undermined efforts made by the Presbyterian factions to compose their differences. In the heated discussions which followed, the

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[4] *Lauderdale Papers*, I, 28-30. Moray was referring to George Gillespie's *CXI Propositions Concerning the Ministry and Government of the Church*, (Edinburgh, 1647). While the Scots demonstrated widespread sympathy for the French Huguenot struggle, the Huguenots withheld their support from the Covenanting movement during the Bishops' Wars (Macinnes, *British Confederate*, 135).

[5] *RPS*, [A1661/1/97]. The *Generall Demands, Of the reverend Doctors...Concerning The Late Covenant, in Scotland* was republished at Aberdeen in 1662. For the original dispute, see John D. Ford, 'The Lawful Bonds of Scottish Society: The Five Articles of Perth, the Negative Confession and the National Covenant', *HJ*, 37 (1994), 45-64.

[6] Nicoll, *Diary*, 299-300.

Resolutioners maintained that the king promised to defend presbyterian government 'for ever, for as much as that time it was the government settled by law', while the Protesters argued 'that the clause imported no more, but the the king resolved to maintain that government of the church which at any time comeing should be the legal government', so that 'as in that that year, 1660, the government was presbyterial, so in the year 1662, the legal government might be episcopacy'.[7] If this clause was open to interpretation, confirmation of the 1651 General Assembly at St Andrews and Dundee 'until we shall call another' and the purported intention to hold discussions with the Resolutioner leader Robert Douglas affirmed Charles's policy of Protester marginalisation.

By the following summer, and with the Covenanting parliaments of the 1640s now annulled, Charles issued a letter to the Scottish Privy Council declaring his desire to restore episcopacy.[8] It was stated that after 23 years presbyterianism had inconvenienced the Crown, damaged the royal prerogative and occasioned confusion in Kirk and state. In addition, following the successful reintroduction of episcopacy in England and Ireland, and echoing the efforts of his father and grandfather, Charles noted his wish to bring the Kirk into 'better harmony' with the established churches in his other two kingdoms. The resolution was to be enforced by the Privy Council in a decidedly Erastian manner, bringing 'good subjects [...] to a cheerfull acquiesceing and obedience to our soveraigne authority' while inhibiting the assembly of 'synodicall meittings' of ministers and preventing 'any irregular and unlawfull' preaching.[9] The General Assembly was not consulted and the confederal injunctions of the Solemn League and Covenant were discarded. Meanwhile, Sharp – consecrated Archbishop of St Andrews in December – was tasked to recruit leading Resolutioners to form the new episcopate; he was less than successful.[10]

The second session of Parliament restored episcopacy on 27 May 1662 as the form of church government 'most agreeable to the word of God, most convenient and effectuall

[7] Kirkton, *History*, 74-7.

[8] For the restoration of episcopacy, see Buckroyd, *Church and State in Scotland*, 22-40, 41-7; Harris, *Restoration*, 112-13; MacIntosh, *Scottish Parliament under Charles II*, 25-6, 36-7.

[9] *RPCS*, I, 28-9.

[10] *Life of Blair*, 394-5. While debate concerning Sharp's duplicity may remain unresolved, Buckroyd's revisionist apologetic – although a welcome counterpoint to partial Presbyterian commentaries – is not entirely convincing. See Julia Buckroyd, *The Life of James Sharp, Archbishop of St Andrews, 1618-1679: A Political Biography*, (Edinburgh: John Donald, 1987), esp. pp. 59-73, 74-7.

for the preservation of treuth, order and unitie, and most suteable to monarchie and the peace and quyet of the state'. The act undermined *jure divino* presbyterianism and its insistence on Christ's headship of the church by declaring that 'the ordering and disposall of the externall government and policie of the church doth properlie belong unto his majestie as ane inherent right of the croun', and made it clear that 'the sole and only power of jurisdiction' did not 'stand in the church, and in the generall, provinciall and presbyteriall assemblies and kirk sessions'. The Presbyterians' (somewhat ironic) desire for the separation of spiritual and temporal power was also overturned with the restitution of bishops to the Scottish Parliament 'and to all their other accustomed dignities, priveledges and jurisdictions'.[11] This was followed by an enactment on 11 June that required all ministers admitted since 1649 to obtain presentation from their patron and collation from their bishop in order to keep their benefices and stipends. This not only constituted a direct attack on 'the 49' which had abolished lay patronage, but singled out the younger generation of ministers who had come of age during the 'rule of the saints'.[12] Yet any question of the Protesters living up to their epithet had already been quashed by a royal proclamation on 18 June the previous year which prohibited the presentation of remonstrances and petitions.[13] Middleton then issued a proclamation via the Privy Council in October – known contemporaneously as the 'Act of Glasgow' – forbidding all ministers who had not yet obtained presentation and collation from exercising their functions.[14] The effects proved to be seismic, with around 270 ministers deprived – around a quarter of the ministry. The south-west was particularly affected, with nearly half of the clergy unable to comply. While the removal of the Protesters had certainly been on the agenda, the unintended consequence was the deprivation of leading Resolutioners such as Robert Douglas, George Hutcheson and James Wood, who had initially banked on a Presbyterian settlement at the expense of the Protesters.[15]

While recent work has rightly emphasised that an overwhelming majority of the clergy conformed to the Restoration settlement, this ought not to downplay the significance of

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[11] *RPS*, 1662/5/9.
[12] *RPS*, 1662/5/15; Kirkton, *History*, 143-5. For the abolition of lay patronage, see *RPS*, 1649/1/240, where it was held to be 'prejudiciall to the liberties of the people and planting of kirks and unto the frie calling and entering of ministers unto thair charge'. Oversight of this process was vested in the local presbytery.
[13] *RPS*, 1661/1/362.
[14] *RPCS*, I, 269-70.
[15] Kirkton, *History*, 117, 148; Wodrow, *History*, I, 325, 329; Buckroyd, *Church and State in Scotland*, 41-2; MacIntosh, *Scottish Parliament under Charles II*, 38-9.

270 clergymen refusing conformity.[16] Others, meanwhile, have argued that there was little in the settlement which could have offended Presbyterian susceptibilities.[17] Perhaps in practical terms – the presbyteries were retained (although re-established) and ministers had some degree of say in church governance – but the nature of the settlement intentionally struck at the heart of Presbyterian principles: it affirmed the royal supremacy in ecclesiastical affairs; it was thoroughly Erastian in both theory and practice; it denied the monarch was limited by a covenant made to God and the people; it restored an episcopate despite the office being explicitly abjured; it denied any legitimacy to the Covenants and the revolution. Ideological commitment was then forced by oaths and declarations which required explicit recognition of, and active obedience to, the Erastian bishops. Its offense to Presbyterians is at its most evident when considering that it deprived those Resolutioners who had been willing to compromise with Charles II by excluding the Protesters. Instead, the settlement drove the nonconformists from each faction together by uniting them against a common adversary. However, the fragility of this unity would be exploited by government policy when alternative attempts were made to enforce conformity in the 1670s.

The reintroduction of episcopacy was paired with further acts against the Covenants, including another oath designed to purge supporters from public office. The oath declared the Covenants unlawful while condemning the principles of protest and resistance which had characterised 'the late troubles'. At the same time, limited monarchy was expressly rejected, with subjects owing an unqualified allegiance to the Crown and an active obedience to the king's prerogative in Kirk and state.[18] The passage of this legislation coincided with efforts to enforce conformity and suppress dissent in the western shires; indeed, Lauderdale – himself a former Engager – complained that the problem of 'refractorie gentlemen & people' and enforcing 'outward obedience' was 'onely considerable in the Western shires, where so many Remonstrators were, & where there was so great disaffection even when the King was in Scotland'.[19] James Kirkton also reports that the second session of Parliament 'thought fitt to give a proof of their zeal for the new bishops' by making 'ane example of terror' to obstinate Presbyterians.

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[16] Raffe, *Culture of Controversy*, 33; Scott Spurlock, 'Problems with Religion as Identity: The Case of Mid-Stuart Ireland and Scotland', *Journal of Irish and Scottish Studies*, 6 (2013), 1-29, at p. 27.

[17] Donaldson, *James V-James VII*, 364.

[18] *RPS*, 1662/5/20 and 1662/5/70.

[19] *Lauderdale Papers*, I, 154-5. Lauderdale may have emphasised the refractory west to divert attention from his own estates in the south-east.

Unsurprisingly, this involved 'the most considerable or most hated ministers in the west countrey'. By such measures it was hoped that they could 'cudgel the rest of that tribe into humble submission to bishops to prevent personal suffering'. Among the eight ministers cited were William Adair, Matthew Mowat and Alexander Blair, alongside fellow Protesters John Carstairs, James Naismith, James Rowat and James Veitch.[20] While Adair momentarily breached clerical solidarity by taking 'a separate course from his honest brethren', the rest were eventually brought before Parliament and tendered the oath of allegiance. After deliberating on the oath for a number of days their gloss did not satisfy the bishops. They were then imprisoned and sentenced to banishment. However, Chancellor Glencairn was informed that the sentence would dishonour Parliament and so the prisoners were remitted to the Privy Council; they were then forbidden to exercise their ministry at their charges, which were declared vacant.[21]

Most notably, sentences of banishment were handed out to Thomas Wylie and John Nevay. Wylie and 'the whole brethren' of the presbytery of Kirkcudbright had continued preaching and kept presbytery meetings, thus ensuring that he was 'the person the managers had their eye chiefly upon in that country'.[22] He was banished north of the Tay on 1 October 1662.[23] Although his wife was successful in securing a brief mitigation of the sentence, Wylie and his family eventually travelled to Edinburgh at the end of November so he could appear before the Privy Council. Upon arrival he discovered that his name was on a list alongside John Livingstone, Robert Trail, John Carstairs, Alexander Dunlop, 'and a good many others, who were to have the oath tendered to them; and upon their refusal to be banished'. Wylie was later pressed 'to declare himself against defensive arms' and take the oath of allegiance. With Middleton's refusal to allow him to take the oath with explanations he was unable to comply.[24] Similarly, Nevay was brought before the Council on account of his 'turbulent and seditious cariages'. After refusing the oath of allegiance he subscribed a note on 23 December 1662 obliging his removal from the king's dominions, and despite

[20] Kirkton, *History*, 139. Veitch had replaced Thomas Wylie at Mauchline after Wylie had been translated to Kirkcudbright in 1655, and, significantly, was installed there by the Cromwellian committee for planting vacant kirks (Holfelder, 'Factionalism in the Kirk', 211).
[21] Kirkton, *History*, 139-40; *RPCS*, I, 264; Wodrow, *History*, I, 294-7.
[22] Wodrow, *History*, I, 300.
[23] *RPCS*, I, 271.
[24] Wodrow, *History*, I, 300-2.

successfully dragging his heels, he was to be banished by 14 February 1663.[25] By this dual policy – targeting the younger generation of ministers with legislation abrogating their congregational call while rooting out the older with the oath of allegiance – it is clear that the Restoration regime headed by Middleton was attempting to dismantle the Protesters' stranglehold on the south-west while purging dissident elements from the re-established Episcopalian Kirk. Formerly agitators within, the Protesters now operated outside government.

As the Episcopalian 'curates'[26] began filling the vacant charges, nonconforming ministers turned to private religious meetings and outdoor services to maintain the pastoral relationship with their respective congregations. These 'conventicles' were not new innovations but had been a feature of Presbyterian worship since the introduction of the Perth Articles by James VI in 1618.[27] Large, inter-congregational communion services were also a seasonal feature of the Presbyterian calendar, especially in the south-west and Ulster.[28] Debate on conventicles had also very nearly divided the clergy at the General Assembly of 1639 and 1640, and did later cause consternation among Resolutioners who were concerned about the implications of Protester conventicles to an inclusive national church.[29] What is more, the Mauchline Rising in 1648 had demonstrated the challenge armed communicants could pose to public authority. However, as conventicling grew, the issue of nonconformity and dissent was confronted

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25 *RPCS*, I, 292, 302-3, 306, 311, 321; Wodrow, *History*, I, 317. Wodrow, noting that Nevay was 'very much valued' by the Earl of Loudoun, suggests that he was punished partly on this basis.

26 This was a popular term of slander used by Presbyterians against the new incumbents. It had Catholic connotations and implied their slavish adherence to the Erastian episcopate.

27 David Stevenson, 'Conventicles in the Kirk: The Emergence of a Radical Party, 1619-37', *Records of the Scottish Church History Society*, 18 (1974), 99-114. See also Laura A. M. Stewart, *Urban Politics*, 172-222 and idem., '"Brothers in Treuth": Propaganda, Public Opinion and the Perth Articles Debate in Scotland', in Ralph Houlbrooke, ed., *James VI and I: Ideas, Authority and Government*, (Aldershot: Ashgate, 2007), 151-168.

28 Stevenson, 'Conventicles in the Kirk', 105-111; Leigh Eric Schmidt, *Holy Fairs: Scottish Communions and American Revivals in the Early Modern Period*, (Princeton, 1989), 11-40; Margo Todd, *The Culture of Protestantism in Early Modern Scotland*, (Yale, 2002), 84-126.

29 Baillie, *L&J*, I, 248-55; Guthry, *Memoirs*, 78-82; *Records of the Kirk*, ed. Peterkin, 208-9, 294, 360, 472-4; [Hutcheson and Wood], *A True Representation*, 21, 30-3, 35-7. See also David Stevenson, 'Radicals in the Kirk, 1637-45', *JEH*, 25 (1974), 135-165. The principal supporters of conventicles were David Dickson, Robert Blair, Samuel Rutherford, James Hamilton, John Livingstone, John MacLellan and George Dick, though they had 'the assistance not only of the most part of the ministers, but also the ruling elders from the west'. Notably, Blair, Livingstone and MacLellan had operated in Ulster. Agreement was secured on the basis that private meetings could be countenanced during times of corruption but should be disallowed 'when God hath blessed us with peace, and with the purity of the gospel'. After reform, such meetings would then be 'to the prejudice of the public ministry, and to the renting of particular congregations'. Though an act against private meetings was eventually passed at the General Assembly of 1640, it was intentionally concealed to prevent publicising the dispute. By 1641 they had tacit allowance, affirmed again in 1647. In the midst of the Presbyterian schism in the 1650s, neither Dickson nor Blair became Protesters, although Rutherford and Livingstone certainly did.

by the Scottish Parliament in the summer of 1663.[30] After the Privy Council had received numerous reports of unauthorised meetings being held by nonconforming ministers, an Act was passed 'against separation and disobedience to ecclesiasticall authority'.[31] The Act was known colloquailly as 'the bishops' dragg-net'.[32] Any ministers who did not attended diocesan meetings, assist the bishops with discipline or remove themselves from their benefices if deprived were to be 'punished as seditious persones, and such as contemne the authority of church and state'. Likewise, those subjects who withdrew from the Kirk to join conventicles were considered to have set a 'dangerous example', with fines to be imposed in accordance with rank. The criminalisation of dissent initiated a policy of repression that encompassed excessive fining, quartering and banishment, and which was characterised by the use of military force and the imposition of obsequious bonds and oaths. Indeed, the use of soldiers as both tax collectors and agents of coercion became a central feature of the regime, with military spending never falling below one-third of total government expenditure. Dissent was exacerbated as soldiers became continually engaged in tax collecting to meet their own pay, while the government response to increased disorder was to raise more troops, thus requiring further grants of taxation. A dangerous policy cycle was created in the process. Meanwhile, military office and the management of government finances proved all too susceptible to the political machinations of aristocrats who profited from repression.[33] Consequently, nonconformity became as much a protest against the military-fiscalism of the state as it was a commitment to the Covenants.[34]

By 1665, the Presbyterians – and in the person of a Protester, the exiled minister of Wamphray, John Brown – had worked the 'defensive wars' and the Covenanting cause into the history of Scotland's Protestant Reformation. The history centred on the Kirk's apocalyptic struggle against the Antichrist in general and prelacy in particular. The narrative focused on the trials and testimonies of the godly, whose commitment to a presbyterian reformation the nonconformists were now maintaining as torch-bearers of

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30 Cowan, *Scottish Covenanters*, 57-8.
31 *RPS*, 1663/6/19; MacIntosh, *Scottish Parliament under Charles II*, 49-50.
32 Kirkton, *History*, 167.
33 Lee, 'Government and politics in Scotland', 104-51, 152-94; MacIntosh, *Scottish Parliament under Charles II*, 69.
34 [Stirling and Stewart], *Naphtali*, 112-16, 130-7, 169-74; [James Stewart], *Ane Accompt of Scotlands Grievances By reason of The D. of Lauderdales Ministrie, Humbly tendred To his sacred Majesty*, (n.p., [1675]).

the tradition.[35] The tract then offered a defence of the clergy concerning their non-observance of the Restoration anniversary, their non-compliance with church courts, their refusal to seek presentation and collation and their rejection of the oath of allegiance.[36] It also surveyed the Rescissory Act and the royal prerogative.[37] However, quite significantly, it encouraged lay rejection of the new incumbents and justified continued adherence to the outed minister, who could continue lawfully tending his congregation wherever possible.[38] In this defence of conventicles, wherein he disregarded active or passive submission to courts 'established by law' if they were not 'of Christ's institution', he harnessed James Guthrie's controversial *Protesters no Subverters* (1658).[39] Not only does this underline the Protesters' formative influence in fashioning the ideological response to the Restoration settlement, but also the sense of continuity felt by nonconformists who had protested against the defections of the Kirk from 1651. Brown concluded with a vindication of the Covenants and an ominous warning about the dangers of covenant-breaking.[40] For the Archbishop of Glasgow Alexander Burnet, the tract was 'one of the most antimonarchicall that ever I saw'.[41]

Throughout his tract Brown made frequent reference to the prominent Dutch Reformed theologian Gijsbert Voet [*alias* Gisbertus Voetius] (1589-1676), and in particular, his *Politica Ecclesiastica* (1663-1676). A confessional purist, Voet was a leading figure in the *Nardere Reformatie* movement in the Dutch Reformed Church, defending orthodoxy against the Arminian and Cocceian challenges, as also the sceptical philosophy of René Descartes. Alongside the French Huguenot and Professor of Theology at Leiden, André Rivet [*alias* Andreas Rivetus] (1572-1651), his writing was often appealed to by Scottish clergymen in defence of presbyterian doctrine, worship, discipline and government.[42] Crucially, it was to Voet's work that Brown referred when

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35 [Brown], *An Apologeticall Relation*, 5-68, 140-68. For the development of Scottish apocalypticism, see Arthur H. Williamson, *Scottish National Consciousness in the age of James VI: the Apocalpyse, the Union and the Shaping of Scotland's Public Culture*, (Edinburgh: John Donald, 1979). See also S. A. Burrell, 'The Apocalyptic Vision of the Early Covenanters', *SHR*, 43 (1964), 1-24, and, more recently, David Andrew Drinnon, 'The Apocalyptic Tradition in Scotland, 1588-1688, unpublished PhD thesis, (University of St Andrews, 2013).
36 [Brown], *An Apologeticall Relation*, 88-90, 91-101, 101-14, 114-40, 169-269, 316-27.
37 Ibid., 127-40.
38 Ibid., 270-97, 298-305, 305-9, 309-15.
39 Ibid., 309-10. Cf. [James Guthrie], *Protesters no Subverters, And Presbyterie no Papacie*, (Edinburgh, 1658), 96.
40 Ibid., 327-46, 347-59, 359-91, 391-416.
41 *Lauderdale Papers*, app. A, xx.
42 Aza Goudriaan, *Reformed Orthodoxy and Philosophy, 1625-1750: Gisbertus Voetius, Petrus van Mastricht and Anthonius Driessen*, (Leiden: Brill, 2006), 7-14; Ernestine Van Der Wall, 'The Religious Context of the Early Dutch Enlightenment: Moral Religion and Society' in Wiep van Bunge, ed, *The Early Enlightenment in the*

he argued for a lawful separation from a church 'when the case so falleth out that union cannot be keeped up with her, with out sin'. Voet had granted that explicit communion with a particular church was not 'absolutely Necessary' if 'the Christian shall have more peace of conscience & free exercise of Christian duties else where'. Indeed, 'Such persons may keep communion with other purer Churches in other places'.[43] Not merely theoretical, these ideas were put into practice by the banished Protesters. They went on to form the nucleus of an exile community that developed within the pre-existing Scottish expatriate population of the Netherlands, particularly at Rotterdam, but also Utrecht and Leiden. Links to the Dutch Reformed world were reinforced through the exiles' correspondance with the likes of Voet and his circle at Utrecht. The minsters also kept correspondance with their former congregations.[44] In addition to Brown, the exiled included his friend and former minister of the Outer High Church at Glasgow Robert MacWard, John Nevay, Robert Trail and John Livingstone. The exile community quickly became the bastion of the Covenanting cause as persecution intensified in Scotland.[45] It provided not only material but ideological support, with Dutch presses utilised to produce material that was intended to publicly vindicate Presbyterian dissent while galvanising opposition to the 'malignant' regime. Unsurprisingly, the exiles would come under scrutiny when government concerns arising from domestic security and foreign war aligned in 1666. However, there was at this juncture no clarion call for offensive action against Charles II and his ungodly officials.

Pentland Rising

With less than five years having passed since the Restoration settlement, and only four since the initial ejection of ministers from their parishes, antagonism between the government and nonconformists came to a head in 1666. Although largely wide of the mark, the outbreak of the second Anglo-Dutch War (1664-7) stoked government fears

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Dutch Republic, 1650-1750, (Leiden: Brill, 2003), 39-57. Voet had close links with English puritans and was well-respected among Covenanting clergymen. Indeed, he had attempted to bring Samuel Rutherford to the University of Harderwijk as Professor of Divinity and Hebrew (Baillie, *L&J*, III, 82). For further references, see Baillie, *L&J*, I, 9, 92-3, 357; II, 72, 115, 165, 169, 175, 189, 202, 205, 218, 239, 240, 265, 327, 378; III, 21, 70, 101, 103-4, 267-70, 270-5, 281, 310, 311, 324, 369, 449.

43 [Brown], *Apologeticall Relation*, 291-2.

44 John Livingstone, *A Letter...Unto his Parishoners of Ancrum*, second edition, (n.p., 1710).

45 For the exile community, see Gardner, *Scottish Exile Community* and Douglas Catterall, *Community Without Borders: Scots Migrants and the Changing Face of Power in the Dutch Republic, c. 1600-1700*, (Leiden: Brill, 2002).

that Scottish dissidents at home and abroad would unite with the Dutch for mutual advantage. The possibility of Presbyterians being furnished with money and arms, as also the potential for a Dutch landing in Scotland, was enough to encourage the disarming of the western shires.[46] At the same time, Anglo-Dutch hostilities disrupted Scottish trade during a period of economic recession, a situation exacerbated further by the king's request for further grants of taxation to meet the costs of war. Combined with the renewed pressure on nonconformity and damaging fiscal impositions collected by government troops, an armed insurrection was provoked in the south-west: The Pentland Rising.[47]

The rising began spontaneously about 12 November after a scuffle in the village of Dalry between a party led by the Kirkcudbrightshire laird Robert MacLellan of Barscobe and soldiers stationed nearby.[48] Aware that their resistance to local troops would court a response from the garrison at Dumfries, a rendezvous of around 180 rebels captured it and the commander – the former Engager Sir James Turner. However, there is evidence to suggest that plans may have been afoot for some time. John Blackadder relates that 'some gentlemen, and others of his brethren' held private meetings in Edinburgh during the summer of 1666 where they were joined by a group of nonconforming clergy from Nithsdale and Galloway. He refers to this body as the 'council'.[49] When news reached them that nonconformists in Galloway were in arms, the decision was taken to send a cadre of gentlemen and ministers to rally support in the western shires. Among this group was Lieutenant-Colonel James Wallace, a veteran of the British Civil Wars who had initially come to prominence in Sir Robert Munro's regiment of foot. Munro's regiment had served in the second Bishops' War and then in Ulster from 1642 to 1648. After the fall of the Engagers, Wallace had been utilised by the Committee of Estates to recruit anti-Engager soldiers from Ulster into the Covenanting army. He was later commissioned as Lieutenant-Colonel of the Irish Foot on 10 August 1649, which later became His Majesties Life Guard of Foot when the Committee identified the regiment as the best suited to protect Charles II from Royalist conspirators. With the conquest of

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[46] *Lauderdale Papers*, I, 222; [Stirling and Stewart], *Naphtali*, 174-6.
[47] Buckroyd, *Church and State in Scotland*, 65; Greaves, *Enemies Under His Feet*, 58-9; Harris, *Restoration*, 119; MacIntosh, *Scottish Parliament under Charles II*, 57-71.
[48] For narratives of the Pentland Rising, see Charles Sandford Terry, *The Pentland Rising and Rullion Green*, (Glasgow, 1905) and Caroline Erskine, 'Participants in the Pentland rising (*act.* 1666)', *ODNB*.
[49] Blackadder, *Memoirs*, 117-19, 127-8. Rothes also noted in a letter to Lauderdale that he had discovered that 'they uear not to have sturd yet for severall munths' (*Lauderdale Papers*, I, 265).

Scotland and Ireland Wallace took refuge in Kintye at the behest of the Marquess of Argyll. After the Restoration he became involved in plans for an armed uprising in Dublin in 1663 led by the Cromwellian Thomas Blood, himself alienated by the Restoration settlement in Ireland.[50] Gilbert Ker, one of the four colonels recruited to lead the Western Association, was also involved in the Dublin Plot, as he was the Tong Plot of 1662, and rumours circulated that he was organising men and arms on the continent for a Scottish revolt. There is also evidence that he was among those who seized Turner at Dumfries, although the absence of Ker from both sympathetic and hostile sources makes this difficult to corroborate.[51] However, alongside Wallace was certainly Major Joseph Lermont, a Covenanting officer who may have served with Wallace in Ulster. He lived within two miles of William Veitch (brother to the Protesters John and James) who encouraged him to participate in the rising.[52] The involvement of these men, as also the Protester Captains Andrew Arnot and Robert Lockhart, highlights the under-appreciated military dimension to the insurgent force.[53] Indeed, the leadership of these former officers and the likely involvement of ex-soldiers suggests that Presbyterian nonconformity was reinforced with the military experience of wartime veterans.

Although the rising was met with apprehension among Presbyterians in the west, groups of reinforcements were nonetheless forthcoming.[54] Gabriel Maxwell was among those who assisted in raising support by gathering a small company of horse that counted Cunninghams, Maxwells, Mures and Porterfields among their number; they did not, however, include any of the former Remonstrants.[55] This can be explained by moves made by the recently erected Court of High Commission to imprison western gentlemen 'who were suspected to have the greatest aversion to the prelatic way'. The incarcerated included the former Remonstrants Sir William Cunningham of

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[50] Furgol, *Regimental History*, 67, 317-19; Wariston, *Diary*, II, 216; George Stronach, *rev*. Edward M. Furgol, 'Wallace, James, (*d*. 1678)', *ODNB*. For the Dublin Plot, see Greaves, *Deliver Us from Evil*, 135-157, and esp. p. 142 for the involvement of 'a Colonel Wallace'.

[51] Greaves, *Deliver Us from Evil*, 125-8, 145-7; Greaves, *Enemies Under His Feet*, 57, 62, 68, 76; *RPCS*, II, 211-12.

[52] Kirkton, *History*, 243; Veitch, *Memoirs*, 26, 52.

[53] Balfour, *Historical Works*, IV, 170, 309-10; Kirkton, *History*, 234-7, 242-3, 248; James Wallace, 'Narrative of the Rising at Pentland by Colonel Wallace', in Veitch, *Memoirs*, 390-1. Arnot's name was appended to the Protestation of 1652 where he is listed as a ruling elder (*Representation, Propositions and Protestation*, 17). In addition, William Row refers to the participation of Major McCulloch of Barholm, formerly a master of horse for Wigton and Kirkcudbright during the British Civil Wars (*Life of Blair*, 502).

[54] Blackadder, *Memoirs*, 123; Kirkton, *History*, 235; Wallace, 'Narrative of the Rising', 394.

[55] Kirkton, *History*, 246.

Cunninghamhead, Sir William Mure of Rowallan, Sir George Maxwell of Nether Pollok, Sir Hugh Campbell of Cessnock, Sir John Cheisley of Carswell and Colonel Robert Halket, as well as Sir James Stewart, former provost of Edinburgh.[56] In any event, Maxwell and the other ministers appear to have performed a quasi-military role similar to that undertaken by himself and the Mauchline cohort, with Maxwell later accused of having put his armed party 'in order'.[57] The involvement of the Irish ministers John Cruickshank and Andrew McCormack was also of signal importance. Like Wallace they had previously colluded in the Dublin Plot, and had in their 'intended Declaration [...] pretended the ends of the covenant, showing the necessity of taking up arms because of the growth of popery, and the oppression of bishops'. While Patrick Adair was keen to distance Ulster Presbyterians from the controversy by stating that that the plotters 'were more generally persons of Oliver's party who, before that, had forsaken the covenant', contemporary accounts of the Pentland Rising esteemed them as 'the greatest instruments to perswade the people to this undertaking'.[58] Their participation in the rising points to Presbyterian solidarity across the Irish Sea. Indeed, their presence, in conjunction with the Englishman Ralph Shields, suggests that the Solemn League and Covenant held the potential, symbolically at least, to unite aggrieved nonconformists in the three kingdoms against the government of Charles II.[59]

While ostensibly a spontaneous revolt, once in arms the insurgents hoped they might petition the Scottish Privy Council; indeed, on the basis of information provided by Presbyterians in Edinburgh, there was anticipation that they would be received cordially.[60] Although they were unsuccessful, due in no small part to the opposition of the burgh's provost, Sir Andrew Ramsay, the 'declaration of the western party why they lifted arms' outlined the foundations of the rising.[61] In essence, Charles had sworn to protect the Covenanted Reformation in Kirk and state at his coronation, and 'thereupon the nobles and others of his subjects did swear a League and so religion was committed to him as a matter of trust'. Yet he had done the contrary at the Restoration while

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[56] Wodrow, *History*, I, 425.
[57] Ibid., II, 92.
[58] Adair, *True Narrative*, 272-4; Kirkton, *History*, 236, 243.
[59] [Stirling and Stewart], *Naphtali*, 254-6. For English perspectives on the Solemn League and Covenant during the Restoration era, see Vallance, *Revolutionary England*, ch. 8.
[60] Turner, *Memoirs*, 176-7; Veitch, *Memoirs*, 29-30. Their hope of occupying Edinburgh echoed the efforts of the Tables in 1637 and the Whiggamores in 1648.
[61] NLS, Wodrow Folio XXXII, f. 123, 'The declaration of the western party why they lifted arms'.

closing off traditional channels for the resolution of grievances. All those who refused to comply with such apostasy and sin had faced a variety of civil punishments, the prosecution of which had been especially marked in the west of Scotland. Consequently, according to the bond of mutual association in the Covenants, they were required to help defend their brethren from oppression while offering a testimony before God against compliance with episcopacy. In effect, a confederacy of the godly akin to the Western Association had been momentarily resuscitated. Meanwhile, the Covenants continued to be held as the surest bond to maintain 'the Kings just Authoritie, the priviledges of parliaments and libertys of the people'. Indeed, they were duly, and quite significantly, renewed by the insurgents at Lanark on 26 November in spite of government directives.[62] However, Turner argued that the rebels' declaration made clear that

> their takeing up armes, aimed at no lesse marke then the setting up of their dagon the Covenant, the restoration of their Remonstrance, and such a Presbiterian government reestablished as suted with the protesters braines, and the total abolishing of the present ecclesiastical, and consequentlie civill government.[63]

Futile negotiations notwithstanding, the rising was brought to a swift conclusion in the Pentland hills by government forces led by Lieutenant-General Thomas Dalzell of the Binns, a former Engager who had served with Wallace in Ulster, and who had experience of quelling religious dissent by force in Tsar Alexei I's Russia.[64] Government reprisals saw 36 prisoners executed between 7 December and 2 January 1667, with their testimonies integrated into the burgeoning Presbyterian martyrology.[65] Gabriel Maxwell was later excluded from the king's indemnity on 1 October 1667 and was among those denounced rebel by Parliament on 15 December 1669.[66] Aside from the conspicuous involvement of Maxwell and other nonconforming ministers, the insurgents were

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[62] Turner, *Memoirs*, 169, 179-80; Blackadder, *Memoirs*, 124; Veitch, *Memoirs*, 28.
[63] Turner, *Memoirs*, 147.
[64] Kirkton, *History*, 240-5; Turner, *Memoirs*, 178-89. For Dalzell, see David Stevenson, 'Dalyell [Dalzell], Thomas, of Binns (*bap.* 1615, *d.* 1685)', *ODNB*. In addition to the suppression of Old Believers – Orthodox Russians who opposed liturgical reforms introduced by Patriarch Nikon – Dalzell and Major-General William Drummond had participated in the Russian campaigns against the Poles and Tartars from 1655 to 1665. For a Presbyterian critique of the perceived 'evils, extortions, cruelties and exactions that this *Muscovia* beast hath acted and doth practise upon the poor countrey of the *West*', see [Stirling and Stewart], *Naphtali*, 170-3.
[65] Greaves, *Enemies Under His Feet*, 78-80; [Stirling and Stewart], *Naphtali*, 216-61.
[66] *RPCS*, II, 349; *RPS*, 1669/10/30; Wodrow, *History*, II, 92.

predominantly lesser lairds, merchants, yeomen and craftsmen.[67] Yet beyond 'thos Fulithe reabells' who endeavoured 'to cip the cuffinant in all its poynts', Rothes – now Chancellor following the death of Glencairn in May 1664 – affirmed that Covenanting continued to be owned by those 'uho uear uasier then to ventur ther esteats and layffs in a busines uhich uas so raslio [rashly] underteackin'. Only the apparent spontaneity of the rising had prevented their involvement, although some sympathisers remained unsure of 'their call'.[68] Certainly, Archbishop Burnet was sure that 'it was the designe of some friends, as well as foes, to bring this expedition to a Rippon treaty, and to have offered to secure the King's authority and interest by destroying ours', while Archbishop Sharp was amazed that 'the King's ministers, especially persons of noble blood and abilities, doe not more vigorously and avowedly bestirr themselves for the opposing and suppressing that spirit which hath been so fatal to monarchy and nobility in these late times'.[69] As government officials would soon discover, Sharp's fears of political, ecclesiastical and social subversion were not entirely misplaced; emerging polemic in the wake of the rising appeared to be very dangerous indeed.

Radical Tradition

In 1667, a defence of the Pentland Rising and an attack on the policies of the Restoration regime appeared anonymously in print: the influential *Naphtali, or the Wrestling of the Church of Scotland for the Kingdom of Christ*. It was most likely published in the Netherlands, probably at Rotterdam, and was the joint work of James Stirling and James Stewart.[70] Stirling was younger brother to the Protester and nonconformist John Stirling and had been deprived from the second charge at Paisley by the 'Act of Glasgow' in 1662.[71] Stewart had a similar Covenanting heritage: he was the fourth son of Sir James Stewart of Kirkfield and Coltness, late provost of Edinburgh and former Remonstrant. The younger Stewart was a lawyer by trade, having studied at Leiden

[67] *RPS*, 1669/10/30; *RPCS*, II, 230-1; Blackadder, *Memoirs*, 126; Kirkton, *History*, 229-46; [Stirling and Stewart], *Naphtali*, 216-61. In contrast to the seven named at Mauchline Moor, the Pentland Rising involved at least 19 ministers.
[68] *Lauderdale Papers*, I, 265; Wallace, 'Narrative of the Rising', 395-6.
[69] *Lauderdale Papers*, II, app. A, xxv and xxvii. The Treaty of Ripon (26 October 1640) was the agreement between the Covenanting movement and Charles I which concluded the second Bishops' War.
[70] Beisner, 'His Majesty's Advocate', 78.
[71] See *Fasti*, III, 149 (John Stirling) and 168 (James Stirling).

before receiving his MA from Glasgow University in 1659.[72] He was also a remote accessory to the rising from Edinburgh, and may have been a member of the 'council' alluded to by John Blackadder.[73]

That *Naphtali* was prominent enough to court a response is evidenced from the (anonymous) publication of Bishop of Orkney Andrew Honyman's *A Survey Of the Insolent and Infamous Libel, entituled Naphtali* the following year. This led Stewart to flesh out a more thorough vindication of Covenanting and nonconformity in his *Jus Populi Vindicatum, or The People's Right, to Defend themselves and their Covenanted Religion, Vindicated*, another product of the exile community in the Low Countries and again published anonymously in 1669.

In the first chapter of *Jus Populi*, Stewart outlined the question his treatise looked to address. It is worth quoting in full:

> Whether or not, when King and Parliament and Council have abjured a covenant & overturned a reformation, which they solemnely swore to defend, in their places & capacities, and made their subjects to the same, and now with illegal force, compel the subjects to the like perjury and wickednesse, may these privat subjects, when there is no hope or possibility otherwise of releese, stand to their owne defence, and withstand the mercylesse cruelty of their bloody Emissaries acting without their commission, or with their allowance, yet contrare to expresse law: and seek releef, and security for Religion, lives, lands and liberties, having no intention, to wronge the King's person or just government?[74]

While ostensibly replying to Honyman's *Survey*, the proceeding chapters revolve around and affirm this consideration. In chapter four, he reflects on 'approved instances, and authorities, both abroad, and at home' which justified popular resistance, but which also questioned the authority of parliamentary representatives should they abandon true religion. When his attention turns to Scotland, he finds 'some remarkeable instances of this nature', and significantly, begins with the 'violent resistance used against the Parliaments forces at *Mauchlin-moor*'.[75]

For Stewart, the Mauchline communicants had offered resistance in defence of 'the truth and cause of God' which had been oppressed by 'a prevalent Malignant faction in Parliament'. Those who resisted had not only done so 'without the concurrence or

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[72] Beisner, 'His Majesty's Advocate', 75. Notably, leading Protester Patrick Gillespie held the principalship of the University at that time.

[73] Veitch, *Memoirs*, 29-31. His tutor, Hugh MacKail, had joined the insurgents on 18 November and was martyred on 23 December. See [Stirling and Stewart], *Naphtali*, 239-47 and John Callow, 'MacKail [MacKaile], Hugh (1640/1-1666)', *ODNB*.

[74] [Stewart], *Jus Populi*, 10-11.

[75] Ibid., 60, 62, 63.

conduct of the Representatives of the land' but also 'directly against them'. Likewise, it was 'defence used by way of resistance, by meer privat persons' without the support 'of one Noble man'. This resistance was only condemned by 'ingrained Malignants' but was 'approved and commended highly, by the Parliament anno 1649 the best Parliament Scotland did see for many yeers'.[76] This was followed by a discussion of the Whiggamore Raid. He stated that 'thereafter in that same yeer 1648, The forces of the west Countrey arose in defence of the Cause and Covenant of God' not only without parliamentary support but against parliamentary directives. While he admitted that they did secure some support among nobles and 'Parliament-men', they 'acted not, nor could act, by vertue of any Parliamentary power; but only as privat[e] subjects, having, by reason of their greater interest in the land, a greater obligation to lay out themselves, and to improve their authority and influence in the countrey, for the good thereof, and for the cause of God'. However, he made it clear that they had 'no publick Magistratical power' nor acted in the 'capacity of a real and formal Representative', and that their actions were afterwards approved, ratified and confirmed by the Scottish Parliament as 'good and necessary service to the countrey, and to the cause of God'.[77] Thus the westerners had used *private* resistance against a malignant Parliament that had forsaken the Covenants and so no longer represented the national interest. Such resistance did not necessarily require aristocratic leadership and had been in direct opposition to public authority. Nevertheless, it had later received parliamentary sanction in 1649.

To bring out these points in sharper relief, Stewart reimagined the first Bishops' War of 1639 in his final example of defensive resistance drawn from the British Civil Wars. Here Stewart did concede that 'a great number of Noble Patriots' took the Covenanted Reformation to heart, and used the utmost of their power to achieve it. Yet, he stressed that the legality of the defensive war 'did not lye wholly upon their shoulders; so that if they had with drawne, all the rest of the body of the land had been bound in conscience, to have deserted the same also'. Nor did he think that the war was stated 'only or mainely' upon the nobles' role as the *primores regni*. He did grant that they are 'borne-Heads and Magistrats of the Countrey, as being in eminency above others, and as being by birth, to conforme to our constitution, borne-Members of Parliament, and so in *potentia proxima*, and in a nearer capacity then others are, to vote and acte in Parliament'.

[76] Ibid., 63.
[77] Ibid., 63.

In addition, they had also 'by reason of our law and constitution, a Magistratical power, limited to such and such causes over such and such particular places; but this is only an inferiour, and subordinat civil power'. However, outside Parliament they had no parliamentary power, nor did their jurisdictions give them 'the power of warre'. All they did was 'by vertue of that fundamental power belonging to all the members of the Commonwealth, according to their several places and stations'. It was therefore clear 'that our worthyes then acted not, as a publick judicatory, or as publick persons cloathed with publick authority'. So despite the confluence of nobles who acted in defence of Scotland's Reformation at the outset of the Civil Wars, Stewart reasoned that the resistance offered to Charles I had not been predicated on their rank or jurisdictions. While recognising their pre-eminent position in Scottish society, he pointed to a 'fundamental power' beyond magistracy that belonged to *all* members of a commonwealth to defend their lives, liberties and religion. Again, this was private resistance; there had been no illegitimate assumption of magisterial power. Thus, to condemn 'this late act of defence' on account of it being 'managed by meer private persons' was therefore to 'condemne that which these worthyes did; and so conspire with the Malitious Malignants' who were enemies 'to the way and work of God'.[78] To be sure, private no less than public resistance was godly and in the interests of a Covenanted Scotland.

Finally, Stewart subsumed the Pentland Rising, and indeed, western defiance of the Britannic Engagement, into a wider Reformation tradition that stretched back a century to 'our first reformers'. Drawing on John Knox's posthumous *History of the Reformation in Scotland* (1587) Stewart noted that 'at the beginning of the reformation, there were but very few Nobles [...] when we had neither Earle nor Lord (a few excepted) to comfort us'. Indeed, his reading of Knox highlighted a number of incidents whereby the movement for reform had been 'carryed on without the concurrence of many Nobles'. Underlining an apparent legacy of protest and resistance in the west of Scotland, Stewart argued that there were 'no nobles with the gentlemen of the west, when they came from the border to the Queen' in order to express their opposition to oppressive Catholic bishops. Similarly, acts of iconoclasm had been unattended by nobles, religious bonds were only subscribed by 'foure or five' while 'We finde not many Nobles [...] when they

[78] Ibid., 63-5. For Honyman's condemnation of private resistance, see [Andrew Honyman], *A Survey Of the Insolent and Infamous Libel, entituled Naphtali*, (n.p., 1668), 12-71, 118-19.

petitioned the parliament'. Through selective if not inaccurate analysis, Stewart underplayed the involvement of the titled nobility and concluded it to be 'undenyably apparent' that reform had been carried out 'for some considerable time, without the concurrence and conduct of a Parliamentary Representative'.[79] It was therefore clear that 'whosoever shall condemne this late act of defence, in maintainance of Religion and Libertyes' must also condemn 'what was done at the beginning of the Reformation in the dayes of *Mr Knox*'. To do so was to accuse 'those worthies who valiently ventured, and hazarded all for the truth, as Traitors and Rebels; and say, that such of them as lost their lives in that cause, died as fooles die, in rebellion, and under the crime of treason'.[80]

For Stewart, it was evident that 'when God was to beginne any work of reformation in our Land, whether from Popery or Prelacy, the powers then in being, were standing in a stated opposition thereunto'. Indeed, it was monarchical and aristocratic aversion to reformation that necessitated the use of covenants to limit magisterial power.[81] Instead, God had 'thought it more to his honour and glory, to make use of foolish things to confound the wise; and of weak things, to confound the things that are mighty'. Consequently, the want of noble or parliamentary encouragement did not 'brangle their confidence of the lawfulnesse of their interprize'. Yet those who promoted reform did not 'assume to themselves any authoritative and Magistratical power, to legitimate their actions'. Rather, they 'walked upon the ground of that fundamental right, granted to all both higher and lower, to maintaine the Truth of God, upon all hazards, and to stand to the defence thereof, and of themselves, when unjustly persecuted'. Those who exercised this fundamental right of resistance 'had not the least purpose or project, to cast off lawful authority, or to diminish it's just right and power'; it was those in public trust who had relinquished their duty to God, 'which by their places and callings, they were obliged'. All laws made 'in a Christian Commonwealth' were to be directed towards 'the glory of God, and the good of the souls of the subjects mainly'. If observation 'of the

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[79] [Stewart], *Jus Populi*, 65-7. For a recent overview of the Reformation Parliament, see Brown, 'The Reformation Parliament', in Brown and Tanner, eds, *The History of the Scottish Parliament Volume I*, and esp. pp. 212-16 for the incursion of 99 lesser barons to secure religious reformation and diplomatic realignment. Though pivotal in political terms, Brown rejects the idea that their presence indicated signs of social change. For an alternative view, see Julian Goodare, 'The Admission of Lairds to the Scottish Parliament', *EHR*, 116 (2001), 1103-33. For the religious bonds, see Wormald, *Lords and Men in Scotland*, 410-12.

[80] Ibid., 75. Far from being readily accepted, the history of the Reformation would remain contested ground as confessional allegiances hardened later in the century.

[81] Cf. [Guthrie and Johnston], *Causes*, 54.

strick letter of the law, did crosse the maine good' then they were void before God. Their defiance of public authority therefore constituted 'no disobedience unto the lawful authority, but faithful allaigance unto the most Supream'. However, God had eventually seen fit 'that the same work at length came to be owned, by Publick Representatives, and Parliaments, yea and the Kings themselves', and crucially, 'what was formerly done by persons not in that capacity, was not condemned either as unlawful or illegal'.[82]

The radical thrust of this argument cannot be overstated. Stewart radicalised the already revolutionary endeavours of the Covenanting movement as also Scotland's initial Reformation in 1560. In brief, resistance had been previously justified in both cases by appealing to the duties of the inferior magistracy, and had therefore been endowed with a measure of public, and indeed, aristocratic, authority.[83] Such ideas, though arguably radical in application, were part of a broader matrix of Calvinist resistance theories that had been developed in the course of the sixteenth century, most notably by French Huguenots, but also the Dutch.[84] Likewise, in practical terms, his position moved beyond the injunctions against tyranny outlined by the Royalists' arch-villain, George Buchanan (1506-1582). Albeit Buchanan had certainly pointed to the lawfulness of single-handed tyrannicide by a private subject, Stewart was ultimately defending popular resistance against the commands of a lawful, and indeed, Covenanted, magistrate and his officials.[85] Furthermore, such a principle, rooted in the recent history of radical

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[82] [Stewart], *Jus Populi*, 67-70.

[83] However, whereas Knox generally understood the inferior magistracy to be the nobility – as embodied by the Protestant Lords of the Congregation – Covenanting ideologues appealed to the inferior magistracy as the three Estates of nobility, gentry and burgesses. This view found expression through the formation of the Tables in 1638. See *Remonstrance of the Nobility, Barrones, Burgesses, Ministers and Commons within the Kingdome of Scotland*, (Edinburgh, 1639); [Alexander Henderson], *Some Speciall Arguments Which warranted the Scottish Subjects lawfully to take up Armes in defence of their Religion and Liberty*, ([London], 1642). For political thought in Reformation Scotland, see John Knox, *On Rebellion*, ed. Roger A. Mason, (Cambridge, 1994); Roger A. Mason, 'Covenant and Commonweal: The Language of Politics in Reformation Scotland', in Norman Macdougall, ed, *Church, Politics and Society: Scotland, 1408-1929*, (Edinburgh: John Donald, 1983), 97-126; Jane E. A. Dawson, 'The Two Knoxes: England, Scotland and the 1558 Tracts', *JEH*, 42 (1991), 555-76.

[84] Robert M. Kingdon, 'Calvinism and resistance theory, 1550-1580', in J. H. Burns and Mark Goldie, eds, *The Cambridge History of Political Thought, 1450-1750*, fourth edition, (Cambridge, 2008), 193-218; George H. Sabine, *A History of Political Theory*, fourth edition, (Illinois: Dryden, 1973), 339-46, 348-59; Martin van Gelderen, *The Political Thought of the Dutch Revolt 1555-1590*, (Cambridge, 1992). Stewart did of course draw liberally from Reformed scholarship.

[85] *George Buchanan's Law of Kingship*, trans. and ed. Roger A. Mason and Martin S. Smith, (Edinburgh: Saltire Society, 2006), 12-15, 15-18, 98-109, 141-5. See also Kingdon, 'Calvinism and resistance theory', 214-18, and J. H. M. Salmon, 'An alternative theory of popular resistance: Buchanan, Rossaeus, and Locke', in idem., *Renaissance and Revolt*, 136-54. Nonetheless, Buchanan's *Rerum Scoticarum Historia* (1582) provided

Covenanting resistance, but in part shaped by the Pentland reality, had demonstrably been put to use.

Defiance of the Britannic Engagement was also construed as active rather than passive resistance in contrast to the arguments of the Kirk exemplified by the sermons of George Gillespie, although not far from the principles articulated in *A Letter from Edinburgh*. Now, Stewart vested a right of resistance in all members of a commonwealth, in so far as this resistance was in defence of religion, lives and liberties. In effect, this was a right to defend the religious and constitutional imperatives of the Covenants. Moreover, he believed the exercising of this private right had been at the very core of a distinctly popular (and Presbyterian) Reformation tradition in Scotland. Indeed, he believed Knox and the early reformers had clearly demonstrated 'the Peoples Power in the Work of Reformation'.[86] Yet while he also perceived similar traditions of popular reform and private resistance in the histories of the Maccabees, the Waldensians of Piedmont, the Lutherans of Madgeburg and Bremen, the Reformed of Montauban, La Rochelle and the Ile de Ré, as also the republic of Helvetia,[87] it is surely significant that his leading examples from Scotland were drawn from the recent history of Covenanting radicalism in the south-west and included protagonists who were later involved in the nonconforming Presbyterian community. Indeed, it was arguably the legacy of godly association in the west, and of western resistance to aristocratic malignancy, that allowed the nonconformists to conceive the possibility of rising against the Restoration regime when violence broke out in Dalry. Moreover, the Mauchline Rising and the Whiggamore Raid – as tangible expressions of grassroots resistance – surely made a contribution to the undeniably anti-aristocratic flavour of Stewart's argument, and assisted his innovative justification for individual rights of resistance, irrespective of rank or public authority, in defence of true religion. Crucially, though, he could be confident in his

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Stewart with the purported origins of an elective – and hence, limited – monarchy in Scotland. In addition, the *De Iure Regni apud Scotos Dialogus* (1579) was translated by John Cruickshank to be dispersed among nonconformists (*Lauderdale Papers*, II, app. A, iv and Wodrow, *History*, II, 5). Caroline Erskine and John Coffey have similarly argued that it was Buchanan's history and less his political theory that was most important for Stewart. See Caroline Erskine, 'The Reception of George Buchanan (1506-82) in the British Atlantic World before 1832', unpublished PhD thesis, (University of Glasgow, 2004), 77-107 and Coffey, 'George Buchanan and the Scottish Covenanters', in Erskine and Mason, eds, *George Buchanan*, 189-203.

[86] Oaths for office-holding during the Restoration era stated explicitly that it was unlawful for 'subjects, *upon pretence of reformation* or other pretence whatsoever, to enter into leagues and covenants or to take up armes against the king or those commissionated by him'. See *RPS*, 1662/5/70 (my italics).

[87] [Stewart], *Jus Populi*, 60-2.

assertions because the nature of this resistance in defence of the Covenants had ultimately been 'owned by Parliaments and Higher Powers'. This was just one of the reasons why 'the 49' and the 'rule of the saints' was esteemed to be 'Scotland's high noon'.[88]

But what exactly was this 'fundamental' right of resistance, and how did Stewart develop the concept? In addition to the legacy of western radicalism and the perceived tradition of popular reform, Stewart owed a significant intellectual debt to Samuel Rutherford. This was certainly noted by his adversaries. As Honyman had remarked in his *Survey*, 'Most of the venome this man hath against the Powers ordained of God, he hath sucked out of the breasts of *Lex Rex*'. Indeed, Honyman perceived an intellectual milieu whereby 'too many of the Ministery and others in Scotland, have been poisoned with such Principles', and pertinently, that these principles were 'not very like[ly] to be suddenly extirpate'.[89] Similarly, the anonymous author of *A Letter to the Unknown Author of Jus Populi* (1671) remarked that the chief design of its author was 'to provoke the Subjects of *Scotland* to Rebellion', and in order to this, Stewart 'framed a large Systeme of Politicks, wherewith it seems you are highly satisfied'. Yet, in reality, he had 'done little, beside the putting of *Lex Rex* into another method; So that your Book deserves best the Title of *The second edition of* Lex Rex, *all of new errata and mistakes*'.[90] While these scathing remarks attempted to undermine the lineage of Covenanting by linking it to sedition, the denigration of Stewart's supposedly unoriginal thinking obscures the radical developments he made, as also his distinctive contribution to Scottish political thought in the seventeenth century.

Irrespective of resurgent Royalist sentiment in the early years of the Restoration, and regardless of the now illegal status of Rutherford's text, Stewart's extensive use of *Lex Rex* underlines his belief that the Covenanting movement was legitimate. This legitimacy, by extension, vindicated Presbyterian dissent. Yet the lengths which Rutherford had gone to provide a comprehensive justification for defensive resistance led nominally by the three Estates left ample scope for innovation. It was in this intellectual space that Stewart made the theoretical case for individual rights of resistance. At the outset of chapter twelve, Stewart himself made it explicit that he was

[88] Kirkton, *History*, 49.
[89] [Honyman], *Survey of Naphtali*, 71.
[90] *A Letter to the Unknown Author of Jus Populi*, (n.p., 1670), 21.

utilising 'The worthy author of *Lex Rex Quest.* 28. *and* 31', wherein he proposed to summarise his case while providing further arguments beyond his defence of *Naphtali*.[91] The questions concerned 'Whether or no Wars raised by the Estates and Subjects for their owne just defence against the Kings bloody Emissaries be lawfull?' and 'Whether selfe-defence by opposing violence to unjust violence be lawfull by the Law of God and Nature and Nations?'[92] Rutherford, having argued the affirmative in both instances, was utilised by Stewart to make the case that, first, magisterial power was instituted by God for the protection of lives, laws, liberties and religion. If this power was abused it was no longer of God, and could therefore be lawfully resisted.[93] Second, that the law of nature 'excepteth no violence, whether inflicted by a Magistrate or any other'. At the same time, 'Nature hath commended every man to self-defence' in cases of unjust violence.[94] This natural right was likewise described as a 'primaeve privilege of self-defence'.[95]

By combining the argument for a natural right of self-defence with the moral duty incumbent on all subjects to defend true religion – exemplified by Scotland's supposedly popular Reformation – Stewart fashioned a theory of resistance that allowed private subjects to defend themselves and their consciences when their lives and religion were under threat.[96] Essential to this position was that neither the natural right nor the moral duty were alienated upon the erection of a polity. As Stewart argued, 'No power given to Magistrates, can take away Natures *birth right*', and likewise, that 'The power given to Magistrates can not loose the obligation of people unto God's moral law'.[97] Similarly crucial was that passive obedience to unjust rulers did not 'fall under the moral law', thus allowing Stewart to reconcile popular resistance with the Pauline injunction outlined in Romans 13 to submit to higher powers.[98]

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91 [Stewart], *Jus Populi*, 251.
92 Rutherford, *Lex Rex*, 256, 326.
93 [Stewart], *Jus Populi*, 252-5.
94 Ibid., 255-6. Stewart's adaption of these ideas was supported by extensive use of Johann Altaus' *Politica Methodice Digesta* (1603).
95 [Stewart], *Jus Populi*, 90, 374-5.
96 Beyond scripture (see 46-59) Stewart drew principally on Knox's *The Appellation...to the Nobility and Estates of Scotland* (1558) and *A Letter Addressed to the Commonality of Scotland* (1558) for the duty of all subjects to defend true religion.
97 [Stewart], *Jus Populi*, 257.
98 Ibid., 267-93. Indeed, if Honyman and the Episcopalians cited Romans 13 against the Pentland rebels then 'he must the same way hence enforce an an absolute and universal obedience in all things whatsomever; and also condemne other Royalists, and it may be himself also; Who, as we heard above, did grant it lawful, in several cases, to resist Tyrants. Yea and condemne that which formerly he durst not

Indeed, the establishment of civil government provided a corresponding constitutional dimension to this theory. Harnessing (son of Gijsbert) Paul Voet's *De Duellis Licitis & Illicitis* (1646) Stewart reasoned that if the law of nature allowed self-defence by private persons in cases of necessity, then the law of nations and the civil law must also, 'for it maketh no distinction betwixt self-defence used by private persons alone, and that which is used by private persons having their Representatives concurring'.[99] In other words, if the Presbyterians' adversaries conceded that resistance was lawful in certain cases – which they did[100] – and if the grounds of resistance justfied subjects' resistance through the noblility or Estates, then the grounds remained the same if they no longer represented the people. As parliaments were 'the peoples Representatives, no man will say That *de jure* their power is privative, or destructive; but rather cumulative and helpful; so that the peoples Representative cannot, *de jure*, make them more liable to irremediable tyranny and oppression, then they were'. Representatives were ordained 'for the greater saifty, and good of the people' – indeed, Stewart devoted an entire chapter to the Ciceronian maxim *salus populi est suprema lex*[101] – but if they betrayed their trust the people 'are as if they had no Representatives' and could therefore offer defensive resistance in such cases of necessity. What is more, they could also resist the potential tyranny of constitutional assemblies, because, as we have seen, the law of nature gave all men a natural right of self-defence, and no municipal law could infringe it. Furthermore, as the law of nature did not distinguish between public and private persons, it allowed resistance to either.[102] So in sum, where religion had

> become a fundamental law, a maine article and cardinal condition of the established Politie, and upon which, all the Magistrates Supreame and Inferiour, are installed in their offices: Then may

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positively condemne, *viz.* resistance by the Parliaments and primores Regni, and thus also condemne *Calvin*, and other divines, granting, and positively affirming this' (p. 293).

99 Ibid., 45, 263.

100 For example, William Barclay (1546-1608) granted the people liberty to defend themselves from injury and suggested that subjects could resist kings who sold their kingdoms without consent. Henning Arnisaeus (1570-1636) was also alleged to have granted it lawful for private persons to resist the king if he 'acteth extrajudicially'. However, Stewart had greater difficulty circumscribing Hugo Grotius (1583-1645), who 'seemeth to say that the law of non-resistance doth not oblige in certane & extreame danger'. In summary, Stewart argued that Royalist concessions undermined their universal application of Romans 13. See [Stewart], *Jus Populi*, 22-9. See also [Honyman], *Survey of Naphtali*, 23-4.

101 [Stewart], *Jus Populi*, 153-72. At the outset Stewart again reminds his readers that 'The worthy author of *Lex Rex* hath fully confirmed this truth, and vindicated it from the exceptions, and false glosses of the Royalists'. Cf. Rutherford, *Lex Rex*, 218-229.

102 Ibid., 38-46, 262-7, 332-43.

> that Religion be defended by private subjects, when their Magistrates have conspired to destroy the same; & to enforce the corruptions of their owne braine.[103]

By deploying arguments based on natural and moral law, and combining them with constitutional principles and precedents drawn from the recent history of Covenanting radicalism, Stewart arrived at a fundamental right of resistance beyond magistracy that belonged to all Scottish subjects. In effect, the Covenants gave every subject the right to defend and defy government in Kirk and state. At the same time, Stewart had reaffirmed the core Covenanting tenet of government limited by a commitment to godliness, and hence directed towards the national interest. Conversely, however, it was the imperatives of the Covenants, in theory at least, that prevented the untrammelled exercise of the fundamental right by private subjects. Provided the commonwealth was ruled in accordance with its Covenanted constitution, the people need not resort to resistance.

Recent history likewise played its part in Stewart's justification of non-compliance with the established church courts. Although reluctant to 'revive that debate which was betwixt the Protesters & the Publick Resolutioners' in the hope that 'there may be a hearty joyning in the cause & covenant of God' Honyman had invoked the Resolutioner tract *A Review and Examination* (1659) – itself a response to James Guthrie's *Protesters no Subverters* (1658) – against the nonconformists. Honyman argued that Protester ideas concerning 'private Mens non-submission to, and counter-acting of, Church-judicatories' were contrary to the word of God, 'subversive of Church-government' and had led to the introduction 'of Schisme, Heresies, and all Mischiefs into the Church'. Yet Stewart stressed that 'the Surveyer' (Honyman) had 'misrepresented *Lex Rex* in the civil debate, doth he now misrepresent the protesters in the Church-debate'.[104] For Stewart, it was quite clear that *A Review and Examination* had made significant concessions 'which will quite destroy the parallel' that Honyman made between the Resolutioner-Protester controversy and the Presbyterians' refusal to submit to the Episcopalian Kirk. Indeed, unlike the *Survey of Naphtali*, the tract did not press for absolute submission to church courts. For example, when 'Church judicatories deny homage to the Sone of God and returne to Rome' the Resolutioners noted they would 'run from them as from Synagogues of Satan'. Likewise, they continued to uphold the

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[103] Ibid., 183-4.
[104] [Honyman], *Survey of Naphtali*, 25-6; [Stewart], *Jus Populi*, 322-3.

Confession of Faith of 1567 which stated 'gif men under the name of a counsell, pretend to forge unto us new articlis of our faith, or to mak[e] constitutionis repugning to the worde of God, then utterlie we must refuse the same'.[105] Rather, from Stewart's perspective, the tract conceded that

> we are not bound to submit when the higher powers persecute us for truths sake, deny homage to the Sone of God, presse the approving of corruptions in the poynt of government, destroy the precious truthes of God, and interests of Christ make a general defection and Apostasy: And in a word, turne Enemies to the liberties of the People, destroyed the Covenanted work of God, oppresse the Subjects in bodyes, States and Consciences; and so crosse the very ends for which they were appoynted.

In addition, while the Resolutioners had insisted on submission 'in matters of discipline, where the hazard is only personal, and a mans suffering is not *tanti* to disturb a well set[t]led national Church', they did not demand submission when a national church 'in her judicatoryes introduceth false doctrine'.[106] Quite clearly, Stewart was alluding to the Episcopalian Kirk and its lawful rejection by Presbyterians.

The revival of the controversy by Honyman also allowed Stewart to reflect on the differences which had divided Presbyterians since the schism in 1651 and its subsequent effect on the Restoration settlement of 1661-2. Stewart noted scathingly that those who supported the Public Resolutions had made 'a confederacy with all, with whom this Apostate generation hath now basely conspired, against Christ and his interests'. However, he hoped that they would not maintain their 'former prejudices against their faithful and affectionat Brethren, who withstood these Resolutions, and owned the Protestations'. Indeed, he hoped that they would now realise that the Protesters never 'intended to overturn all discipline and Church government, and to side with Sectaryes' given that some of them had owned the cause 'unto death, and becomeing a martyr upon the account of Church privileges' while 'all the rest (scarce three or foure excepted)' suffered for the cause 'upon that account unto this day'.[107] The martyrdom of Argyll, Guthrie and Wariston and the extent of nonconformity among the Protesters thus vindicated them from previous aspersions and instead underscored their commitment to presbyterianism. What is more, the Protesters' fears had been confirmed

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105 [Stewart], *Jus Populi*, 324; [George Hutcheson and James Wood], *A Review and Examination Of a Pamphlet lately published, Bearing the Title of Protesters no Subverters, And Presbyterie no Papacy*, (Edinburgh, 1659), 105; *RPS*, A1567/12/3. Ironically enough, although in a different context, Guthrie had indeed alleged that the Resolutioners pressed for an 'unlimited obedience' to the sentences of church courts. See [Guthrie], *Protesters no Subverters*, 9-10.
106 [Stewart], *Jus Populi*, 325; [Hutcheson and Wood], *A Review and Examination*, 109-10.
107 [Stewart], *Jus Populi*, 320-1.

'concerning the inclination to Malignancy and Prelacy' of the majority of Resolutioners. While the Protesters had been well aware 'that the major part of the Ministery was then corrupted' he was sure that the Resolutioners would have 'forborne to have sided with them in these debates, and much more heartily concurred with the honest proposals of the Protesters' for a thorough purging of the Kirk if they had known then what they saw now: corrupt clergymen who had departed from the Covenant, making 'that Church a hissing and a by-word to all nations, by returning with the Sow to the puddle and the dog to their vomite'.[108] So although it was the antithesis of the Covenanted constitution, the Restoration settlement actually marked a pyrrhic ideological victory for the Protesters.

Furthermore, leading Resolutioners now realised that they had been badly mistaken 'not to their grief but to their joy'. Indeed, the co-author of *A Review and Examination* – 'the famous and zealous' James Wood – did 'before his sicknesse, after some heavy groans, plainely professe and declare' so.[109] Wood's deathbed testimony had in fact seen a struggle between nonconformists and Archbishop Sharp to harness it as propaganda. Sharp had been an 'intimate comerade' of Wood and had visited him shortly before his passing. News soon spread that Wood had declared himself to be indifferent in matters of church government, that it could be altered according to the magistrate's pleasure and that if he lived he would happily do so under episcopacy. However, either at Wood's instigation or that of his brother-in-law, the Protester John Carstairs, he subscribed a testimony in which he declared his unwavering commitment to *jure divino* presbyterianism. When the case was brought before the Court of High Commission the only witnesses that appeared were the Protester William Tullindaff and the notary John Pitcairn, both of whom affirmed that the testimony was genuine. Nothing ultimately came of the inquiry and so Sharp had once more been 'made a lyar to his face'.[110]

Like Wood, Stewart hoped that former Resolutioners would 'condemne their former practices, if not altogether in the least, as it is now visible they did tend, to the setting up of an arbitrary government and tyranny in the Church, and are now improved by this

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[108] Ibid., 321.
[109] Ibid., 321. Formerly a supporter of episcopacy, Wood had become a Presbyterian under the influence of Alexander Henderson. Having been ordained to Dunino, near St Andrews, in 1640, Wood was translated to St Mary's College in 1645. See *Fasti*, V, 196 and K. D. Holfelder, 'Wood, James (c. 1609-1664)', *ODNB*.
[110] Kirkton, *History*, 207-8; *Lauderdale Papers*, I, 196-8; *Life of Blair*, 465-8; Wodrow, *History*, I, 403-6.

Surveyer to confirme a Tyranny in the state'. Surely it was evident, he argued, that some made 'faire professions of their firme purpose to adhere to presbyterian government' but were secretly driving to 'presse an absolute subjection'. Indeed, it was this 'faire profession' that had moved some Resolutioners to entrust malignants 'with the management of their affaires at Court, and while entrusted therewith, destroyed and overturned the whole government' (most likely referring to Sharp). Now, he hoped, the Resolutioners would reunite with them in 'the same cause and interest' while also reflecting upon 'their former proceedings'. They should consider that which 'gave the rise to all that debate' which was 'to day our sin, our shame, and our Sorrow' while mourning for 'such national sinnes' in the hope of averting God's wrath and restoring the Kirk 'to her former beauty and integrity'.[111]

Conclusion

The enduring legacy of the Covenanting movement from the British Civil Wars to the Restoration era was one of ideological and social subversion. In particular, the right of resistance, expanded tacitly by the Presbyterian Kirk in 1648 and reinforced by parliamentary statute in 1649 was now adapted to explicitly include those outside the political community in order to justify the assumption of arms by private subjects in defiance of – and indeed, directly against – an ungodly and unconstitutional magistracy. This reflected the changing base of support for the Covenanting cause which was now predominately though not exclusively beyond the noble Estate. Yet it may also have reflected the shifting dynamics of Scottish society occasioned not only by two decades of civil war and occupation but the longer-term trends of expanding landownership, commercialisation of estate management, manufactural development, colonial enterprise and military adventuring. At the same time, while the aristocracy sought to manage their debts, recover their estates and consolidate their influence through political leveraging, the Covenants became a vehicle through which not only religious but civil grievances could be expressed by the un- or disenfranchised. This was exemplified by the Pentland Rising and its subsequent vindication by Stewart of Goodtrees. As will be seen in the

[111] [Stewart], *Jus Populi*, 321-2.

next chapter, the ideological framework of the Covenanted constitution significantly broadened the scope of popular engagement with political affairs.

Covenanted People

Covenanting with the Lord will not hold off judgments when conscience is not made of these covenants. And now it hath not been Scotland's *Covenanting with God that hath brought all this upon her: But* Scotlands *dealing deceitfully in the Covenant.*[1]

Private persons, should be very circumspect, about that which they do in relation to the authority of Kings.[2]

The justification for Presbyterian dissent, popular protest and private resistance in Stewart's *Jus Populi* was supported by a conception of society and government which reflected the legacy of Covenanting radicalism during the British Civil Wars and the changing dynamics of Covenanting support in Restoration Scotland. With the drive for Covenanting conformity in the 1640s ensuring ideological retrenchment in the localities, his treatise provided a constitutional framework which theoretically expanded the role of the people in political and religious affairs.

This was a theory of government which was unshakeably and unashamedly popular in nature. It represented a significant though subconscious shift in Covenanting thought since the Scottish Estates had led opposition to the prerogative rule of absentee Britannic monarchy. It also placed increased emphasis on the individual within the corporate schema of national covenanting and aligned Covenanting commitment to personal salvation as corporate sin incurred the wrath of God on Covenanted Scotland. And much to the chagrin of Charles II and Scottish statesmen, it not only challenged the ideological foundations of Stuart kingship but the social hierarchy which was to enforce the 'malignant' Restoration settlement.

Accordingly, this chapter will assess the key features of Stewart's position. It will reveal its intersection with, and divergence from, ideas articulated during the era of Covenanting hegemony, and point to the formative influence of the Covenanting past –

[1] [Brown], *Apologeticall Relation*, 423.
[2] Robert Douglas, 'Sermon Preached at Scone, Jan. first 1651' in *The Forme and Order of the Coronation of Charles the Second,* 10.

and its reimagining – in shaping Stewart's perceptions of lawful government. Attention will also be paid to his engagement with contemporary trends in political thought. In the process the chapter will suggest that the current historiography has underplayed the subversive nature of later Covenanting ideology.

People Power

The foundation for Stewart's claim that the people had a right to defend themselves and their Covenanted religion was an account of the origins and nature of government in a godly commonwealth. His approach sought to demonstrate that popular constitutionalism was divinely sanctioned, naturally ordered and universally evident. He began by arguing for 'the Peoples power, in erecting Governours'.

Here his position accorded initially with 'the Surveyer' Andrew Honyman. In a distinctly Aristotelian manner, both Stewart and Honyman agreed that God had made man 'a Rational creature, and fit for society'. Not only that, 'God hath appointed, besides oeconomical societyes, the coalition of people into greater bodyes, consisting of many familyes under one kinde of government, and political head, for their mutual good in their necessities, and for protection of the whole body, and every Member thereof'.[3] Far from being a human institution, magistracy was an ordinance of God, with 'Superiour Heads and Governours' appointed to rule these political bodies and thus preserve them 'from ruine and destruction'. As a divine ordinance magistracy was an 'instinct and dictate of reason' that God had given to all, 'so that even barbarous people are led together into such politick associations, under their Governours, for their subsistence in general, for the mutual help of one of another, and for the protection of the weaker against the injuries of the stronger'. To be sure, and as Stewart was careful to remind his readers, such notions accorded with the insights of 'worthy Calvin' in book four, chapter 20 of the *Institutio Christianæ Religionis* (1536).[4]

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[3] [Honyman], *Survey of Naphtali*, 1; [Stewart], *Jus Populi*, 80. Citing Aristotle, Samuel Rutherford had similarly argued that 'God hath made man a sociall creature, and one who inclineth to be governed by man'. See Rutherford, *Lex Rex*, 1-2.

[4] [Stewart], *Jus Populi*, 80, 389. John Calvin, *Institutes of the Christian Religion*, trans. and ed. Ford Lewis Battles, (London: Collins, 1986), 4.20 ('Of Civil Government'), and specifically section 4 ('The office of Magistrates approved by God').

Yet at this point Stewart noted that a number of issues needed to be addressed in order to understand correctly 'the peoples interest in the constitution and erection of civil Government, and of civil Governours'. Following the above, he outlined the essence of a state of nature; that prior to political associations, men 'were either living separately in a wandering condition, or by providence cast together in one place, cohabiteing together, and throw processe of time, increaseing in number, and filling that place of ground with their posterity'. With no 'established civil order common to all', men could only square their actions by 'the moral law, or the law of nature'. While people were in this condition, none were born with a claim to civil dominion, power or authority, though parents still had power over their children, and likewise husbands over wives, masters over servants, and in some respect elder over younger, stronger over weaker and wise over foolish – what Stewart calls 'a sort of natural preheminence'.[5] When the people in this condition associated together by the instinct of nature for the safety and preservation of the whole body from foreign adversaries, intenstine divisions, mutual injuries and acts of injustice, it was unlikely that they erected their government rashly or irrationally. Thus, as reason instructed them of the necessity of government, they rationally considered how best to achieve its ends (i.e. the well-being of each individual). Conversely, by their constitution of a polity the people 'should not be redacted unto a worse condition' than existed in the state of nature, and in addition, it could not be supposed 'that by this change they enjoy no more the common privilege of rational creatures'. Indeed, if this occurred in a polity then it could neither be an instinct of nature nor an ordinance of God.[6] This was an argument that would reverberate throughout *Jus Populi*.

Once civil government was erected, with 'one or more, as are chosen by the Community, to act the part of Magistrates', those wielding magisterial power were nevertheless still 'men of the like passions and infirmities with the rest'. They were still the seed of Adam after The Fall. In fact, if anything they were 'subject to mo[r]e temptations and so in greater hazard to miscarry, then formerly'. They still had the

[5] [Stewart], *Jus Populi*, 80-2.
[6] Ibid., 82-3.

capacity to harm those they ruled, and the ruler was still more than capable of 'transgressing God's law'.[7]

In keeping with Samuel Rutherford, Stewart affirmed that it was the people who decided which form of government was most expedient, whether monarchy, aristocracy, democracy or 'a mixed kinde'.[8] Though God had instituted government, He had not determined one lawful form; here the people could rationally decide which was to 'their own advantage', a liberty tempered only, albeit crucially, by a consideration to that which would best promote 'the glory of God'. However, Stewart delved further. As God and nature had not determined the form of government under which men were to be governed, so neither had it been determined how large or little every political society ought to be, nor 'whether a people living at some considerable distance from other [sic], or more contiguously, should joyne together in one, and make up one body politick; or whether they should erect mo[r]e, distinct, and independent Commonwealthes, though possibly of the same extract, and languadge'. There was no stipulation in nature which stated that those 'in one I[s]land, of one extract, or of one language, should become one Politick Body'. Indeed, he pointed to the era of Anglo-Saxon England when there were 'many Kings, distinct and independent' and to the multiplicity of kings in Canaan despite being 'no vast territory'. It was thus entirely conceiveable – and in early modern Europe, seemingly evident – that distinct and separate peoples with their own customs could 'associate for setting up one Supreame Soveraigne over all'.[9] Yet unlike Rutherford, who was sure that 'it was not the multitude, but the three Estates including the Nobles and Gentry' who constituted kings,[10] Stewart was less clear on exactly who constituted magisterial power: it was simply 'the people'.

Once formed into a political body, it was for the people to specify the time frame under which the form of government should continue. Though perhaps an odd matter for consideration, especially given the mythologised and frequently celebrated antiquity of most polities that was often dervied from its form of government – not least in

[7] Ibid., 83.
[8] Ibid., 83; Rutherford, *Lex Rex*, 9-16. However, though not shy of citing Rutherford, Stewart did not do so in this instance. For Rurtherford on the origins of government, see John D. Ford, '*Lex, rex iusto posita*: Samuel Rutherford and the origins of government', in Roger A. Mason, ed, *Scots and Britons: Scottish Political Thought and the Union of 1603*, (Cambridge, 1994), 262-90 and John Coffey, *Politics, Religion and the British Revolutions: The mind of Samuel Rutherford*, (Cambridge, 1997), 158-63.
[9] [Stewart], *Jus Populi*, 83-4.
[10] Rutherford, *Lex Rex*, 38. See also Coffey, *Samuel Rutherford*, 161-2.

Scotland, with its supposedly unbroken line of monarchs[11] – it allowed Stewart to argue that a people may 'reserve to themselves a liberty to alter it when they will'. Again, expediency and preference were at play; as 'Bodyes of people' were 'lyable to casual changes', they may forsee the necessity of altering the form in the future, or alternatively, securing it indefinitely. Reading between the lines, Stewart argued that sovereignty was not alienated upon the erection of a magistracy. However, he closed the matter by noting that it was not his intention 'to determine, what a people may do as to this, after their predecessours have once imbraced a forme, and engaged themselves by oath never to change it. Or whether it be lawful to sweare unto any one forme'.[12] To the reconciliation of Covenanting constitutional imperatives and the law of nature Stewart would return.

With the form of government selected, Stewart argued that it was for the people to choose their magistrates. In nature none 'came out of the womb into this world, with a crowne on his head, and a scepter in his hand'. Thus 'the People must do something in order to this, and upon their deed it followeth, that such as before were no lawful Magistrates, nor had any formal political power, are now Magistrates and Governours'. Though the people did not institute they still constituted 'the office of Magistracy'. God had certainly outlined 'the parts and qualifications' which ought to define a magistrate, as also 'the person which the people do pitch upon' – in accordance with Reformed orthodoxy they did not exercise free will – 'yet till the People do something, all these do not formally cloath a man with Magistratical power'. In addition to the abundance of Scriptural citations which appeared to support this principle (drawn most notably from the books of Judges, Kings and Chronicles) Stewart pointed to Johann Althaus' *Politica Methodice Digesta* (1603).[13] Althaus, as also the Dutch scholar Marcus Zuerius van

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[11] For Scottish origin myths in the early modern period, see Roger A. Mason, 'Scotching the Brut: Politics, History and National Myth in Sixteenth-Century Britain', in Roger A. Mason, ed, *Scotland and England: 1286-1815*, (Edinburgh, 1987), 60-84.

[12] [Stewart], *Jus Populi*, 84.

[13] Ibid., 85-6; Johannes Althusius, *Politica*, trans. and ed. Frederick S. Carney, second edition, (Indianapolis: Liberty Fund, 1995), 120-33. Born in Diedenshausen, Westphalia, Althaus *alias* Johannes Althusius (c. 1557-1638) rose to prominence as member of the faculty of law in the Reformed Academy at Herborn. Notably, the Academy's first rector was Kasper Olevianus, co-author with Zachary Ursinius of the Heidelberg Catechism. The Academy was later pivotal in the development of the federal or covenant theology that would make its way to Scotland via the erstwhile Principal of Edinburgh University Robert Rollock (1555-1599). Althaus himself would become rector of the Academy in 1597, and it was during these years that he completed his *Politica* (Althusius, *Politica*, xi-xii; James Kirk, 'Rollock, Robert, (1555-1599)', *ODNB*; Mullan, *Scottish Puritanism*, 179, 182, 184, 186-90, 206; Williamson, *Scottish National Consciousness*, 71, 75-9). For the impact of Althusian thought on early Covenanting ideologues, see Cowan,

Boxhorn, similarly proved it was the people who selected the method of magisterial succession. Although he argued that the first magistrate(s) was undeniably elected, the people were free to choose the best method of succession thereafter. Succession could be lineal and hereditary, perhaps by agnatic or cognatic primogeniture, but it was not to be forgotten that 'originally, and radically, he is constitute, and chosen by the People'.[14]

These principles applied equally to the 'inferiour Magistrates, a Parliament, or the *primores regni*, or the *Ephori*, and States of the Realme'. As Stewart later noted, it was necessity that 'put people first, upon the constitution & election of a Parliament to manage their affaires'. Such a power was commissioned 'from the People, no lesse then the Prince hath his power from the People'. Indeed, 'no man can imagine any difference, as to the subordinate and instrumental rise of the power, of the *Prince*, and of the *Ephors*: So that as his power is from the People under God, so is the power which they have'. Furthermore, it was 'irrational to think, that the People in chooseing the *Ephors* or Parliament-members' did resign 'that innate and radical power, which they had to manage their owne matters'.[15]

By way of concluding these initial propositions, Stewart turned to the ends of government: 'for a Rational People must act rationally, and rationally they cannot act, unlesse they have before their eyes some certain good End'. As noted above, this was, in essence, the well-being of each individual within civil society. However, in a Christian commonwealth, this also included 'the glory of God, the good of Religion, and their temporal felicity'. Christians, he maintained, would never have settled a government that transgressed far less tended to destroy such solemn ends. Consequently, if these ends were perverted, 'they must be interpreted as Non consenters, and *eatenus de Iure*, in no worse condition, then they would have been into, if they had not erected such a constitution, or set such over themselves'.[16] Thus a polity was erected on the principle

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'The Making of the Covenant', in Morrill, ed, *Scottish National Covenant*, 68-89 and for the possible though unconfirmed influence of Althaus on the Marquess of Argyll, see his, 'The political ideas of a covenanting leader: Archibald Campbell, marquis of Argyll 1607-1661', in Mason, ed, *Scots and Britons*, 241-61. It has been well-established that the *Politica* was of critical importance to Stewart's thinking: see Beisner, 'His Majesty's Advocate', 157-9 and von Friedeburg, 'From Collective Representation to the Right of Individual Defence', 19-42.

[14] [Stewart], *Jus Populi*, 86-7. Van Boxhorn *alias* Boxhornius (1612-1653) had been Professor of History and Politics at Leiden four years prior to Stewart's matriculation. Stewart was referring to his *De Majestate Regum* (1649) which inquired into the laws of primogeniture.

[15] Ibid., 332-7. This view of the 'Ephors' was derived from Althaus. See Althusius, *Politica*, 92-119.

[16] Ibid., 87.

of consent; if civil government violated its very purpose then the people were released from its attendant obligations.

Anticipating the response of his polemical adversary, Stewart reasoned that Honyman would be wrong to conclude that nonconforming Presbyterians drove 'at nothing else, but to have all the parishes of the land cantonized into so many free Republicks, or little Kingdomes of *Ivetot*'.[17] Yet such an assessment was not entirely misplaced given that he had stated previously that with

> the manifest and notorious Perversion of the great Ends of Society and Government, the Bond thereof being dissolved, the persons, one or mo[r]e thus liberated therefrom, do relapse into their primeve Liberty and Priviledge, and accordingly as the similitude of their case and exigence of their cause doth require, may upon the very same principles again join and associate for their better Defence & Preservation, as they did at first enter into Societies.[18]

Though Stewart believed it absurd to suggest that his argument would lead to the creation of mini republics, this passage and the theoretical framework on which it rested raised a legitimate problem: was he suggesting that people return to the state of nature when the ends of society and government were perverted by magistrates?

The problem arose primarily from Stewart's contention that civil society was created upon the erection of civil government. Despite endorsing the Aristotelian view of society as wholly natural, he suggested that when a people constituted government they also contracted into society from a state of nature which was pre-social. Such a view can be attributed to his 'abstracting from that question, What Magistratical power he may have, and assume to himself who transporteth and erecteth colonies'.[19] That is, Stewart looked to understand the erection of the first commonwealths from a contemporary colonial perspective – where society and government could be held to have been created conjunctly. Consequently, he would part with George Buchanan and his Ciceronian conception of social organisation prior to the constitution of civil government.[20] He would similarly deviate from Rutherford, who argued that it was only once men had

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[17] Ibid., 87; [Honyman], *Survey of Naphtali*, 10. As an administrative unit the parish had proven to be of fundamental importance to the Covenanting Revolution. See Macinnes, *Covenanting Movement*, 162.
[18] [Stirling and Stewart], *Naphtali*, 150.
[19] [Stewart], *Jus Populi*, 81.
[20] Buchanan, *De Jure Regni*, 11-12, 47-9.

joined together in a civil society – and thus 'united into one politick body' – that a power of constituting magistrates became active.[21]

While Stewart did imply the existence of communities when he spoke of God appointing 'oeconomical societyes' and magistrates being chosen 'by the Community', he did not fully articulate the existence or nature of domestic societies – unlike Rutherford and Althaus – which gave rise to civil societies (though Stewart, like these theorists, was careful to distinguish paternal and magisterial power). No doubt he was vague on much of this because he did not want to concede that only the aristocracy, as familial heads, could constitute kings; indeed, moving still further from Rutherford, Stewart was quite prepared to state that 'this multitude or company' could erect magistrates, thus arguing for popular sovereignty in its broadest sense. Further still, his assumption appears to have been that each individual possessed the capability to constitute a magistrate when associating with others, and so he moved towards a view of civil government that would become synonymous with John Locke (1632-1704) in his *Two Treatise of Government* (1689).[22] However, unlike Locke, Stewart did not argue for the transfer of individual rights but simply that such rights were not alienated upon the erection of a magistracy. Nevertheless, this was still a significant shift in Covenanting thought, demonstrating movement from a corporate to a distinctly individualist conception of popular sovereignty. And as we have already seen, it was an individualist ethos which characterised Stewart's theory of resistance.

Yet Locke himself would draw a distinction between the dissolution of government and the dissolution of society. Although government was dissolved when its ends were perverted, this did not see a return to the state of nature; the power devolved to the people who then constituted new trustees. For Stewart, however, the answer appeared to be secession.

Although not the point Stewart was attempting to make at this juncture, the power of the people to secede from an ungodly community lurked in the recesses of his thought, a view most likely shaped by the Presbyterian Kirk's strictures against malignant

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[21] Rutherford, *Lex Rex*, 2-5. Rutherford's view was supported by the French jurist Jean Bodin (1539-1596) and the Spanish Jesuit Franciso Suárez (1548-1617).

[22] For Locke on the state of nature and the creation of political societies, see John Locke, *Two Treatise of Government*, ed. Peter Laslett, student edition, (Cambridge, 1988), 269-78, 318-30, 330-49. For an alternative though complementary view on the parallels between Stewart and Locke, see Beisner, 'His Majesties Advocate', 221-31.

associations.[23] He later stressed that *Naphtali* did not argue that the right of resistance was the 'fundamental Constitution of politick societies' but when 'the Ends of government are manifestly and notoriously perverted' people relapsed 'into their primaeve liberty and privilege' where they could 'according as the exigent of their case requireth, associate into new societies for their defence and preservation'.[24] For Honyman, this was factional and highly subversive: Stewart had appeared to justify the 'lust of every party, even lesser party of the people, to break off the old union with the Nation', who 'relapsed into their primæve liberty, like the Fishes of the Sea'. It also appeared to undermine the distinction between the magisterial office and the person the magistrate which was a marked feature of his political thought. Nevertheless, Stewart later argued that both sacred and profane history proved that secession did not equal sedition. Not only had the ten Israelite tribes rejected King Rehoboam, where they 'fell away from him, and erected themselves into a new Commonwealth', but there was a time 'when *Scotland*, *England* and *Irland*, were distinct Kingdomes, and under distinct Soveraigne Magistrates, and what repugnancy were it either to the law of God or Nature, to say they might be so againe?'[25] However, the threat of secession was tempered by the Solemn League and Covenant; for Stewart there was no 'imaginable bond so sure to tye his Kingdomes together perpetually, as an indissoluble Society' than this 'indissoluble union'.[26] But with this radical idea committed to print – that the perversion of government incurred its dissolution and necessitated fresh associations – it provided a theoretical basis for the proliferation of armed conventicles as expressions of alternative governance and was put into practice by a segment of the most stridently militant laymen after the Bothwell Rising of 1679. Indeed, Stewart had unwittingly provided the ideological foundations for the formation of the United Societies, though whether they had returned to a state of nature remained spurious. As the Presbyterian minister William Row observed of *Naphtali*: 'there are many things well said and worthy of remark. There are some other things that need to be read *cum grano salis*'.[27]

Instead, what Stewart was really attempting to argue was that natural rights were not resigned upon the creation of a polity. The people must hold 'the same liberty to use

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[23] For the impact of this secessionist strand of Covenanting thought on understandings of Scottish nationhood, see Kidd, 'Religious Realignment', in Robertson, ed, *A Union for Empire*, 145-68, at pp. 153-7.
[24] [Stewart], *Jus Populi*, 374-5.
[25] Ibid., 52-3, 371-3.
[26] Ibid., 377.
[27] *Life of Blair*, 517.

such meanes, as they were allowed to use in their primeve state, that is, to joyne together and associate, the best way they can, for repelling of what destroyeth these noble and important Ends, and defend their Religion, Lives and Libertyes'.[28] Indeed, even where

> they had by vowes or engagements so bound up their hands, that they could not alter the forme; it were not rational to thinke that their case should therefore be irremediably the worse, but that rather God and Nature would allow them in that case, so much the more to make use of their primaeve privilege of self defence, because they could not use their power of altering the forme, for their security and saifty, as otherwise they might have done.[29]

He was thus able to reconcile the Covenanting duty to uphold the office of monarchy in perpetuity with a right, rooted in the law of nature, to alter or amend political associations. With this mode of action inhibited, their right of resistance came into play. The parallels with the reality facing nonconforming Presbyterians in 1666 – their inability, in both theory and practice, to effect regime change – were clear. Protest and resistance were the only available options.

As the tenets which informed his constitutionalism were presented as universal, Stewart concluded by countering the suggestion that Scottish government was 'of a distinct and far different nature'. He thus offered a creative account of the purported first king of Scots, Fergus I, through his popular constitutional framework. In short, he argued that the monarchy in Scotland could be traced back to an original elective process, and though the throne was to be transmitted by lineal succession thereafter, the power of the people was duly affirmed by their reservation of a liberty to choose another member of the royal family if the nearest in line was judged unfit for government – a 'custome continued above a Thowsand yeers' until the accession of Kenneth III.[30]

In summary, Stewart argued for the popular constitution of a magistracy and hence a polity. Remarkably, he provided no additional proviso, e.g. that the people did so virtually. Unlike his forbear Rutherford who ultimately saw the intercession of the three Estates in making kings, Stewart suggested that it was simply 'this multitude or company' who constituted not only superior but inferior magistrates, thus providing

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[28] [Stewart], *Jus Populi*, 92.
[29] Ibid., 90.
[30] Ibid., 92-4. For recent publications on the early development of 'Scotland', see Alex Woolf, *From Pictland to Alba, 789-1070*, (Edinburgh, 2007) and Richard Oram, *Domination and Lordship: Scotland, 1070-1230*, (Edinburgh, 2011).

significant scope for popular political engagement and further polemical manipulation.[31] Indeed, it was this crucial ideological development that gave *Jus Populi* its radical edge; the three Estates no less than the king were trustees of a wider community. In addition, Stewart suggested that not only the right of resistance but the liberty of establishing civil government was not alienated upon its constitution. Thus if a magistrate perverted the ends of a godly commonwealth – as Charles II and his officials were perceived to have done by dismantling the Covenanted Reformation – so they could at the very least stand to their own defence, if not form an alternative political association. The influence of Althusian thought was especially marked in this regard. On the conditional nature of civil government Stewart would further elaborate; the socially subversive tendencies of his thinking would become equally manifest.

Covenanted Constitution

With the popular constitution of magistracy sufficiently outlined, Stewart sought to demonstrate its conditional, covenanted nature. While Honyman and the episcopate laboured 'to finde out some plausible grounds of evasion, that the King may be free from the Covenant', it was undeniable that he had sworn 'with hands lifted up to the Most High God oftener then once'. Evasive efforts on the part of the establishment were nonetheless misguided, for 'God will not be deceived'. Yet such attempts were hardly surprising; although 'lawyers and politicans tell us, that the King, is absolutely bound unto his Subjects, and the People obliged unto the King conditionally', the depravity of men, and not least the backsliders who had abandoned their prior obligation to the Covenants, would of course 'on the contrary averre, that the people were absolutely bound unto the King, & the King not only not tyed conditionally, but not at all, unto the People'.[32] Nevertheless

[31] Rutherford, *Lex Rex*, 29-30, 43-4, 58-9, 103-5. However, neither did Rutherford accord precedence to the nobility, thus echoing the 'radical mainstream' dynamic identified by Allan Macinnes ('The Scottish Constitution, 1638-1651: The Rise and Fall of Oligarchic Centralism', in Morrill, ed, *Scottish National Covenant*, 106-33). Stewart and Rutherford were nevertheless at one with regards to the conditional nature of a magistracy, although the importance of inferior magistrates to Rutherford was ultimately anathema for Stewart in his vindication of the Pentland Rising.

[32] Ibid., 95. Alongside Althaus, Stewart cited another professor at the Herborn Academy, Philipp Heinrich Hoen *alias* Hoenonius (1576-1649), and the incendiary Huguenot tract *Vindiciae Contra Tyrannos* (1579).

> it wil clearly follow, That when a people do institute a Government, and do commit the Supreame Managment of affaires unto one or mo[r]e, They do it upon certane tearmes and conditions, which conditions, politicians ordinarily call *fundamentall lawes*, others think that name not proper enough, but whether we call them so, or call them tearmes and conditions of the constitution or compact, it is all one thing.[33]

As noted previously, 'The man who is made Soveraigne by the People' could make no claim to sovereignty until he had been chosen. Constituting him as a magistrate could only 'be by compact and contract betwixt him and them' unless by free donation. However, donation itself implied that the power came from the people; unconstrained by law 'to give a gift', there must therefore be 'a virtual compact' in this regard. Thus, 'now it being by a real compact and formal, either explicite or implicite, that this man and not this man is made Soveraigne', there must be conditions on which this mutual compact stood. Here again the rationality of man was vital. It was unimaginable, Stewart argued, that the people would constitute governors with unlimited power, especially as the matter concerned not only themselves but posterity. As they well knew, 'A Soveraigne left at liberty to tyrannyze, to oppresse and to destroy the Subject, is no fit meane to procure their welfare, either in soul or body, or to set forward the glory of God'. Indeed, to constitute an unconditional magistrate was 'to set up a Tyrant' where 'his will must be to them for a law'.[34] Would this not put the people in a worse condition than before? Futhermore, this conditionality was equally true of the inferior magistracy and parliaments: their power was 'not absolute, infinite, or unlimited; but hath its owne bounds and limites over, which it cannot lawfully passe'.[35]

For Stewart, 'the practice of all Nations' proved conditional government to be a universal tenet.[36] However it was the Biblical tradition of covenanting which gave divine potency to the concept of a mutual compact between magistrates and subjects, and for Stewart it was demonstrable – as it had been for Knox and the early reformers – from several 'Scripture instances'.[37] There was the covenant between King David and the

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[33] Ibid., 95.

[34] Ibid., 96-7. For criticism of the parliamentary sessions of 1661-2 which had failed to keep the king 'within his boundes and limites', see pp. 337-42.

[35] Ibid., 335.

[36] Ibid., 98-9. For example, the Greek historian Xenophon (c. 430-354 BCE) had shown how the Persians and Spartans made mutual agreements with their rulers, while Dionysius of Halicarnassus (c. 60-7 BCE) had observed a compact between Romulus and the people of Rome as also the Senate and family of Cæsar. Beyond classical antiquity, it was also understood that the Holy Roman Emperors and kings of Poland were 'chosen, and agrieth unto tearmes and conditions'. Elsewhere, mutual conditions were evident 'at the coronation of Kings in *England*, *France*, *Boheme*, *Spaine*, *Portugal*, *Sweden*, *Denmark* &c'.

[37] For Knox and the Old Testament covenants, see Knox, *On Rebellion*, viii-xxiv and Dawson, 'The Two John Knoxes'.

tribes of Israel, wherein David promised to govern according to the law of God set out in Deuteronomy 17 while the people reciprocated with their obedience and faithfulness.[38] Valuable instances also included the covenants between Jehoiada and the people of Judah and the 'more explicite' case of mutual conditions between Jephthah and the Israelites.[39] It was therefore evident that magisterial power was limited, that magistrates either explicitly or implicitly promised to uphold the terms of office, and that they were as much bound to the people as God to perform their duties. Consequently, 'by vertue of this mutual compact, the Subjects, have *jus* against the King, a Right in law to pursue him for performance'.[40] Indeed, it was arguably this right that invigorated Presbyterian protest in general and the declaration of the Pentland rebels in particular.

From his reading of Romans 13 Honyman thought it absurd to suggest that the people could somehow be above the magistrate seeing as he was the higher power 'which God hath set over them'. Thus Rutherford had been similarly misguided in his argument that, comparatively

> every Parish is above the Minister, in an Ecclesiastical way, though he have official power over them all; or that every Lord in Scotland have their Tennents and Vassals above them, a thing which the Nobles of Scotland had need to look to: For certainly, the Principles which lead to subject Kings to people, lead clearly, and by undoubted consequence, to subject them to their Vassals, and to all under them; yea, and all Masters to Servants, and Parents to Children, and to confound and invert the order of all humane Societies.[41]

For Stewart such reasoning was 'as weak as water'.[42] Yet in his defence of Rutherford and mutual obligations he underscored the socially subversive tendencies to which his polemical adversary had been alluding. Regarding the parish, Stewart stated that if a minister preached heresy where there was 'no ecclesiastick or civil power to put him away', the parishioners 'may save their owne soulls, thrust him out, and choose another more Orthodox'. Though innocent enough a suggestion on first reading, his response

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[38] [Stewart], *Jus Populi*, 99-103. Deuteronomy was known as the 'Book of the Covenant' by federal theologians. See Perry Miller, *The New England Mind: The Seventeenth Century*, (New York: Macmillan, 1939), 377-8.

[39] [Stewart], *Jus Populi*, 105-110.

[40] [Stewart], *Jus Populi*, 110-12. This was qualified by the assertion that 'I do not here say that every breach, or violation doth degrade him *de jure*; but that a violation of all, or of the maine, most necessary and principally intended conditions, doth' (p. 112).

[41] [Honyman], *Survey of Naphtali*, 101-2; Rutherford, *Lex Rex*, 459-60.

[42] Stewart would offer his own account 'Of the Nature of the Kings Power over his Subjects' in chapter seven. He denied that it was either a paternal, lordly or proprietory relationship, and suggested that sovereignty was a fiduciary power similar to that wielded by a tutor or patron ([Stewart], *Jus Populi*, 144-53).

represented an endorsement of congregational power and the congregational call recently rescinded in law with the restoration of patronage.[43] However, the social dynamic was more obviously expressed with regards to the Scottish nobility. He began with a warning:

> All know that the Lord is bound to the Vassalls, as well as they are to him, and that the Lords may not oppresse them, or if he transgresse the bounds and limites prescribed him, they will get action of law, yea in some cases be free to renunce him as their Supream, and choose another. Let the nobles take heed they drink not this Man's doctrine: for if they arrogate to themselves a power to oppresse, pillage, plunder, murther, Massacre, their vassals, (as this man pleads for such a power to the King, without control) I fear their vassals let them know they are no slaves.[44]

For Stewart, such reasoning was not only dangerous to established social conventions but representative of imprudent politics:

> What a poor Politician is this? He speak this, to move them so much the more to owne the King's cause, but who seeth not, that he is either a false or a foolish advocat for the King in this matter, for if the King get no mo[r]e on his side but the Superiour Lords, & if all the Vassalls and Tennants be against him, he will have the weaker party by farre, on his side.[45]

This remarkably strident appraisal was tempered, however, by an appeal to the nobles. The Royalism articulated by Honyman and the Episcopalians

> would here seem to give to the King, as much power over them and all the land, as Masters have over their Tennants, who have their lands only from them upon certaine conditions, and may be removed when these conditions are broken.[46]

Albeit tangential to the thrust of his chapter, it is worth reflecting on these passages. In his defence of a mutual compact between king and people, Stewart offered an assessment of mutual relationships that constituted the very framework of Scottish society. Far from acquiescing to their unbridled will, the vassal or tenant's relationship with their lord or landholder was defined by its mutuality. He offered a premonition to the Scottish aristocracy that as an elite they were greatly outnumbered by the tenantry, and would thus be wise to remember that their superior authority demanded they take heed of the limitations of their power. By extension, the sheer weight of numbers in favour of the unfranchised suggested to Stewart the folly of securing only elite support to the cause of Stuart Royalism; if the lower orders clung to the Covenants, the basis and implementation of Stuart rule as defined in the Restoration settlement would be

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[43] Ibid., 115.
[44] Ibid., 115-16.
[45] Ibid., 116.
[46] Ibid., 116; see also pp. 342-3.

undermined. Indeed, by stating that the king would have the 'weaker party by farre', Stewart could not have had strictly parliamentary support in mind; the success of monarchy depended on support from the wider community. Politics, it seemed, was not just the preserve of peers, parliaments or proprietors. As he had outlined earlier, the preservation of civil society rested on both the magistrates and people performing their mutual obligations. Yet Charles was of the opinion that the Scots were forever at the mercy of their lords, especially when compared to his English subjects. Such a view would becoming most explicit, and most problematic, when the 'Highland Host' was raised to subdue the western shires in 1678.

Stewart's premonition was accompanied by the conclusion that Royalism and the power it accorded the king's prerogative represented a substantial threat to the heritage of Scottish nobles. Only loyalty to Scotland's purportedly ancient, limited and godly monarchy – outlined in, and protected by, the National Covenant – could guarantee their precedency, privileges and estates.[47] Again, this was not merely theoretical. Charles I's attempt to strengthen the Crown at the expense of noble power had ensured that aristocratic and godly patriotism had fused in the early years of Covenanting hegemony.[48] Yet the experience of government after the Britannic Engagement, ideologically stringent and socially subversive as it was, militated against widespread acceptance of Stewart's sentiment; the king could guarantee the traditional hierarchy where the 'rule of the saints' could not. Rather ironically, by circulating the most stridently anti-aristocratic polemic seen in Scotland to date, Stewart had arguably confirmed as much.

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[47] This may have been a veiled appeal to Archibald Campbell, ninth Earl of Argyll, restored to his father's honours – excepting the Marquessate – in October 1663. For the Earl, see David Stevenson, 'Campbell, Archibald, ninth earl of Argyll (1629-1685)', *ODNB*. Debate on the origins of nobility was on-going in the early modern period, and no less so in Scotland. See David Allan, '"What's in a Name?' Pedigree and Propaganda in Seventeenth-Century Scotland', in Edward J. Cowan and Richard J. Finlay, eds, *Scottish History: The Power of the Past*, (Edinburgh, 2002), 147-67. Complaints of illegal practice tending to estate ruin ran parallel to the policies of Charles II and his government during the 1670s.

[48] This was most obvious in the Revocation Scheme (Macinnes, *Covenanting Movement*, 49-76). Likewise, Charles had opted to 'single out one of that ranke, who was most obliged to Us and Our Crowne' – namely John Elphinstone, second Lord Balmerino – when disaffection to his kingship began to galvanise. Though eventually pardoned and spared execution, the trial of Balmerino for leasing-making seriously compromised his authority in Scotland. See [Walter Balcanquhall], *A Large Declaration concerning the Late Tumults in Scotland*, (London, 1639), 12-15. For earlier evidence of aristocratic alignment with religious reform, see Keith M. Brown, 'In Search of the Godly Magistrate in Reformation Scotland', *JEH*, 40 (1989), 553-81.

Before concluding, Stewart looked to 'roll out of our way what this *Surveyer* speaks further against these Covenants'. Of these, two particular objections and Stewart's responses deserve closer scrutiny. Combined, they are revealing of divergent attitudes to Stuart monarchy based on alternative readings of the Scottish past, and especially of the controversial accession of Charles II during the British Civil Wars. In brief, Honyman argued that in 'all proper Monarchies, there is neither tacite nor expresse Covenants impowering any to be judges over the King'. Rather, some kingdoms were attained by conquest 'in a just warre' then transmitted by hereditary succession, thus undermining Stewart's earlier assertion that mutual compacts were common to all nations.

Quite apart from Rutherford's derisory assessment of 'conquest giving a sufficient title to crownes', albeit some kingdoms were certainly founded on conquest, Stewart believed this 'nothing to our purpose'.[49] Instead, it had been 'supposed alwayes' that Scotland was not founded on this basis, with no Scottish king having declared that the kingdom was conquered by his predecessors. That was until James VI, however, who had alleged in his *Basilikon Doron* (1599) that the mythical Fergus I was a conqueror though 'contrare to the testimony of all approven historio-graphers'.[50] Focusing again on Scotland's regnal history, Stewart pointed to 'other historians, such as *Iohn Fordon*, *Iohn Major*, *Boëthius*, *Hollanshade*, beside *Buchanan*' who attested to Fergus I being 'freely chosen by the People'.[51] Though Buchanan made no mention of a coronation oath, there was still 'an implicite and tacite Covenant' that was clear 'from the oath of the People confirming the Kingdome unto him'. And though there was no 'written contract' extant, the 'constant after-practice' confirmed as much. This creative constitutionalism extended to Fergus II, fortieth King of Scots, whose claim to the Scottish Crown rested not only on 'a faire, free, and full call of the People' but 'proof of his prowesse, and

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[49] [Stewart], *Jus Populi*, 122; Rutherford, *Lex Rex*, 82-9. Rutherford had stated that 'Meere conquest by the sword without the consent of the people, is no just title to the Crowne'.

[50] [Stewart], *Jus Populi*, 122. James actually made this claim in his *True Lawe of Free Monarchies* (1598). See James Craigie, ed, *Minor Prose Works of King James VI and I*, (Edinburgh: STS, 1982), 70. James's view was formed in defiance of his former tutor George Buchanan. For more on their relationship see Mason, *Kingship and the Commonweal*, 215-241.

[51] For this and the following references to Buchanan by Stewart, see George Buchanan, *The History of Scotland*, trans. and ed. James Aikman, 6 vols, (Glasgow, 1827-9), I, 156-8, 213-18, 266-75, 298-311, 414-47. John of Fordun (c. 1320-1384), John Mair [Major] (1467-1550) and Hector Boece *alias* Boethius (c. 1465-1536), refracted through the lense of Buchanan, formed the bedrock of Scottish constitutional history in the seventeenth century. For commentary on the development of Buchananite constitutionalism, see Colin Kidd, *Subverting Scotland's Past: Scottish whig historians and the creation of an Anglo-British identity, 1689-c.1830*, (Cambridge, 1993), 12-29. 'Hollanshade' was Raphael Holinshed, author of the *Chronicles of England, Scotland and Ireland* (1577).

ability for government', while Robert Bruce – known as 'Conquestor Magnus' – was ultimately crowned prior to his successful recovery of the Scottish kingdom from English overlordship. Bruce never 'claimed a right to the Land, upon that ground of conquest, but stood upon the old basis'.[52]

Yet it was Stewart's response to Honyman's account of Charles II's restoration in Scotland that was most controversial. Honyman's argument – spurious, if not credulous – focused specifically on the nature of the Covenanting defeat by, and Scotland's subsequent incorporation into, the English Commonwealth. He concluded that Charles had providentially reclaimed the Scottish Crown by conquest, and so 'the people of *Scotland* do rather owe their liberty to him, then he doth owe his Authority to them, or by vertue of any Covenant with them'. His argument rested on three premises: first, that Scotland 'was totally subdued by the English', a subjugation achieved by shire and burgh representatives combining 'into a Common-wealth-government' and sending commissioners to London 'where the Kings interest was disclaimed'; second, that prior to the English conquest 'there was an express disowning of his right, by publick Judicatories of the Land, in the quarrel with the English Sectaries before *Dumbar*'; and third, if there was indeed a mutual compact as the Presbyterians held, yet the people had disowned him, then surely Charles was loosed from his prior obligations. So although he could 'leave them as he found them, in bondage to forreigners', it was only the king's graciousness, wisdom and conscience that saw him return to reclaim the Crown.[53]

Stewart's response was on surer ground. First, and most importantly, Honyman was reminded that *prior* to the English occupation Charles 'was crowned at *Scone* in as solemne a manner, as ever any of his Predecessours' and accepted the throne on condition that he prosecute the ends of the Covenants. Indeed, the Cromwellians had invaded precisely because 'we had taken the Head of the Malignant faction Into our bosome'. The public judicatories (the Commission of the Kirk and the Committee of Estates) did certainly renounce the 'Malignant interest' but they did not disown the king; rather, they looked to 'fight upon the same grounds and principles, that they had done for twelue yeers before, and only owne him with a subordination to God, and in so far

[52] [Honyman], *Survey of Naphali*, 90-1; [Stewart], *Jus Populi*, 125-7. Neither cited the Declaration of Arbroath (1320).

[53] [Honyman], *Survey of Naphtali*, 91-2. The argument from conquest was not deployed in an English or Irish context. See Harris, *Restoration*, 43-67, 86-104.

as he did owne the cause of God'. Albeit he had initially refused (and hence the Act of the West Kirk was passed on 13 August 1650) 'upon second thoughts [he] emit[t]ed that declaration at Dumfermline' and so was owned accordingly.[54] However, though Scottish deputies had disclaimed the king *after* conquest, Stewart suggested that they had neither the power or commission to do so. What was more, if the Scots who took the Tender were to be considered enemies of the king, why was it that some were 'now accounted his most loyal Subjects', and specifically 'that Arch-knave *Sharp*'? Regardless, Stewart pointed to the signal achievements of the Cromwellian commander-in-chief George Monck; as it was Monck who restored both king and kingdom, was Charles 'not as passive as we were and some what more?' Clearly, the king returned to a restored – not a conquered – nation.[55]

Stewart gave special attention to the third premise of Honyman's argument. The scope of his rival's intentions were clear: 'To have us now a formal conquest, that so the King may tyrannize over us, and deal with us, as he seeth good, *jure conquestus*, as being now free from all bonds and obligations, which ever passed betwixt Him and the People'. Evidently, then, Honyman deployed the argument from conquest to circumvent the reality of limited monarchy; whether the former obligations were dissolved or not, his argument implied 'that at least as to this King, the constitution is founded upon a conditional Covenant'. As it was, Stewart was quite sure that the obligations remained in force: not only had the Scottish deputies no express commission to renounce Charles Stuart, any virtual commission by their presence in Commonwealth assemblies must be understood as 'a constrained and extorted act'.[56]

Though the eventual defeat can be attributed to the inherent capacity of the Covenanting movement to splinter at times of crisis – as much a product of ideological tensions as fiscal-military exhaustion – Covenanted Scots had for the most part remained supportive of Stuart monarchy in practice if not in (strenuously) qualified

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[54] [Stewart], *Jus Populi*, 128-31. In essence, the Declaration of Dunfermline (16 August 1650) was a pledge by Charles II to prosecute the Covenanted Reformation in return for military support to restore his English Crown. It was largely extorted from him in order to quell the fear among Covenanting radicals that they would be fighting for a malignant cause in battle against Cromwell. For the Declaration, see Balfour, *Historical Works*, IV, 92-5, and for commentary, see Holfelder, 'Factionalism in the Kirk', 35-47. Criticism of these transactions can be found in [Andrew Honyman], *A Survey of Naphtali. Part II*, (Edinburgh, 1669), 15-16.
[55] [Stewart], *Jus Populi*, 127-9.
[56] Ibid., 132-3.

theory. It was this allegiance, which remained unbroken, that had occasioned the Cromwellian conquest and the corollary of an uncertain future for the Covenanted nation.

Yet in pressing home the continued existence of the constitution to which Charles was bound, Stewart put forward a potentially explosive assessment of affairs:

> We shal[l] easily grant, that when a sworn People desert and disclaime their King by their Representatives; The King also may take the benefite of the conditional Covenant and leave them. And so might King *Charles* have done so, and gone to some other part of the world, to have spent his dayes as some would not have been grieved.[57]

But as the Protesters had similarly argued in their supplication of August 1660

> since he did not so, but took the first occasion that was sensible, and returned to his old station and relation, all the old bonds and engagements, which he took in these relations, recurred with their former force and vigour, and he became no lesse bound then ever, yea, before the Lord, rather more: because the goodnesse of God in restoreing him without blood, should have engaged his heart so much the more unto God, & his former vowes and Covenants.[58]

With support for Charles II verging on the tacit, the radicalism of separating man and office was laid bare. Veneration for a king could not have been much lower. Charles need never have returned, but by doing so 'he laide claime to no new right' because he had already been crowned as the Covenanted king of Scots. By extension he therefore 'acknowledged the former constitution, and re-assumed his auncient Kingdome upon the same tearmes he did before'. Stewart may have upheld monarchy, but it was not surprising that Royalist critics recoiled in horror at such subversive contentions.

Yet the subversive nature of Stewart's thinking was most telling in his robust response to the assertion that the Scots owed their liberty to Charles rather than he his authority to them. A crucial if corrosive feature of Presbyterian dissent, Stewart instead suggested that 'as for the freedome we were restored unto, we are yet ignorant of it, and see and feel heavier bondage both as to Church and State, then we did under strangers or forraigners'.[59] For the Presbyterians, the usurper Cromwell and his governors had more to commend them than the apostate Charles and his backsliding officials.[60] In a

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[57] Ibid., 133.
[58] Ibid., 133-4.
[59] Ibid., 129.
[60] Indeed, as James Kirkton noted, 'all the time of their government the work of the gospel prospered not a little, but mightily'. Though 'the division of the church betwixt protesters and resolvers continued in the church for six or seven years with far more heat than became, and errors in some placed infected some few; yet were all these losses inconsiderable in regard of the great successe the word preached hade in sanctifying the people of the nation'. Quite remarkably, Kirkton 'believed there were more souls

particularly vitriolic attack Stewart identified only two groups whose liberty could be considered secured by the king. Revealing something of the Presbyterian hatred for popery and prelacy, as also their perception of Scotland as a new Israel, Stewart argued first that it was 'the abjured Prelates, and their base, naughty, scandalous Underlings' who owed their liberty to the king. So much so, in fact, that they now had 'freedome from Church Discipline, and civil censures, and license to corrupt the word of God, to destroy soulls, to tyrannize over consciences, to oppresse the People, to inslave the subjects, and to lead back the People into *Egypt*'.[61] Second, and in an undiluted anti-aristocratic outburst, he drew attention to the

> dyvour *Lords* and others, who because of their licentious, luxurious, sensual and brutish lives, which they lead like so many Epicures, having devoured their owne Estates, and are now so drouned in debt, that if the poor could have but liberty to seek their owne, and if justice were running like a streame, durst not be seen, must now have acts made in their favours liberating them from the sentence of the law, and allowing them to presse upon their creditours, the most barren, fruteless, and useless of their lands, and that at twenty years purchase, after they have by manifest iniquity, withheld aught yeers annualrent, which is near the equal half of the principal summe; and such other acts of that nature. Is this the liberty he talks of, That a few shall have liberty to drink away and with debauchery, destroy the substance of the land, and waste it upon whores and cups?[62]

Here Stewart pointed to the practice of heavily indebted nobles being given legal backing to force their creditors to accept wadsets (mortgages) and then sales of poor quality land at the high purchase price of 20 years after they have failed to pay the annualrents (i.e. interest) on their mortgages for eight years. In effect, this was to deny their creditors interest on mortgages for eight years then obliging them to buy poor quality land at 20 times the rental.[63] As a lawyer from a mercantile background, Stewart will have been well aware of such practices.[64] Yet perhaps more pertinently, this not only

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converted to Christ in that short period of time than in any season since the Reformation, though of treeple its duration'. See Kirkton, *Secret History*, 54-5. See also Law, *Memorialls*, 7.

[61] [Stewart], *Jus Populi*, 134-5.

[62] Ibid., 135. Such ideas were similarly reflected in the revelation experienced by 'a poor woman in Glenluce', who (reportedly on 5 October 1652) exhorted to the minister John Scot that 'within a short while a bloody throne should be raised in Scotland' wherein 'the purses of the nobles [will be] filled with the blood and substance of the saints'. See Kirkton, *Secret History*, 55-60.

[63] See *RPS*, 1661/1/433 for the 'Act for ordering the payment of debts between creditor and debtor' passed on 12 July 1661. See also Lee, 'Government and Politics', 27. Measures to reform Scottish debt laws in order to relieve debtors had been attempted by the Cromwellian regime in the hope of securing an aristocratic accommodation, but faced unremitting opposition by creditors represented by the Scottish burghs. See David Menarry, 'The Irish and Scottish landed elites from Regicide to Restoration', unpublished PhD thesis, (University of Aberdeen, 2001), 327-40.

[64] Stewart came from a wealthy merchant family: his father was a merchant-factor and banker and his mother – Anna Hope, niece of erstwhile Lord Advocate Sir Thomas Hope of Craighall – had been a successful merchant in the retail trade. The material wealth of Stewart's father was seemingly matched only by his probity in religion; George Gillespie apparently remarked that he had 'more sterling religion in

confirms the anti-aristocratic tenor of later Covenanting ideology, but suggests that Covenanting and the pursuit of a godly commonwealth could form the basis of socio-economic as well as politico-religious protest.[65]

Focus on the royal family was maintained in Stewart's final dismissal of Honyman and his argument against 'any expresse Covenant enstating the People, or any part thereof in a coactive judicial Power over our Princes'. Commenting on Charles's father and grandfather, Honyman noted that Buchanan had made no mention of a coronation oath prior to the reign of his pupil, James VI, and even then the oath had been taken by proxies, namely the Earls of Morton and Home. What is more, whether Charles I had taken an oath or not, he had nevertheless 'reigned eight years over us before that time; and no man, durst, or in reason could say, as now is printed, that he was no King till he took the Coronation oath'.[66] For Stewart, the antiquity of coronation oaths did not matter, 'for a virtual and implicite Covenant will ground all which we desire'. Buchanan's *Historia* made this abundantly clear.[67] Yet in an argument which sidelined the typical importance of historicity, he stated that though Honyman

> should doubt whether any King, before King *Charles the Second*, did sweare any oath or Covenant with the people; yet he cannot doubt of what the King *Charles the Second* did: It being beyond all denyall and contradiction, That he swore both that Oath which was injoyned in King *Iames the sixt* his dayes; and also the National Covenant, and the Solemne League and Covenant: and that according to these, the Subjects did sweare obedience unto Him: Here was then a mutual conditional Covenant, explicitly, and in plaine tearmes, with all the solemnities imaginable, entered into: and what needs more to cleare all which we have said, and to ground all which we would inferre, to justify the late action.[68]

In addition, not only had he taken the Covenants but 'all the World seeth' that he had manifestly broken the conditions which were 'the fundamental law of our constitution'.

ready cash than any man ever I knew'. See *The Coltness Collections*, ed. James Dennistoun, 2 vols, (Maitland Club, 1842), I, 14-45.

[65] Another example could include the 'Act in favour of the heretors of Glencarne' passed on 2 March 1649: gifted regality of the barony of Glencairn by Charles I despite holding no property within it, James Douglas, second Earl of Queensberry was held to have brought 'very great toil and charges' upon the supplicants. Queensberry – who, after initially signing the National Covenant, had become a stauch Royalist and supporter of Montrose – duly had his regality annulled (*RPS*, 1649/1/206). The property of Queensberry was later violated by the Western Association when it quartered on his lands (see *RPS*, C1650/11/2 and David Menarry, 'Douglas, James, second earl of Queensberry (*d.* 1671)' *ODNB*).

[66] [Honyman], *Survey of Naphtali*, 92-3.

[67] [Stewart], *Jus Populi*, 135-7.

[68] Ibid., 137-9.

Instead, by 'a packt Parliament, principled to his minde', he had 'overturned our lawes and libertyes, & hath framed & established iniquity by a law'.[69]

In his concluding remarks Stewart reiterated that the people may defend themselves and the Covenanted constitution if the magistrate breaks the conditions of his office and violates 'their personal rights and liberties'. Far from being reliant on noble or parliamentary representation, the Covenanted constitution justified resistance by private (godly) subjects. Such ideologically and socially subversive thinking was similarly reflected in the right of protest: the Covenants gave 'law-clame to the People to pursue the Prince, in case of failing in the maine and principal thing covenanted'. This was because the nature of the compact made clear 'that the People or Kingdome are the full Lords proprietors of all the power, and have free liberty to dispose, and dispense in their owne matters as they please'. Indeed, by the compact it was apparent 'that the *Ius* the power and authority, which is given to the Supream Magistrate is not his owne, & is lesse then the *Ius* of the People & inferiour to theirs; because it dependeth upon the free will & prescription of the People'.[70]

Yet in his provision of a constitutional framework which expanded the role of the people in political and religious affairs, there remained a tension between Covenanting as a nationally inclusive yet confessionally exclusive endeavour. Was there any truth to Honyman's assertion that 'the principles of this man and his consorts do lead to the worst sort of Democracy, as the only lawful government; yea, to an Oligarchick Democracy'?[71]

Grace and Government

The justification for private resistance in *Jus Populi* had subsumed the Mauchline Rising, the Whiggamore Raid and the Pentland Rising into a tradition of popular reformation in Scotland. However, far from being a specifically Scottish phenomenon, Stewart had connected Covenanting resistance to perceived traditions of popular reform that had provenance throughout mainland Europe. Yet there was recognition that as a

[69] Ibid., 139-40.
[70] Ibid., 140-3. See Althusius, *Politica,* ch. 19 and 38.
[71] [Honyman], *Survey of Naphtali*, 58. For Stewart's response to this accusation, see [Stewart], *Jus Populi*, 406.

Covenanted people the Scots were unique and stood apart from other Reformed communities. Indeed, as had been stated in the epistle of *Naphtali*,

> [...] the Church of Scotland, for Soundness of Faith, Purity of Worship, Excellency of Government, Freedom and Power of the Gospel, beautiful Order and Unity, was not inferior to any, if not preferable to most of the Reformed Churches, and therefore was deservedly famous and esteemed amongst them: Having also, for an hundred Years, from it's first National Establishment, preserved the same from utter overthrow, notwithstanding the many various and renewed endeavours of men, by force and fraud.[72]

For Stewart and his co-author James Stirling, the century from 1560 to 1660 was defined by both the success and failure of Scotland to meet its obligations as a Covenanted nation. During that time the Scots had witnessed the vicissitudes of God's grace but also their own wickedness, apostasy and backsliding 'from His Holy Command and Covenant'. But strength could be drawn from the notion that God had established the Scots as 'a peculiar People unto Himself [...] far exalted above many other Nations'.[73] To be sure, God had many times engaged the Scots 'by several most solemn Obligations, of voluntary Surrender and Resignation, by frequently renewed Oaths and Covenants', and most spectacularly so in 1638 and 1643 when

> there were not many persons of age, of whatever degree, and not so much as one Preaching Minister in all the Land, who did not only make publick profession of the true Reformed Religion, but also subject themselves unto Presbyterial Form of Church Government and Discipline, & who did not (which we desire to be noted) for that effect in their own persons swear and subscribe with the hand unto the Lord, in the National Covenant and Solemn League and Covenant.[74]

So singularly impressive was this that 'as to the Publick Profession of the Truth, and almost as to the number of persons, the Church of *Scotland* was of equal extent with the Nation, and in that respect, of all other National Churches, did most resemble the old Church of the *Iews*'.[75]

This view of the Kirk is demonstrative of the connection made by Scottish Presbyterians between the covenant of grace and a nation in covenant with God.[76] In essence a systemization of the Calvinist doctrine of election, the covenant of grace emphasised the contractual relationship between God and man. By covenanting with

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[72] [Stirling and Stewart], *Naphtali*, epistle.
[73] Ibid., 81.
[74] Ibid., epistle.
[75] Ibid.
[76] This discussion was assisted by the seminal work of Perry Miller; see *The New England Mind*, 365-491. See also Coffey, *Samuel Rutherford*, 200-24, 225-53; Macinnes, 'Covenanting ideology', 191-220; Mullan, *Scottish Puritanism*, 285-317; Spurlock, 'Problems with Religion as Identity', 1-29.

God, the 'saint' proved his or her election and thus realised the predestined will of God. However, whereas the covenant of grace was particular to the individual – the promise of salvation to those who had faith in Christ – a national covenant was a special dispensation that saw a nation endeavour to prosecute the cause of God on Earth. Conceptually, notions of personal and corporate election were blurred. This was complicated further by the constitutional dimension of covenanting; as covenants were used to express the means by which political society was incorporated, the covenant of grace became entangled with the covenant between magistrates and subjects. These strands of covenantal thinking were interwoven in the purported 'renewal' of the National Covenant in 1638: thus, the salvation of the elect was duly entwined with the duty to uphold the religious and constitutional imperatives of this particular covenant, imperatives later supplemented by the promulgation of the Solemn League and Covenant in 1643. Moreover, by 1650, 'Kirk Government' was being included alongside scripture, the sacraments and prayer as the 'outward means and ordinances' wherein men were made partakers of the covenant of grace.[77] In effect, hope of salvation was being aligned with the maintenance of presbyterianism. The unintended consequence was to make the grace of God conditional on obedience to the Covenants.[78]

Such was the widespread support for the Covenants in the 1640s it had been possible to merge the vision of a pure church of the elect with the ideal of a comprehensive national church. However, with the passing of the Acts of Classes in 1646 and 1649 this became increasingly difficult to sustain as Royalists and Engagers were excluded from communion and public office. National inclusion was subordinated to confessional purity as the ideology of Covenanting began to shift. While the Resolutioners eventually came to terms with malignancy on the basis of repentance, the Protesters were left straddling a precarious line between presbytery and Independency. Though the Protesters did not, as the Resolutioners argued, betray the Covenants, they did reveal their inherent ideological tension: that is, the difficulty of reconciling a view of election that supposed the majority of the nation degenerate with the idea that the whole nation was in covenant with God. While the tension was never explicitly addressed, William

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[77] [David Dickson and James Durham], *The Summe of Saving Knowledge, With the Practical use thereof*, (Edinburgh, 1671), unpaginated. See also Thomas F. Torrance, *Scottish Theology*, (Edinburgh: T & T Clark, 1996), 111-22, 152.

[78] See James B. Torrance, 'Covenant or Contract?: A Study of the Theological Background of Worship in Seventeenth-Century Scotland', *SJT*, 23 (1970), 51-76, and idem., 'The Covenant Concept in Scottish Theology and Politics and its Legacy', *SJT*, 34 (1981), 225-243.

Guthrie's *The Christians Great Interest* (1659) did attempt to circumscribe the issue by developing further the concept of personal covenanting.[79] Yet as will become clear, the backsliding of Covenanted Scotland after 1660 provided a context in which Presbyterians could reconcile (or, perhaps, further entangle) the concepts of personal and corporate covenanting.

Backsliding in the Covenanted nation was 'a very comprehensive Sin' which proclaimed 'Inconstancy, Unfaithfulness, and ingratitude' towards God. This was especially marked from 1660: for 'though the Lord was pleased according to His Glorious Sovereignty, by His own immediate Hand, to break the yoke of our Oppressors, restore our Covenanted King, Laws and Liberties, and to make all Factions, Parties and Interests, not only to cede unto, but unanimously to conspire for this Blessed Restitution', it was not long before the most serious defection set in.[80] It was so serious because

> if we consider that our present Defection [...] is not Private and Personal; but Representative and Authorized, by Acts and Proclamations of King, Parliament and Council: It is not smoothly and subtilly, but most tyrannically carried on by military violence an[d] cruelty; It is not of a few inconsiderable Persons, but very Universal; The greatest part of all Ranks, and of some Ranks almost the whole, being some way or another involved therein: It is not only these, who were alwayes of known and professed disaffection to the Cause and Covenant of God; but also of many who sometimes being exceeding[ly] zealous themselves, and exemplary and forcible upstirrers of others therein, are now become the chief Ringleaders theirof, and most bloody Persecutors of those who remain stedfast in the Truth.[81]

By breaking the 'yoke' of the Cromwellian regime God had presented Charles II and the Scots with an ideal opportunity to advance His cause. But instead they dismantled the Covenanted Reformation in Kirk and state 'for no end, then the base flattering of the Kings humor and inclination, the satiating of Prelaticall Pride and Ambition, the indulging of the licentious profanity of some Debauched & degenerated Nobles and others, who could not endure the yoke of Christ's sound doctrine and impartiall discipline'.[82] Fortunately – though the 'Vindicative and (in case of backsliding) Reforming Power is committed to the Magistrat[e]' – the people were not helpless; as the maintenance of true religion was the principal motive for contracting societies and

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[79] See William Guthrie, *The Christians Great Interest*, (Edinburgh, 1659). See also Wariston, *Diary*, II, 280, 288. For more on personal covenanting, see David George Mullan, *Narratives of the Religious Self in Early-Modern Scotland*, (Farnham: Ashgate, 2010), 318-43.

[80] [Stirling and Stewart], *Naphtali*, epistle, 81-104; quote at p. 81.

[81] Ibid., epistle.

[82] Ibid. Regarding such discipline, see e.g. the presbytery of Lanark and its interactions with the Marquess and Marchioness of Douglas in *Selections from the Registers of the Presbytery of Lanark, M.DC.XXIII-M.DCC.IX*, ed. John Robertson, (Abbotsford Club, 1839), 34-5, 39, 40-1, 42, 43-4, 44-5, 46-7, 53, 54, 55-6, 57, 59, 63-5, 67-8, 69, 70, 71-2, 73-4, 76, 82, 85-6, 97-8, 100-1.

erecting governments, the people and their rulers were jointly obliged to ensure its public establishment. And seeing as God did 'equally exact and avenge the sin of the Rulers only, or of the People only', there must surely be an antecedent obligation 'incumbent upon all both jointly and separatly, for the maintenance, vindication and Reformation of Religion'. However, while this was apparently implied in all constitutions, it was clear that 'this position be indeed more evident, where express Covenants betwixt God and the whole People, betwixt Rulers and their Subjects, and betwixt the People and subjects amongst themselves'.[83] In short, by their tripartite covenant the people of a covenanted nation had 'Power in the work of Reformation' and a duty to avoid the 'hazard of becoming guilty of the sin of others'. These interrelated ideas formed the crux of chapters nine and ten in *Jus Populi*.

Stewart began his discussion of popular reform by vindicating his previous tract. It was seemingly evident, he reasoned, that *Naphtali* did not 'pleadeth for magistratical authority, and power to give out mandat[e]s, and enjoyn execution upon transgressours in poynt of reformation of Religion, unto privat[e] persones'. Neither did it urge 'a power due unto them, to rise against, and throw downe King and all Magistrates, supreame and subordinate'. Rather, it was to the magistrate that the reforming power was committed, and he was to make 'this his maine work'. However, if he became 'the principal perverter' the people had an antecedent obligation – antecedent to their obligation to submit to the magistrate – to promote religious reform. This popular reformation needed to be distinguished from that of the magistrate: it was reformation 'by way of maintainance of the received truth, and hindering idolatry and blasphemy, or whatever was dishonourable to God, pernicious to the commonwealth, & opposite to the true reformed Religion'. In other words, in religion there was 'a private, yet active and real maintaining, vindicating and reforming of Religion when corrupted' and 'a publick, authoritative and Magistratical maintaining, vindicating and reforming'. The former could be undertaken by private subjects without arrogating sovereignty or using the power of the sword against the magistrate.[84]

With the idea of popular reform suitably distinguished, Stewart outlined its key features. They related to Presbyterian dissent in practice and again reveal the entanglement of

[83] [Stirling and Stewart], *Naphtali*, 18-19.
[84] [Stewart], *Jus Populi*, 173-6.

national covenanting with the covenant of grace. First, Stewart argued that it was not only lawful but necessary for every private person, regardless of magisterial concurrence, to 'purge their hearts, and reforme their lives, and to walk in all the wayes of God's Commandements'. Similarly, they had a duty 'to keep themselves pure from such courses as provoke the eyes of God', even where magisterial authority pressed for conformity to corrupt worship.[85] In addition, those who wished 'peace with God, and peace in their owne consciences, and joy in the day of their accounts' ought to embrace true religion even if rejected by the king, Parliament, and Privy Council.[86] Yet beyond the individual there was also a duty of private persons to 'rebuke, admonish, exhort, reprove, observe, edify and provoke one another to love and good works'; though Honyman did not dispute this, Presbyterians were nevertheless persecuted 'as keepers of conventicles'.[87] Turning to the pastoral functions of the clergy, Stewart stated that it was a clerical duty to suppress corruption regardless of any 'prohibitions of the Magistrate'. Although confirmed 'by the practice of all the faithful Prophets and Apostles' it was denied to the 'honest Ministers of *Scotland*' who were not permitted to preach what they perceived to be 'uncontroverted truthes, and the undenyable grounds of Christianity'. Reciprocally, private persons were still bound to obey faithful ministers irrespective of magisterial commands.[88]

Finally, Stewart pointed to the dimensions of popular reform that related to commonwealths where the true religion had not only been received but 'publickly imbraced, approved and countenanced by authority, ratified by laws, statutes, acts, declarations, proclamations, oaths, vowes and engagements'. Thus, where the magistracy turned apostate, those subjects who had any regard for their own salvation were to adhere to the truth formerly established. Indeed, those oppressed for their constancy could (as we have seen) lawfully defend themselves 'when there is no other probable meane left for them to essay; nay when liberty to supplicate or petition is inhumanely and severely, under the very paine of Treason discharged'.[89] But even further, popular reform must be allowed 'in a Land where Reformation of Religion [...] was corroborated by solemne vows and Covenants, made and sworne unto God, by all ranks and

[85] Ibid., 176-7.
[86] Ibid., 179.
[87] Ibid., 177-8. Honyman had noted that 'by faithful instruction' every man was to 'strive to save others from the evil of the times'. See [Honyman], *Survey of Naphtali*, 84.
[88] [Stewart], *Jus Populi*, 178-9.
[89] Ibid., 179-83.

conditions of People, from the King to the meanest of the subjects, in a most solemne manner, and that several times re-iterated'. This was because 'conscience hath been made of mindeing Gods truth, sincere worshipe, and glory, and these so twisted in, and interwoven with the constitution of the civil government, that they became to the subject, a peice of their National patrimony'.[90]

Popular reform was not just lawful but necessary for Stewart because it was evident from scripture 'That God doth punish some, and that most justly, for the sinnes of others'. Examples abounded in Old Testament Israel: families were punished for the sins of the patriarch, servants punished for the sins of their masters and children punished for the sins of their parents.[91] Yet these were less important than the examples of people being punished for the sins of their pastors, the sins of a few procuring 'judgments unto the whole multitude' and the sins of rulers bringing judgement upon their subjects.[92] Consequently, when people were associated together in a society, they had to mind the conduct of others as well as themselves lest they hasten the vengeance of God on all. It was not enough to keep themselves free of transgressions while others remained guilty. What is more, scripture made clear that this was especially so with regards to the 'publick carriage of princes and pastors'. However, though Stewart and the Presbyterians 'could not satisfy wrangling wits, touching the equity of this', they 'ought to rest satisfyed with what is clearly and undenyably held forth in the word'.[93] Notably, this view of corporate and mutual sin accorded with the tenor of Covenanting radicalism that developed in the wake of the Acts of Classes and which would later divide Resolutioners and Protesters when they warred over the issue of malignancy.[94] It was likewise echoed in the Pentland declaration.

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[90] Ibid., 183-4, 201-2. However, Stewart insisted that 'We abhorre that opinion, that dominion is founded on grace, and that other of the Papists' (pp. 202-3).

[91] Ibid., 216-17.

[92] Ibid., 217-19.

[93] Ibid., 219-20. Honyman argued that no man was involved in divine judgement for the sins of others and no private subject was accessory to the sins of rulers; thus private subjects had no duty to punish or resist the magistrate for his sins ([Honyman], *Survey of Naphtali*, 51-61; see also [Stewart], *Jus Populi*, 221-36).

[94] The view of corporate and mutual sin was articulated in the Acknowledgement of Sins and Engagement to Duties (1648) and later upheld by the Western Remonstrance (1650) and *The Causes of the Lords Wrath against Scotland* (1653). It also found expression in the days of penitential fasting and humiliation that were orchestrated by both Kirk and state during the Civil Wars. See e.g. *RPS*, 1649/1/14 and *RCGA*, II, 78-9, 146, 194-5, 379, 420-1.

This entanglement of grace and government was espoused clearly in further exegesis of Deuteronomy 13. Here Stewart argued that the people of Israel failed in their duty to suppress the idolatry and apostasy of Belial, which made them not only liable for divine retribution but 'closed the door of Mercy and compassion, so that they could not expect the blessings promised and Covenanted'. Thus, if just one apostate city could provoke divine wrath against the people of God then 'was there not much more reason to feare, that God's anger should burne against *Scotland* his covenanted People' Was it any wonder, then, that the Pentland rebels wished 'to have that corruption and apostasy removed, and God restored to his honour, and the land to its Covenanted integrity?'[95]

Stewart kept these ideas firmly within the Scottish Reformation tradition by concluding both chapters with extensive quotations from John Knox, drawing principally from *The Appellation...to the Nobility and Estates of Scotland* (1558) and *A Letter Addressed to the Commonality of Scotland* (1558), but also the *Brief Exhortation to England* (1559) and his discourse with Mary I's Secretary of State Sir William Maitland of Lethington.[96] He also argued that they were consonant with the Scots Confession of Faith (1567).[97] Though he was perhaps taking radical Knoxian exhortations to their logical conclusion, there is no doubt that Stewart was shaping a distinctively different discourse that was undeniably popular and unshakeably Presbyterian in a manner which Knox would not have recognised. Nevertheless, the Presbyterians were claiming the Reformation for themselves, acting, so they believed, in accordance with the practices of 'eminent' preachers and professors of Christ who had maintained the true religion for over a century; they were torch-bearers of a seemingly unchanging tradition in which there was no room for latitude.[98] Indeed, as John Brown had previously stated, scripture and

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[95] [Stewart], *Jus Populi*, 230, 234.

[96] Ibid., 212-15, 241-4. See the *Appellation* and the *Letter* in Knox, *On Rebellion*, ed. Mason, 72-114, 115-27. Knox had certainly exhorted to the commons that they 'may lawfully require of your superiors, be it of your king, be it of your lords, rulers and powers, that they provide for you true preachers'. If the magistrates were 'negligent, or yet pretend to maintain tyrants in their tyranny' then the commons could provide themselves with preachers who they ought to 'maintain and defend against all that shall persecute them' (p. 123). Quite crucially, he had also noted that 'God doth not only punish the chief offenders, but with them doth He damn the consenters to iniquity; and all are judged to consent that knowing impiety committed give no testimony that the same displeaseth them' (p. 124).

[97] Ibid., 244. See *RPS*, A1560/8/3 and A1567/12/3, and esp. ch. 15 where good works included: 'to saif the lives of innocentis, to repres[s] tyrannie, to defend the oppressit, to keip our bodyis cleine and haly, to live in sobernes and temperance, to deill justlie with all men baith in worde and deid and, fynallie, to repres all appetyte of our nichtbouris hurt'.

[98] John Livingstone, 'Memorable Characteristics, and Remarkable Passages of Divine Providence, exemplified in the Lives of some of the most eminent Ministers and Professors in the Church of Scotland', in W. K. Tweedie, ed, *Select Biographies*, (Edinburgh: Wodrow Society, 1845), 293-348.

experience had shown the godly 'what mischief hath followed upon yeelding unto the adversaries in small-like matters, in the begin[n]ing of a defection'. Thus he warned those who would say 'that such precisenesse, & refuseing to cede in a little will prove destructive to the Church, but incensing the civil Magistrat[e] the more'.[99]

Yet perhaps ironically, the actions of nonconforming Presbyterians appeared to bear out James VI's lament that reform in Scotland was 'made by a popular tumult & rebellion'. Indeed, he urged his son, Prince Henry, to take heed

> to these Puritanes, verie pestes in the Church and common-weil of Scotland; whom (by long experience) I haue found, no desertes can oblish; oathes nor promises binde, breathing nothing but sedition and calumnies aspiring without measure, rayling without reason, and making their own imaginations (without any warrant of the Worde) the square of their Conscience.[100]

No doubt Charles II – the Covenanted king – would have well understood his grandfather's advice.

Conclusion

Stewart's theory of government represented a significant ideological challenge to Charles II and the Restoration regime in Scotland. His articulation of popular power confronted not only the royal prerogative and the Stuarts' pursuit of absolutism but the reassertion of aristocratic dominance in Scottish politics which had secured the settlement. Though he did not deny the traditional ordering of society, his criticisms were remarkably forthright and deeply subversive. The king, the *primores regni*, parliamentary commissioners – they were all representatives of a Covenanted people and no more than trustees of religious and civil liberties. And while popular sovereignty and conditional government were presented as universal tenets, the Scots' explicit covenantal arrangements made clear their unique status as a chosen nation and the vital role of the individual in promoting the cause of God when confronted by apostasy.

Moreover, Stewart's shaping of a popular constitutionalism provided an intellectual basis of substance for Presbyterian protest. Indeed, his ideas, albeit indebted to John Knox, Samuel Rutherford and George Buchanan, were reliant principally on Johann Althaus and a wider world of letters. His extensive reading – covering politics, law,

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[99] [Brown], *Apologeticall Relation*, 420, 422.
[100] James VI and I, *Basilicon Doron*, ed. James Craigie, (Edinburgh: STS, 1944), 74-80.

history and theology, and ranging through ancient, medieval and contemporary scholarship[101] – demonstrates that later Covenanting ideology was neither parochical nor irrational, but engaged with issues that preoccupied other early modern polities. However, Stewart was not simply indulging in theoretical debate, but reflecting on the political process since the promulgation and widespread subscription of the National Covenant in 1638.

Indeed, it has been suggested that this expansion of protest and resistance underscored the increased political engagement of the unfranchised who had been politicised by the drive for Covenanting conformity during the British Civil Wars, and who were subsequently unwilling to abandon the oaths which defined them as a Covenanted people. Yet it has also been suggested that social and economic as much as political and religious issues characterised their defiance. This would become increasingly the case as opposition to the Restoration regime mounted during the 1670s.

[101] For a full list of authors cited directly by Stewart, see Beisner, 'His Majesties Advocate', appendix B, 300-1.

Conventicles

The people, always neglected, were now odious, and loaded with every injury, on account of their attachment to religious and political principles, extremely repugnant to those adopted by their princes.[1]

[...] *the Church Sermons are deserted, and their Conventicles frequented. All the reason for this is, because they rail against the Church and State; which is the only way to make a man popular amongst you.*[2]

The most readily identifiable feature of Presbyterian dissent from the Pentland Rising in 1666 to the Bothwell Rising in 1679 was the proliferaton of conventicles in house and field. Consequently, this period has been generally recognised – and by one historian, explicitly – as the 'golden age of nonconformity'.[3] The frequency of conventicles has also been used as a measure of dissent in a useful regional study.[4] However, such analyses are obviously limited in what they can actually tell us about the practice of conventicling. In order to recover the dynamics of dissent and the nature of nonconformity as expressed through these clandestine meetings, an alternative approach is required.

Despite being among the most crucial elements of Presbyterian culture during the Restoration period, conventicling has yet to receive detailed analysis.[5] This chapter will therefore provide the first sustained discussion of conventicles as they developed after 1667. Beginning with a brief overview of the context in which they emerged after the Pentland Rising, the chronological development and geographical spread of conventicling in the 1670s will be considered. Then, by engaging with the memoirs of John Blackadder, a leading field preacher based in Edinburgh, four conventicles will be identified as apposite case studies – namely those held at Beath Hill, Lilliesleaf Moor, East Nisbet and Diven. Following a detailed reconstruction of each, qualitative analysis

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[1] William Robertson, *Works*, 8 vols, (Oxford, 1825), II, 239.
[2] [Gilbert Burnet], *A Modest and Free Conference Betwixt A Conformist and a Non-conformist, about the present distempters of Scotland*, second edition, (n.p., 1669), 55-6.
[3] See Mirabello, 'Dissent and the Church of Scotland', 190. See also Cowan, *Scottish Covenanters*, 82-94.
[4] Muir, 'The Covenanters in Fife', 192.
[5] However, for recent insights, see Raffe, *Culture of Controversy*, 52-4, 186-91.

will focus on their organisation and militancy, social dynamics and ideological significance. In doing so, normative practises will be tentatively suggested. Thereafter, the printed dispute between Episcopalians and Presbyterians that emerged alongside the outbreak of conventicling will be given closer inspection, much of which remains similarly unrecovered. Taken together, it will be concluded that although not entirely new, there was a tangible step-change that distinguished these meetings from previous periods.

Restoration Realignment

Following the Pentland Rising, leading statesmen were confident that they had no reason to fear another insurrection in the west. John Hay, second Earl (later first Marquess) of Tweeddale, reported that Archbishop Sharp 'saw noe nide of mor[e] troups then on[e] or two at most, that he fearid nothing from thos[e] peopel in the west, that they wer[e] quit[e] broke'.[6] John Maxwell, seventh Lord Herries (later third Earl of Nithsdale), also noted that any rumours circulating of further rebellion were false, that no more than 30-40 rebels 'keep the hills' and gave assurances that as to 'any danger of rysing in the cuntrie' there was 'no such thing either feared or licklie'.[7] George Maxwell similarly stressed that rumours 'of the rysing of whigis in yis steuartie' were 'moist false and untreu'.[8] At the same time, suspicions of military corruption began to surface. Lauderdale's man on the spot, Sir Robert Moray, informed him that there was 'a design amongst those in chief military employment to fix it, and themselves in it'. Indeed, these men knew

> very well how much the king's heart is set upon the settlement, security, and peace of this church and state; and therefore, though no eyes but theirs see caus[e] for it, and the clergy do not second them in it, they talk of nothing more than imminent and unavoidable insurrections in the west. To this they add assurances of an universall disposition in the whole kingdom to shake off Episcopall governement, and withall represent the spreading of discontents and ill humours every where upon severall accounts, intending thereby to evince the absolute necessity of having a constant military force to prevent, curb, and suppress all insurrections and rebellion.

Moray also pointed to their 'fleecings and oppressions', including 'making themselves judges, their threatening and ill-usage of complainers, and asseiling or parlying the

[6] *Lauderdale Papers*, II, 22-3.
[7] Ibid., 23-5.
[8] Ibid., 26.

officers and sogers that are complained of', making 'redress impossible'. But of the western shires, he noted that 'The more I enquire, the less appearance I finde that there was a formed designe of rebellion, and that it might have been more easily quasht than it was'.[9]

With rumours of rebellion wide of the mark and peace with the Dutch proclaimed by the Scottish Privy Council on 28 August, it was concluded that the army should be disbanded with the exception of the king's lifeguard, Rothes' troop and some foot companies under George Livingstone, third Earl of Linlithgow.[10] The failure to maintain peace and security and the accusations of corruption ensured sweeping changes in the administration and the continued political ascendency of Lauderdale. Inquiry was made into the conduct of the commanders Sir James Turner and Sir William Bellenden, with the former laying down his commission and the latter eventually banished from the king's dominions.[11] Rothes, meanwhile, was not only deprived of his role as General of the army but removed as High Commissioner (to be replaced by Lauderdale in 1669) and created Chancellor in order to induce his removal from a position of considerable authority. In the same year, Edward Hyde, Earl of Clarendon and Charles II's closest political advisor in England, was impeached and exiled. In conjunction with the downfall of Middleton following the 'billeting affair' of 1663, it was observed by Presbyterians that they had been 'the two persons that were most active in setting up the Bishops'.[12] Now, with the backing of Lauderdale in London (who was also a member of the 'Cabal' that replaced Clarendon), Moray and Tweeddale fronted a new Scottish administration that was committed to alternative – though not necessarily 'moderate' – measures to tackle nonconformity.[13] However, for all the visible political manoeuvring, Gilbert Burnet highlighted that

> It was said, that when by such violent proceedings men had ben inflamed to a rebellion, upon which so much blood was shed, all the reparation was given was, that an officer or two were

[9] Ibid., 11-16; see also pp. 19-20. Sharp, who had been attempting to ingratiate himself with Lauderdale, eventually betrayed the military circle in discussions with Moray (pp. 86-7).
[10] *RPCS*, II, 338; *Life of Blair*, 508, 512.
[11] *RPCS*, II, 426-7, 507; Turner, *Memoirs*, 207-27; Wodrow, *History*, II, 101-5.
[12] Brodie, *Diary*, 289, 290; *Life of Blair*, 512.
[13] Historians are almost unanimous in their identification of the new administration as 'moderate'. See Buckroyd, *Church and State in Scotland*, 68-9; Cowan, *Scottish Covenanters*, 73; Harris, *Restoration*, 120; MacIntosh, *Scottish Parliament under Charles II*, 71. However, for a convincing alternative that stresses military preparedness as the primary policy of the Restoration regime, see Lee, 'Government and Politics in Scotland', 131, 161, 171, 179, 247, 259.

> broken; and a great man was taken down a little upon it, without making any public examples for the deterring others'.[14]

That is, violence and corruption continued to beset governance in Scotland during the Restoration era. Nevertheless, and with some degree of irony, the country being momentarily 'delivered from that terror, did now forsake their churches, and got their old minsters to come among them; and they were not wanting in holding conventicles from place to place'.[15] James Kirkton likewise remarked that with the discharging of Turner, noblemen were 'weary to chase poor people to hear ane ignorant scandalous curat[e] against their hearts' and thus 'the conventicles grew both more numerous and more frequent'.[16]

However, it was again an Irish-based minister who proved to be of signal importance to the Covenanting cause. Born at Newtown, Stirlingshire, Michael Bruce was ordained in October 1657 at Killinchy, county Down, on the recommendation of the former incumbent, John Livingstone. Deprived in 1661 for refusing to conform to the restored episcopate, Bruce managed to escape apprehension by operating in Scotland.[17] By 1668 Bruce was not only keeping 'great house conventicles' but preaching in the field, 'which was at that time a very rare practise'.[18] At the same time, the nonconforming minister John Blackadder undertook a tour of the west to preach and dispense church ordinances having been invited by a deputation of western parishes. From Edinburgh he went first to the parish of Newmilns and preached in the home of John Nisbit of Hardhill then on to Dunlop where he baptized 42 children. After delivering a sermon he called together a session of elders 'to get testimony concerning the parents that they were free of scandal', and later returned to Newmilns where he baptized 11 children in the house of the exiled Protester John Nevay. Similar duties were undertaken at Eaglesham in Renfrewshire, with ceremonies always held at night until dawn to avoid detection.[19] Conventicles were likewise attested to by the Presbyterian minister William Row, who noted that some in the west 'did preach in their own houses and baptize children, many resorting to them', while in Galloway and Cunningham many of the

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[14] Burnet, *HMOT*, I, 451-2.
[15] Ibid., I, 450.
[16] Kirkton, *History*, 284-5.
[17] Richard L. Greaves, 'Bruce, Michael (1635-1693)', *ODNB*. See also Greaves, *Deliver Us From Evil*, 154, 156, and *Enemies Under His Feet*, 57, 88-9, 242. Though he believed Bruce's conduct to be imprudent, Patrick Adair esteemed him a 'truly godly and worthy brother' (Adair, *True Narrative*, 259-61).
[18] Kirkton, *History*, 271; Wodrow, *History*, II, 111-12.
[19] Blackadder, *Memoirs*, 135-6.

Episcopalian incumbents fled once government forces left the area.[20] All told, such episodes demonstrated that nonconformity was as much lay-driven as clerical-led.

On 9 October 1667 a bond of peace was imposed on those who were comprehended within the Act of Indemnity following the Pentland Rising. Landholders were also to take the bond themselves while receiving them from the tenantry.[21] Moray had previously suggested this course of action to Lauderdale; rather than press the declaration, he argued that if Presbyterians could be secured to keep the peace, then 'other things are built upon it naturally, and so law, religion, &c., have their force & support as well as the King's authority & crown, with which they stand and fall, as being inseparably conjoined'.[22] However, its terms were so general that 'it contained nothing contrare to the principles of a covenant-keeper' yet ambiguous enough that it could be affirmed that the subscriber 'hade homologate the present government, civil and ecclesiastick'. The bond occasioned a minor dispute between Presbyterians, a harbinger of future controversies concerning the extent to which they could engage with the regime. It was also around this time that the concept of 'homologation' became increasingly prominent in Presbyterian discourse, 'a hard word much in use among them'.[23] In this particular case of conscience the matter hinged on whether keeping the public peace meant adherence to the present laws or simply 'the duties of righteousness commanded by the law of God'.[24] In the end the bond was set aside, although not before the former Remonstrants Sir James Stewart and Sir John Chiesly were removed from Edinburgh Castle to Dundee 'because it was thought that these two had great influence on the heritors that refused to take the bond'. The bond was also refused by the former Remonstrants Sir William Cunningham of Cunninghamhead and Sir George

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[20] *Life of Blair*, 514. The Episcopalian ministers of Borgue, Glencairn, Closeburn, Dunscore and Irongray all had their houses invaded by the Pentland rebels. The minister of Galston was afterwards driven from his charge, while the minister of Fenwick had his house searched at midnight. The latter two were former parishes of the outed ministers Alexander Blair and William Guthrie, both of the Mauchline cohort (*Lauderdale Papers*, II, appendix A, lvii-lviii). The minister of Dunscore later complained to the Privy Council of the violence he faced from locals (*RPCS*, IV, 509, 520-2, 536, 596-7; Wodrow, *History*, II, 341).

[21] *RPCS*, II, 349-51. A Council missive later reported that some 300 people had not taken the bond, acclaimed for the most part to have been 'very mean persons, as servants, subtenants and craftesmen' (pp. 412-14).

[22] *Lauderdale Papers*, II, 62-6, quote at p. 64.

[23] Burnet, *HMOT*, I, 452. It also entered the lexicon of the commons, who argued that they could not hold ignorant or scandalous Episcopalian ministers accountable before a bishop because 'it was a homologating his power'.

[24] Kirkton, *History*, 267.

Maxwell of Nether Pollok.[25] Government insecurity was exacerbated further with the appearance of 'a Damned book come hither from beyond [the] sea called Naphtali' in the winter of 1667.[26]

From 1668 to 1672, two nominally conciliatory policies, of Indulgence and Accommodation, were negotiated laboriously between government officials, Presbyterian ministers and a cadre of willing clergymen led by Robert Leighton in his short-lived role as Archbishop of Glasgow. It was in this climate of limited rapprochement – the policies were narrow in scope and phalanxed by further rounds of repressive legislation – that conventicles emerged as a formidable challenge to the authority of Charles II, the legitimacy of the Episcopalian Kirk and the pursuit of public peace. Soon enough, as Tweeddale observed, 'more than two parts in three of the whole business of the government related to the church'.[27]

Having passed the Act against separation in the summer of 1663 in response to reports of unauthorised meetings by Presbyterian ministers, the Act against conventicles, enacted on 13 August 1670, reveals a more nuanced understanding of the meetings from a government perspective. At the same time, it demonstrates an increasingly hard-line attitude towards nonconformity. The Act asserted that conventicles consisted of not only the disaffected but the seditious meeting under the 'fals[e] pretences of religion'. As unwarranted conventions they were characterised polemically as 'ordinarie seminaries of separation and rebellion' which were prejudicial to public worship in the established church. This was not only 'to the scandell of the reformed religion' but 'to the reproach of his majesties' authoritie and government'; that is, they were dangerous to both Kirk and state. Thus those not licensed by the Council or authorised by the bishop of the diocese were neither to preach, lecture or pray at any meeting except in their own house or among their own family. Guilty ministers were to be imprisoned until they found caution under the pain of 5,000 merks, while those in attendance were to pay fines scaled to rank. Burgh magistrates were accountable for any house conventicles held within their bounds, though the master or mistress who owned the property, as also the attendees, were to 'releive the magistrats as the councill shall think fit'. With respect to

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[25] *RPCS*, II, 367, 368-9; *Life of Blair*, 515, 517, 520; Wodrow, *History*, II, 119-20.
[26] *Lauderdale Papers*, II, 88, 89; *Life of Blair*, 517.
[27] Burnet, *HMOT*, I, 454. This is confirmed by Peter Hume Brown in his overview of the Privy Council registers. See *RPCS*, III, xiv-xvi; IV, xiv-xvii; V, ix-xviii.

field conventicles, however, the penalties went much further: anyone who convened or officiated at a conventicle was to be punished by death and to have their goods confiscated. This draconian response also extended to the payment of 500 merks (per conventicler) to any 'good subject' who succeeded in their capture, with indemnity offered to them and their assistants for 'any slaughter that shall be committed in the apprehending and secureing them'. In addition, for field conventicles heritors were to be fined double the amount appointed for those in houses. As a financial incentive, though compounding the potential for corruption, sheriffs, stewards and lords of regality were allowed to keep the fines of those below the degree of heritor. The broad definition of a field conventicle – which included not only 'meetings in the feild' but 'any house wher[e] ther[e] be mo[r]e persons nor the house contains, so as some of them be without doors' – surely exacerbated the problem.[28]

Chronology of Conventicling

In terms of its chronology and regional dispersion, the pattern of conventicling emerges in a letter from John Blackadder to the leading exile Robert MacWard, dated 21 February 1679. Blackadder noted that the first public preaching by outed ministers was by four or five in Galloway and Nithsdale from late-1662 until April 1666; however, the repression led by Sir James Turner and the fallout from the Pentland Rising ensured there were no meetings from 1666 until around 1675 in this area. Nevertheless, from 1667 'did break up that glorious appearance of our Lord and mighty power of the gospel in Northumberland; about which time also preaching became more frequent and public in the city of Edinburgh, which continued for several years'. Thereafter, in 1668 they spread to Linlithgowshire and Stirlingshire; in 1669 they 'broke out' in Fife; and around 1674 they appeared in East Lothian, and though interrupted, they reappeared in 1676. In Teviotdale and the Merse field conventicles emerged in 1675-6, though house conventicles had been kept frequently, while in Tweeddale they did not break out until June 1677. At the same time, they increased in Midlothian. In Perthshire – an area that saw far fewer field conventicles – they appeared around April-May 1678, possibly on

[28] *RPS*, 1670/7/11. The Act also appeared to blur the lines between family worship and house conventicling, 'for if but one person who was not a member of the family were present, or if a stranger came in time of family worship, by the Council's acts it was judged to be a conventicle'. See *Life of Blair*, 536-7.

account of local notables attending the Highland Host in the south-west. In addition, there were four public communions in three years in Galloway and Nithsdale. Though there was an interruption in Nithsdale, Annandale and Galloway, they occured again in Galloway in the summer of 1678 and at Dumbarton in the spring of the same year. Blackadder also highlighted two large communions held in Carrick, Ayrshire. Finally, he noted that it had been around four or five years since field conventicles had been held in Lanark, Lesmahagow and Tintock – amongst the most refractory areas of the west – but there were 'great meetings' around Glasgow and Hamilton, and towards Renfrew and the west country, in 1678.[29] This pattern is largely corroborated by others sources, although it does not comprehend the network of dissidents operating as far north as Moray (see Epilogue).

Edinburgh effectively became the centre of Presbyterian operations and a nucleus for networks which not only penetrated the adjacent shires but stretched to the south and west.[30] This importance was highlighted by James Kirkton, himself a nonconforming minister, who noted that 'when the people in the countrey desired a minister, they used to come to Edinburgh, or the cities where the ministers' families lurked, and thence to borrow a minister for their purpose'. These families became part of a dissident community that could be remarkably assertive in its opposition to government policy, most obviously in the lobbying and petitioning of the Scottish Privy Council by ladies, matrons and ministers' wives or widows (numbering over 100) in the summer of 1674, 'wherein they desired a gospell ministry might be provided for the starving congregations of Scotland'. Albeit their protest was unsuccessful, by 1674 the vacant kirks of the city had been commandeered by nonconforming Presbyterians, who took possession of Cramond Church, Wolmot Chapel and Magdalene Chapel.[31] Glasgow too played a similar role, where 'conventicles abounded'.[32]

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[29] Blackadder, *Memoirs*, 178-81.

[30] Edinburgh had a history of Presbyterian nonconformity. See Laura A. M. Stewart, 'The Political Repercussions of the Five Articles of Perth: A Reassessment of James VI and I's Religious Policies in Scotland', *Sixteenth Century Journal*, 38 (2007), 1013-1036.

[31] Blackadder, *Memoirs*, 135, 144, 150, 192, 194, 196; Brodie, *Diary*, 392; Kirkton, *History*, 344-6, 352; Law, *Memorialls*, 67; *Life of Blair*, 516, 519, 535, 538-40, 541, 554; Veitch, *Memoirs*, 53; [William Vilant], *A Review and Examination of a Book, bearing the Title, History of the Indulgence*, (London, 1681), 4; Wodrow, *History*, II, 235, 243-4, 269, 318, 325. See also Raffe, *Culture of Controversy*, 187.

[32] Blackadder, *Memoirs*, 138; Brodie, *Diary*, 353; Burnet, *HMOT*, I, 525-6; *Lauderdale Papers*, III, 59-60; Law, *Memorialls*, 90-3, 134; *RPCS*, III, 221-2, 463-4; Wodrow, *History*, II, 191, 242-3, 263-4, 335-6, 360; Robert Wodrow, *Life of James Wodrow*, (Edinburgh, 1828), 53-4.

In West Lothian, field conventicles proliferated around 1671-2, and especially on the moors of Livingston, Calder, Bathgate and Torpichen.[33] This was occuring as negotiations for an Accommodation and second Indulgence focused on the western shires. For example, Archibald Riddel officiated at a large conventicle in Bathgate which was assaulted by dragoons who, following the shooting of the heritor John Davie, 'carried their prisoners to the garrison at Calder, with a great booty of cloaks, plaids, bibles, and what else they could lay their hands on, spoiling the poor people as [if] they had got the victory over a foreign enemy'.[34] A decreet passed by the Privy Council also highlights the outbreak of conventicling across the Lothians and Fifeshire (but also further afield) such as at Inveresk, Edmonston Chapel, Wolmet Chapel, Corstorphine, Restalrig, Borthwick, Kirkliston, Gladsmuir, Torwood and 'diverse others places in the Lotheans or near to the said places', including the laird of Stevenson's garner-house. They were also held at Pitscottie Moor, Ravenshaugh, Kinkell, Balmerino, Falkland, Collessie, Kirkcaldy, Kinneswood, Glenvale, Sandford, Moonzie, Dunfermline, Dundee, Pittenweem, Lathones, East Barns, Dumfries and unspecified areas in Perthshire and Buchan.[35] Of these, Blackadder noted a house conventicle held on 2 January 1674 at Kinkell, Fifeshire, that attracted the attention of the militia, the commons and the students of St Andrews University.[36] Nevertheless, conventicling had become 'reasonably quiet' by the summer of 1673 as the government reaction had seen acts against nonconformity pushed through the Scottish Parliament in 1670 and 1672, and a proclamation against conventicles issued by the Privy Council in April.[37]

1674 marked a turning point, with the growth of conventicles generally attributed to the encouragement drawn from the Indulgences and the proclamation enacted on 24 March

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33 Blackadder, *Memoirs*, 155-7.
34 Ibid., 157-8. The Pentland rebels had passed through Bathgate as a safe haven before marching on to Edinburgh.
35 *RPCS*, IV, 239.
36 Blackadder, *Memoirs*, 158-64; Wodrow, *History*, II, 238, 243-4.
37 Kirkton, *History*, 339; Law, *Memorialls*, 51; *RPCS*, IV, 37-9; Wodrow, *History*, II, 212-14. For the parliamentary legislation, see *RPS*, 1670/7/6 (Act against such who shall refuse to depone against delinquents), 1670/7/10 (Act against invading of ministers), 1670/7/11 (Act against conventicles), 1670/7/12 (Act against disorderly baptisms), 1670/7/12 (Act against separation and withdrawing from the publict meetings for divyne worship), 1672/6/30 (Act against unlawfull ordinations), 1672/6/32 (Act against such who do not baptize their children) and 1672/6/51 (Act against keipers of conventicles and with-drawers from publict worshipe).

1674 which pardoned previous attendance.[38] Most notable and most visible this year was the tour of Fifeshire led by conventicling stalwart John Welsh in the spring and summer.[39] Welsh had been keeping house conventicles since at least 1668 in Clydesdale.[40] By 1675 observers were reflecting on the Restoration 'civill warre'. Conventicles in Edinburgh were infrequent on account of the ministers operating in the west and south, though they continued in Fife; they were also 'very numerous in the field'.[41] This year also witnessed another controversial skirmish at Bathgate and a disruption of Glaswegian conventicling in May.[42] However, with the renewed clampdown on conventicles in Fifeshire around 1676 – following a visible spell from the winter of 1675 to the end of January 1676 – some preachers retired to England while conventicling became 'very publick' in Glasgow and the fields of Clydesdale, Renfrewshire and Dumbartonshire.[43] By 1677 a 'great part' of the nation was held to have disowned the Episcopalian Kirk, while 'many thousands of people' attended two large conventicles at Eckford (Teviotdale) and Maybole (Ayrshire). In the following year there were similarly large outdoor communions at East Nisbet and Diven, as also Irongray (Kirkcudbrightshire) and Maybole. As many as 10,000 people attended the latter, where armed men marched 'in formed troops and companies'.[44]

While numbers such as these were almost certainly exaggerated by Restoration officials and Presbyterian ministers – the former to consolidate their position in office or to undermine political opponents, the latter to demonstrate the depth of support for the Covenanting cause – it remains clear that they could be formidable, if not in numbers then by the gravity and resolve of participants. But regardless of the veracity of such accounting, the public communions of 1678 did certainly represent the high water mark of Presbyterian conventicling; by the summer several ministers who had formerly preached at field meetings began to stop, ostensibly on account of raised hopes for a

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38 Kirkton, *History*, 342-3; Wodrow, *History*, II, 266-7; see also *RPCS*, IV, 164-6, 166-8. Kirkton noted that the commons viewed the act 'rather as ane encouragement for the time coming, than as a remission for what was past'.

39 Blackadder, *Memoirs*, 164-5; Kirkton, *History*, 343-4; Law, *Memorialls*, 66-7; *Life of Blair*, 538; Wodrow, *History*, II, 233-4, 234-5. At the same time, Alexander Bruce, second Earl of Kincardine, maintained that there had been a 'great cessation from the insolencies & field conventicles', especially near Edinburgh, Fife and the Lothians (*Lauderdale Papers*, III, 61).

40 *Lauderdale Papers*, II, 122-3.

41 *Life of Blair*, 559; Wodrow, *History*, II, 279.

42 *Lauderdale Papers*, III, 77-8; Law, *Memorialls*, 77; Wodrow, *History*, II, 280

43 Law, *Memorialls*, 98-9; *Life of Blair*, 565-6.

44 Blackadder, *Memoirs*, 182-9, 192-4, 195-203, 203-4; Brodie, *Diary*, 392; Kirkton, *History*, 374; Law, *Memorialls*, 139-40; Wodrow, *History*, II, 346-7, 480-1.

universal indulgence, but also the growth of internal dissension. The militancy of a new generation of preachers and laymen once again exposed the tensions within the Covenanting movement.

Yet perhaps more worrying for Charles II was that such activity extended into the north of England. Most notable here is the experience of Lanarkshire minister and former chaplain to the family of Sir Hugh Campbell of Calder, William Veitch.[45] Having fled Scotland following the Pentland Rising, Veitch shared lodgings at Newcastle with fellow rebels Robert MacLellan of Barmagachan, Dempster of Sandiwell, Andrew Gray and the Glaswegian merchant John Spreul. Following a brief return to Scotland to settle his family at Edinburgh, Veitch returned to Newcastle before moving on to Leeds. From there he subsequently travelled to Nottingham, Cheshire and Lancashire before settling in Northumberland around 1671, where he resided at Fallowlees in the parish of Rodberry. He later operated out of Harnham Hall, a property owned by Major Babington, a former officer of the English Commonwealth. After four years Veitch moved to Stanton Hall in the parish of Longhorsely, though in August 1677 he was apprehended by two local justices of the peace who had informed Lauderdale of 'the dangerous condition of these northern counties, and that because of many vagarant Scotch preachers, by whose means the begun infection did spread, and was like to pass to Tyne Bridge, and approach the very noble parts of the nation if not timeously prevented'.[46]

At the same time as Veitch was settling south of the border, alarm was raised concerning a large conventicle held on Flodden Field near Northumberland that involved at least five Scottish preachers. Those who had been 'busiest' at conventicles, such as John Welsh, Samuel Arnot and Gabriel Semple, were also forced to relocate to the north of England (and Ireland) in 1676, preaching in both Cumberland and Northumberland.[47] They resorted to this measure again in 1678 when reports circulated that 'thare weare severall persons of Welshes Faction at Learmouth in

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[45] For his life, see *Fasti*, II, 81, 265-6 and Ginny Gardner, 'Veitch, William [alias William Johnston, George Johnston] (1640-1722)', *ODNB*.

[46] Veitch, *Memoirs*, 47-85; NLS, Wodrow Quarto XXVII, ff. 33-46, 'An Account of some of the sufferings of Robert McLellan of Barmcgehin for Adhering to the covenanted work of Reformation in Scotland'; John Hodgson, *A History of Northumberland*, part two, I, (Newcastle, 1817), 346-7. Of his time at Harnham Hall, Veitch noted that 'many Anabaptists' heard his sermons and were baptized (Veitch, *Memoirs*, 61-2).

[47] *Lauderdale Papers*, II, 226; Wodrow, *History*, II, 346.

Northumb[erland]'. Indeed, following a skirmish between nonconforming Presbyterians (around 15 horsemen 'well-mounted and 3 or 4 shott about them') and government forces, Colonel William Struther emphasised to Lauderdale that 'if thare be not a force kept in these Borders, we shall not be safe in our beds'.[48]

Scottish Presbyterians also penetrated as far south as the English capital. Operating amongst the Presbyterian community in London was Nicholas Blakie, the outed minister of Roberton, Lanarkshire, hometown of the aforementioned Veitch. Formerly a resident in the family of leading Protester James Guthrie, most likely as a tutor, Blakie had retired to the city following complaints of his holding a conventicle in the parish on 6 September 1666. Once in London 'He celebrated the communion in our form, which was much commended by the English outed ministers that assisted with some Scots'. Blakie regularly invited Veitch to preach in local meeting houses, and was later instrumental in persuading the Scottish church at Founders' Hall to license the future minister of the United Societies and Covenanting historian Alexander Shields.[49]

Cases of Conventicling

Discussion of the conventicling ministry in the field has often focused on the nonconforming minister of Irongray, John Welsh.[50] This is certainly not without reason: his preaching tours stretched across Lowland Scotland and into northern England, he had support across the social spectrum and a bounty on his head that had reached an incredible £6,000 scots by February 1679. While an undoubted radical he had refused to break fellowship with the indulged ministers, thus making him particularly appealing to later Presbyterian writers. Nevertheless, his noteworthy endeavours have obscured the contributions made by other key players, not least those by John Blackadder, whose detailed accounts of field conventicles have remained largely overlooked by historians.

The son of John Blackadder of Inzievar and his wife Helen, daughter of the Presbyterian minister Robert Pont, Blackadder was born in December 1615 or 1623. His wife, Janet, whom he married in 1640 or 1646, was the daughter of Homer Haining,

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48 *Lauderdale Papers*, III, 160-1; Law, *Memorialls*, 144-5.
49 *Fasti*, III, 323, 324; *Life of Blair*, 521-2; Michael Jinkins, 'Sheilds, Alexander (1659/60–1700)', *ODNB*.
50 See e.g. Hewison, *The Covenanters*, II, 159, 165, 194, 198, 243, 244, 245, 276, 280, 327.

a merchant of Dumfries. A distinguished student at the University of Glasgow, he graduated MA in 1650. Called to the parish of Troqueer, near Dumfries, in 1652, Blackadder was ordained on 7 June 1653; he therefore fell within the compass of the 'Act of Glasgow' of 1662.[51] From 1663 he was involved in conventicling in the Galloway and Nithsdale area, and in 1666 had been privy to the Presbyterian 'council' meetings at Edinburgh which had brought a degree of co-ordination to the Pentland Rising. Like Welsh, Blackadder had a ministry that scaled the length and breadth of the Lowlands, travelling variously to Fife, the Lothians, the Borders and the western shires from his base at Edinburgh. By June 1674 Blackadder was among those singled out by the Privy Council as a prominent field preacher requiring immediate apprehension.[52]

According to Blackadder, the first outdoor meeting which attracted significant government attention was the conventicle held at Beath Hill, near Dunfermline, on 18-19 June 1670. It took place six weeks prior to the second session of 'Lauderdale's Parliament', later affirmed by William Row to have been the 'blackest Parliament' on account of its rigour against dissent.[53] In the cyclical relationship between government repression and Presbyterian defiance, the Beath Hill conventicle aggravated the legislative assault on private religious meetings that was to follow.[54] It was also condemned as 'rash and inconsiderate' by those anticipating the announcement of a second Indulgence by Lauderdale. At the same time, news of the conventicle apparently revived religious meetings in London while receiving public approbation from the Scots congregation at Rotterdam; indeed, it was not only proclaimed as a 'victory over [the] usurped supremacy' but 'magnified into a triumphant vindication of Christ's sovereignty, a notable testimony to the freedom of his gospel against tyrannical and Erastian encroachments'. Thus the Beath Hill conventicle was of *ideological* significance; so significant, in fact, that apparently 'former enemies or neutralls became friends and followers of such meetings afterwards'.[55]

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[51] *Fasti*, II, 302 and A. B. Grosat, *rev.* Ginny Gardner, 'Blackadder, John (1615/23?-1686)', *ODNB*. For Pont, see *Fasti*, I, 93, 99 and James Kirk, 'Pont, Robert (1524-1606)', *ODNB*.
[52] *RPCS*, IV, 190-2.
[53] *Life of Blair*, 537.
[54] Burnet, *HMOT*, I, 534-5. Though the Scottish Parliament apparently 'abhorred' the legislation, only the young Earl of Cassillis (who succeeded his father as seventh earl in 1668) voted against them.
[55] Blackadder, *Memoirs*, 150.

The ministers who officiated at Beath Hill were Blackadder and John Dickson.[56] In his memoirs Blackadder makes clear that several gentlemen, and particularly the 'laird of Ford' – most likely Sir John Henderson of Fordell – had requested his presence in the area. However, he foresaw danger as there were not only 'so many ill affected noblemen' in Fifeshire but 'the rude inhabitants had been little accustomed to field preaching'. Though keeping the scheduled conventicle secret, Dickson began dropping hints on the Thursday prior; word soon spread from Kirkcaldy, along the coast to St Andrews and up both sides of the Firth to Stirling. It was roughly understood that a conventicle would be held near Dunfermline. By Saturday afternoon people had began to assemble; many lay on the hill at night, some near the local constable's house. Others were lodged nearby, such as the Pentland rebel Robert MacLellan of Barscobe and a party of around ten Galloway men. Blackadder himself arrived from Edinburgh accompanied by a single guard. Eventually a suitable outdoor venue was found for the conventicle and a tent was pitched with the constable's concurrence. In the morning Dickson lectured and preached on I Corinthians 15:25, which was also observed by some of the 'ill-affected countrey people'. Other observers included the two sons of the local Episcopalian minister, who, having heard Dickson, 'looked more soberly'. They were kept under close watch, and the sermon ended without disturbance, having lasting some three hours. After prayer Blackadder preached on I Corinthians 9:16 in the afternoon. Once he began, however, the lieutenant of the local militia arrived and watched peaceably; yet in his haste to leave a stand-off ensued. Blackadder, 'fearing they should have killed him' urged Barscobe and others to desist. He assured the lieutenant that they 'came here to offer violence to no man, but to preach the gospel of peace' and was concerned to demonstrate 'that both ministers and people, who used such meetings, were peaceable and not set on revenge'. The lieutenant was eventually dismissed, though some of the armed company 'would have compelled and bound him to stay if he had not been peaceable'.[57]

The social dynamic of the conventicle is made clearer by a Privy Council missive that highights the involvement of lesser lairds and merchants, but also the predominance of

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[56] The son of Quentin Dickson of Dalmellington, John Dickson was ordained before 28 June 1655 and called to Rutherglen parish in the presbytery of Glasgow. Like Blackadder he was deprived by the 'Act of Glasgow' in 1662 (*Fasti*, III, 486-7).
[57] Blackadder, *Memoirs*, 143-9.

yeomen, tenants and craftsmen; a number of women were likewise in attendance.[58] Further details emerged in a deposition before the Council by the conventicler Robert Wellwood.[59] He informed the councillors that around 1,000 people had attended, and that he had been made aware of the conventicle on the Saturday by a widow, Agnes Parson, spouse to one Black, a tailor. Though he refused to disclose the ministers' identities, he noted they had stayed at the home of David Stark, a tenant of Sir John Henderson of Fordell, who kept a change house.[60] Wellwood had also sheltered 12 conventiclers, including one whom he knew, George Henderson, who himself held conventicles at his home in Edinburgh.[61] Wellwood confessed that the land on which the conventicle took place belonged to Robert Moody, a local yeoman. He similarly revealed the attendance of James Dundas, described variously as the brother or son of Ralph Dundas of Dundas.[62] Yet most alarmingly for the Council, he confirmed that 'severall of the persons who were present had swords and pistolls'.

A number of points can be observed of the Beath Hill conventicle. First, though Blackadder was not formerly their minister, he received something akin to a congregational call from the laity to preach in the local area. This was not only vital in terms of organisation but important with respect to Presbyterian doctrine: care was taken to ensure that conventicles accorded with the spirit of presbytery formerly established, and especially from 1649 following the abolition of lay patronage. Second, covert networks were crucial in advertising field conventicles, reliant as they were on word-of-mouth to spread the necessary details. Similarly crucial was the involvement of the lesser proprietors, and not just by their attendance but through communication and organisation. That a remarkable (if spurious) 1,000 people attended suggests such communicative practises could be effective, although the apprehension of conventiclers

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[58] *RPCS*, III, 197-9. See also McSeveney, 'Non-Conforming Presbyterian Women'.

[59] *RPCS*, III, 217, 660, 661, 670.

[60] Fordell and his brother William were later charged 'as inciters of the people at Dunfermlin[e] to feild conventicles' (*RPCS*, IV, 206-8, 230, 242). Fordell had also been active during the Civil Wars, where he served on the committee of war for Fife, and was colonel of a regiment levied in 1645 to defend the kingdom from Royalists (Furgol, *Regimental History*, 215).

[61] George Henderson, styled 'writer in Edinburgh', was soon imprisoned for attending conventicles, though he secured a bond of caution through Archibald Walker, merchant burgess of Edinburgh (*RPCS*, IV, 382; V, 605).

[62] James Dundas was subsequently spared banishment by informing the Council what he knew of the conventicle (*RPCS*, III, 190, 204, 207-8). Sir George Dundas of Dundas had been colonel of foot in the second Bishops' War and later supplied men for Lord Livingstone's Horse in the Britannic Engagement, although it is unclear whether he served himself. Dundas was also a commissioner for Linlithgowshire in the Scottish Parliament and a leading radical among the gentry (Furgol, *Regimental History*, 49, 283; Young, *Scottish Parliament*, 9, 43, 57, 89, 232).

demonstrates that the secrecy of clandestine meetings was difficult to maintain. Thirdly, by all accounts the Beath Hill conventicle underscored the militancy of the Presbyterian laity. They were not only adriot organisationally but showed little hesitancy in resorting to arms; indeed, it was precisely because many brought their 'ordinary arms' that it encouraged opponents 'to call them the rendezvous of rebellion'.[63] Such martial competence and organisational flair will have been gained during the Civil Wars, not only through military service but in the shire committees of war.[64] Fourthly, the conventicle reminds us that they stoked interest among the sympathetic and curious as well as the committed. The involvement of the local constable points to the complicity of smaller officeholders, while the disaffected observers remind us that the mounting hysteria surrounding conventicles did not altogether preclude the appearance of casual witnesses. However, this must be tempered by the fact that written Presbyterian accounts were keen to promote the edifying properties of their preaching. Finally, the passages of scripture utilised by Dickson and Blackadder were ideologically significant with respect to nonconformity: I Corinthians 15:25 (*For he must reign until he hath put all enemies under his feet*) underscored the headship of Christ and the apocalyptic expectations of Presbyterians, while I Corinthians 9:16 (*...woe unto me if I preach not the gospel*) supported – indeed, demanded – the nonconforming clergy continue to dispense church ordinances.

Another example described richly by Blackadder which similarly caught the unwanted attention of the Privy Council was a 'very great conventicle' held at Lilliesleaf Moor in Teviotdale. Aware that the local sheriff (the laird of Heriot) and some lifeguards had been patrolling the moors earlier in the day, the participants shifted themselves within Selkirkshire in order to remove themselves from his jurisdiction. Watches were quickly set and the morning lecture passed without disturbance. However, in the middle of the afternoon sermon an alarm was raised that the sheriff and his party were fast approaching. After composing the crowd, two horses were prepared for Blackadder 'to fly for his life' but he refused to leave. The militia eventually drew up on the brae and faced the people, but no words passed between them for the moment. An 'honest countryman' had provided Blackadder with a disguise, covering him in a grey cloak and

[63] Burnet, *HMOT*, I, 533-4.
[64] For a committee in action, see the *Minute Book kept by the War Committee of the Covenanters in the Stewartry of Kirkcudbright in the years 1640 and 1641*, ed. J. Nicholson, (Kirkcudbright, 1855).

a broad bonnet; throughout the stand-off he remained undetected. The sheriff eventually charged them to dismiss in the king's name, to which the people replied that they 'all met here in the name of the king of heaven, to hear the gospel, and not for harm to any man'. The confidence of the conventiclers appeared to dampen the sheriff's spirits, duly compounded upon recognising his sister amongst the crowd. In a 'fit of passion' she stepped forward, grabbed his horse by the bridle and cried out 'Fye on ye, man; fye on ye; the vengeance of God will overtake you, for marring so good a work'.

Maintaining their refusal to dimiss, the sheriff called for Robert Bennet of Chesters and Thomas Turnbull of Standhill; in negotiation he made clear that the lairds must disperse the meeting otherwise he would have to use force. Thus with the entreaty of Chesters they withdrew. Having kept hidden and with the dragoons departed, Blackadder took a horse with a company of around seven or eight gentlemen, reaching Lasswade at midnight and eventually Edinburgh by dawn.[65]

Of the Lilliesleaf Moor conventicle, James Kirkton similarly noted the hesitancy of government forces in putting it down:

> But tho' the souldiers were very bussy in catching ministers and suppressing conventicles, some ministers were doing on; and sometimes the military powers were affronted, notwithstanding all their might and violence; for a conventicle at Liliesleife Moore, being attackt by a party of dragoons, notwithstanding all the hazard, drew ou a few of this company to oppose them, and tho' they were but unarmed countrey people, yet they made not only the dragoons tremble so that they could hardly keep their armes in their hands, but likewise retreat in great disorder, for which the commander of the party was cashiered by the councill.[66]

The Privy Council registers reveal that conventicles had been kept on Lilliesleaf Moor since at least April 1674, were held in the spring and summer months of that and the following year, and remained prevalent throughout 1676.[67] Alongside Bennet of Chesters and Turnbull of Standhill were a number of local lairds, two of whom were also of the surname Turnbull. The majority, however, were lesser proprietors, some of whom were again of the surname Turnbull. There was also one merchant from Melrose, William Wallace, and two ladies, Lady Riddel, younger, and Lady Craigend. The chamberlain of Sir William Douglas of Cavers, William Laing, was also in attendance.[68]

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[65] Blackadder, *Memoirs*, 190-2.
[66] Kirkton, *History*, 373.
[67] *RPCS*, V, 79-80.
[68] Douglas of Cavers had been colonel of a Teviotdale retinue in the second Bishops' War. He also served on the committee of war for Roxburghshire and Selkirkshire, raised a regiment to defend the kingdom from Royalists and refused to serve in the Engagement (Furgol, *Regimental History*, 73, 211, 274).

It was reported that the conventiclers had reset preachers and conducted them to several places either side of the English border while armed with swords and pistols.

The Privy Council identified a particularly troublesome conventicle held on 26 November 1676 at Lilliesleaf Moor – now known as a 'com[m]on and ordinary place and randevouze of these seditious, rebellious and disorderly meettings'. Although it remains unclear if this was the same conventicle as described by Blackadder, the pattern of events is certainly similar and the protagonists involved largely the same. The report noted that a Captain Innes had led a government party to disperse the meeting but it had been confronted by 3-400 armed men. Around 30 horsemen had been sent to negotiate with Innes' party, uttering 'many opprobrious and reproachfull expressions both against his Majesties persone and authoritie' in the process. The conventiclers made clear that they resolved to 'withstand and resist them, whatever the consequences might be, if the pairtie should anywayes offer to disturb or trowble them'. Nevertheless, they stated that if the captain proceeded no further they would dissolve peaceably. As it was the meeting continued for another hour before the conventiclers departed in three distinct bodies. Bennet of Chesters was subsequently apprehended and imprisoned in the Edinburgh tolbooth, having been declared fugitive for not appearing before the Council to answer the charge of being present at Lilliesleaf Moor and for resisting the king's forces. When eventually brought before the Council he refused to give his oath 'in a most insolent and arrogant man[n]er'. The lords duly ordered him to the Bass Rock prison, later fining him 4,000 merks on the basis that failure to give his oath constituted a confession of guilt. In addition, it was noted that he had deserted his parish church and not heard a regular incumbent since the restoration of episcopacy.[69] It is also worth noting that the magistrates of Jedburgh were later fined 500 merks for letting James Brown, servitor to Sir William Douglas of Cavers, escape from their tolbooth. Brown had been imprisoned for delivering a letter to the minister of Minto which had been signed by the aforementioned William Laing, Cavers' chamberlain. The letter justified

Appointed a Border commissioner in 1672, he was later prosecuted in 1676 for employing the unlicensed chaplain and pedagogue James Osburn in his household. Meanwhile, his chamberlain Laing, alongside his tenants James Mosman and John Cavers, were charged in 1678 for attending conventicles. Mosman was charged additionally with conveying horses from his house to Edinburgh in order 'to bring the preachers to these meetings' while Cavers was held to have attended John Welsh as part of 'his retinue and guard' (*RPCS*, III, 518; V, 26-7, 35; VI, 11-12).

[69] Ibid., V, 79-80, 156-7, 177-80.

the Lilliesleaf Moor conventicle and resistance to government forces while also threatening the presbytery of Jedburgh should it interfere in local conventicling.[70]

A further two examples are worth highlighting before some conclusions are drawn. First, the communion service held at East Nisbet in 1678, where Blackadder and Dickson officiated alongside John Welsh, John Rae and Archibald Riddel. Following a call from 'several people in the Merse' arrangements were fixed for a communion service in Teviotdale. With the appearance of danger they sought to delay the meeting by a fortnight and 'advertisement was sent to the people not to assemble'. But as a 'report of the first appointment had spread throughout the country, and many were prepared to resort thither from distant and divers[e] quarters', the ministers were determined it would go ahead. By the time Blackadder arrived on the Saturday with his bodyguards, a 'great assembly' had convened. However, those attending from the east brought reports that Alexander Home, fourth Earl of Home, intended to assault the meeting with his vassals and militia. Consequently, the conventiclers 'drew hasily together about seven or eight score of horse on the Saturday, equipped with such furniture as they had'. Reconnaissance was provided by picquets of around a dozen men, with single horsemen stationed further afield to provide ample warning in case of attack. The remaining horsemen were drawn around the meeting. While 'none had come armed with hostile intentions', 'many, of their own accord, had provided for their safety'. Unlike the other examples, however, the personnel commanding the guerrilla force at East Nisbet remain anonymous.

On the Sunday communion tables were spread on a green haugh by the Whiteadder Water, around which the people arranged themselves, though 'the far greater multitude' sat on a brae that was 'crowded from top to bottom'. The tables were served by gentlemen 'of the gravest deportment' and none were admitted without a token (distributed the previous day) that marked them out conspicuously as free of public scandal. 'All the regular forms were gone through', with communicants entering at one end of the table and then retiring to their seat on the hillside. Welsh preached the 'action sermon' and served the first two tables 'as he was ordinarily put to do' while the other ministers served the remainder. The service was then closed by a solemn thanksgiving by Welsh followed by the singing of psalms by the congregation as night fell. In all,

[70] Ibid., V, 197-8; VI, 11.

Blackadder estimated rather generously that some 3,200 people had communicated that day.

At the end of each day the ministers with their guards 'and as many of the people as could' were escorted to three nearby towns. The horsemen divided themselves into three squadrons accordingly, with each party having its own commander. Watches and guards were placed in barns and out-houses during the night, while scouts were sent to gather intelligence. Meanwhile, the ministers and gentry took shelter with local yeomen. The following morning the guards 'marched in a full body' and accompanied the people returning to the 'consecrated ground'. For Blackadder 'These accidental volunteers seemed to have been the gift of providence' as the meeting ultimately passed undisturbed: 'And truly, the spectacle of so many grave, composed, and devout faces, must have struck the adversaries with awe, and been more formidable than any outward ability of fierce looks and warlike array'.[71]

Such godly militancy was strikingly evident at a meeting held at Diven in Fifeshire that same year. On the Saturday Blackadder stayed with John Ayton of Inchdairnie and was accompanied by his son, Robert, and the bailie John Haddoway.[72] They were joined by one Mr Cleland, most likely William Cleland, an officer in the Bothwell Rising of 1679. On the sabbath Blackadder was escorted to Diven. When he arrived he found a number of arms piled in order on the ground, with guns and 'fowling-pieces' numbering around 50; when he asked the reason for this he was informed that Archbishop Sharp had ordered over 100 militiamen to act as a standing company to apprehend ministers within his bounds. During the middle of the communion an alarm was raised that the militia was advancing. John Balfour of Kinloch – nicknamed 'Burley'[73] – drew up a party of horse to view the militia, who were seemingly waiting for the sermon to end in order to apprehend the conventiclers once dismissed. After the congregation had been removed, with the exception of Blackadder's bodyguard, a new alarm was raised. Upon this, Kinloch and Alexander Hamilton of Kinkell, with a few horse, took the 'hindermost' of the militia prisoner; they were then joined by some young foot who had been heading

[71] Blackadder, *Memoirs*, 182-6.
[72] Andrew Ayton of Inchdairnie was falsely suspected of involvement in the murder of Archbishop Sharp in 1679. In resisting arrest he was mortally wounded (Blackadder, *Memoirs*, 211-12; *RPCS*, VI, 182, 356; Wodrow, *History*, III, 55-6)
[73] See John Callow, 'Balfour, John, third Lord Balfour of Burleigh (*d.* 1696/7)' and Alison G. Muir, 'Balfour, John, of Kinloch (*fl.* 1663-1683)', *ODNB*.

homeward, thus swelling the conventicling force to around 30-40 men.[74] Haddoway and Cleland interceded with the militia but they still came near. However, when they saw 'all this apparatus' they fled to Coupar 'in a dismal fear'. The horsemen were eager to chase after the militia, but Blackadder dissuaded them:

> My friends, your part is chiefly to defend yourselves from hazard, and not to pursue: your enemies have fled, – let their flight sheath your weapons, and disarm your passions. I may add, without offence, that men in your case are more formidable to see at a distance, than to engage hand to hand. But since you are in a warlike and defensive posture, remain so at least, till your brethren be all dismissed. Conduct them through their enemies, and be their safeguard until they get beyond their reach: but, except in case of violence, offer injury to none.

A guard of nine then escorted Blackadder to his quarters at an inn in the parish of Portmoak. On Monday he returned to Edinburgh.[75]

Culture of Conventicling

The conventicles described by Blackadder at Beath Hill, Lilliesleaf Moor, East Nisbet and Diven are only the most prominent among many in his memoirs.[76] Together they offer valuable insights into the organisation, militancy, social dynamics and ideological significance of field conventicling.

The examples reveal both the successes and limitations of covert, informal networks in advertising the arrangements of scheduled conventicles. Though the precise details of these networks remain shadowy, it is clear that the oral transmission of conventicling arrangements could be highly effective, as evidenced by the co-ordination of large numbers of participants drawn from different areas of the country towards designated meeting places. This in itself is revealing of the interaction between literacy and oral

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[74] Alexander Hamilton of Kinkell was declared rebel in 1672 for failing to answer the charge of conventicling. He was subsequently tortured and forfeited after the Bothwell Rising (*RPCS*, III, 104, 546, 551; IV, 207, 449; V, 401; VI, 277, 380, 603). Conventicles had been held frequently at Kinkell until soldiers were quartered there in 1675 (*RPCS*, IV, 206, 229, 345). Conventicling in the parish may have been further provoked by its annexation to the deanery of St Andrews in 1663 (*RPS*, 1663/6/15).

[75] Blackadder, *Memoirs*, 192-4.

[76] For example, see the private communion at a burn near Livingston (pp. 141-2), a large house conventicle at Bo'ness (pp. 153-5), a field conventicle near Bathgate (pp. 157-8), a large indoor conventicle at Kinkell (pp. 160-4) and communion services at Irongray (pp. 195-203) and Colmonel (pp. 203-4) in Blackadder, *Memoirs*.

culture in Scottish society at the time.[77] Indeed, in his promotion of the Accommodation scheme in 1670, Gilbert Burnet noted his amazement when engaged with 'a poor commonalty [sic] so capable to argue upon points of government, and on the bounds to be set to the power of princes in matters of religion'. They did so with 'texts of scripture at hand', but most notably, 'This measure of knowledge was spread even among the meanest of them, their cottagers, and their servants'.[78]

Oral transmission also played its part in maintaining the momentum of Presbyterian dissent. As James Kirkton noted, word soon spread across Scotland concerning

> the quality and successe of the last Sabbath's conventicle, who the preachers were, what the number of the people was, what the affectiones of the people were, what doctrine the minister preached, what change was among the people, how sometimes the souldiers assualted them, and sometimes killed some of them; sometimes the souldiers were beaten, and some of them killed.[79]

However, as seen at East Nisbet, the spread of arrangments was sometimes so successful that the hasty rescheduling of meetings on account of imminent danger could be particularly tricky. Indeed, the limitations of word-of-mouth advertisment was not just the delay in getting messages spread amongst the nonconforming Presbyterian community, but that their secrecy was difficult to maintain; it is notable that each of the four conventicles was disrupted by the appearance of local militias or government forces.

Nevertheless, the appearance of adversaries was rarely enough to deter the more militant conventiclers, with their organisational skills and martial competence combining to create an adaptable guerrilla force that could defend larger meetings. Unsurprisingly, given the covert nature of the movement, vital details concerning lay leadership are sorely lacking – although the likes of MacLellan of Barscobe and Balfour of Kinloch would certainly be prime candidates – but evidence of localised lay organisation remains clear. Firstly, Blackadder was always attended by armed guards when travelling to and from his base of operations at Edinburgh; John Welsh was similarly attended by an armed party when he travelled on either side of the English border. But while the ministers provided spiritual leadership, some even undertaking a quasi-military role,

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[77] See R. A. Houston, *Scottish Literacy and the Scottish Identity: Illiteracy and Society in Scotland and Northern England, 1600-1800*, (Cambridge, 1985) and T. C. Smout, 'Born Again at Cambuslang: New Evidence on Popular Religion and Literacy in Eighteenth-Century Scotland, *Past & Present*, 97 (1982), 114-27.
[78] Burnet, *HMOT*, I, 535.
[79] Kirkton, *History*, 343-4.

command appears to have been vested in the gentry, who directed operations and conducted negotiations with government officers. The horsemen and foot were organised into parties which could form a united front once the alarm was raised, while designated scouts and watches provided much-needed reconnaissance and intelligence. The parties of horse also provided additional protection when conveying conventiclers to and from local safehouses, with the safety of the ministers deemed paramount. When that safety was compromised, such as at Lilliesleaf Moor, the ministers could engage in deception by adopting disguises, with the evidence of Blackadder supplementing the survival of Alexander Peden's mask.[80] Protection was otherwise provided by the conventiclers' carrying of carbines, pistols, swords and makeshift weaponry. While each man appeared to rely on himself for arms, the Diven conventicle suggests that provisioning was also taking place. Arms and ammunition were certainly being shipped into Scotland from London and the Netherlands.[81]

Above all, it was the horsemen who gave the conventicles their cutting edge, a fact recognised as much by Restoration officials as it was James Stewart in *Naphtali*.[82] According to Alexander Stewart, fifth Earl of Moray, the skilled use of horses had reinforced popular Covenanting resistance since the Civil Wars. In a letter to Lauderdale he noted

> the use thy mayd of ther horsis in the 1648 at Machlinmoore & in the 49: & 1666: that they had as bad principles & purposis now as ever, & iff by the vigilent caer of the Councill it had not been prevented, Scotland uould have found it by dear bought experiens.[83]

Moray later heard of 'a conventikill held in fyffe upon the borders of pearthshyre, whar ther[e] uas many Horsmen in Armes so as the Militia company ther[e] durst not att[ac]k them'.[84] Yet despite such candid displays of arms, the examples also highlight an element of restraint. This was similarly attested to by Burnet, who noted that 'though they met in the field, and many of them were armed, yet, when their sermons were done, they dispersed themselves'.[85] But from Blackadder's perspective, it was he who ensured that the armed contingents did not shift to an offensive posture; in the

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[80] Peden's mask survives in the National Museum of Scotland (museum ref. H.NT 239). For Peden, see, D. F. Wright, 'Peden, Alexander (1626?-1686)', *ODNB*.
[81] Greaves, *Enemies Under His Feet*, 102.
[82] [Stirling and Stewart], *Naphtali*, 175-6
[83] *Lauderdale Papers*, III, 122-4.
[84] Ibid., III, 128-30.
[85] Burnet, II, *HMOT*, 135.

examples they appeared not just willing but eager to engage in godly violence. Sure enough, by 1679 he was unable to check the militancy of certain laymen.

While aspects of lay organisation remain unclear, their social composition is readily discernible. As already noted, the most prominent men in the fields were the lesser gentry. There were 'not many gentlemen of estates' although a confirmed noble conventicler was certainly Henry Erskine, third Lord Cardross.[86] However, 'many ladies [and] gentlewomen' were in attendance, a dynamic observable at Beath Hill and Lilliesleaf Moor.[87] Most notable, however, was that the 'commons came in good multitudes', who 'hade a sort of affectation to the fields above houses'.[88] The examples do suggest that the bulk of conventiclers were lesser proprietors. To be sure, Sir Robert Moray had previously noted to Lauderdale that those 'so mightily raised to be the prime Rebells' during the Pentland Rising had been no more than 'some petty fewers in Lanerick shire'.[89] The yeomen also appear to have provided safehouses for harbouring ministers and conventiclers. However, their social status, when combined with economic hardship, ensured that excessive fining for attending conventicles proved to be a largely ineffective method to stop them; as the Presbyterian lawyer Sir John Lauder of Fountainhall heard it said, 'the tenentry of Scotland was so low, that they had much ado to pay their masters ferme, much lesse pay fines for Conventicles', while William Row similarly noted that upholding the episcopate had seen 'the honest nobility and gentry oppressed and redacted to great straits, [and] the yeomanry impoverished'.[90] William Hamilton, third Duke of Hamilton had also complained that the pressing of bonds on the tenantry had ruined his estates, leading Charles II to comment mockingly that 'he hath no tennents but a miserable annuity'.[91] Yet the Presbyterian historian Robert Wodrow, commenting on a proclamation against resetting tenants issued by the Privy Council on 11 February 1678, attempted to downplay the socially subversive nature of conventicling when he argued that it was

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[86] Kirkton, *History*, 352; *RPCS*, IV, 283-4, 289, 290-1, 412-13, 415, 440-46, 461-2, 545, 653-4, V, 217-18, 616. See also Alison G. Muir, 'Henry Erskine, third Lord Cardross (1650-1693)', *ODNB*.
[87] However, cf. McSeveney on Lady Margaret Kennedy in 'Non-Conforming Presbyterian Women', 155-201.
[88] Kirkton, *History*, 352-3.
[89] *Lauderdale Papers*, II, 62-6. In particular, they were apparently the feuars of the Duke of Hamilton and the Marquess of Douglas and thus 'not one of the Crown'.
[90] Fountainhall, *Historical Notices*, I, 124; *Life of Blair*, 549.
[91] *Lauderdale Papers*, III, 101.

> cunningly enough insinuate, as if only the commons of Scotland had been withdrawn from their parish churches; but it is well enough known that persons of very good note abstracted themselves, and a good many of the best quality in the kingdom, though now and then they joined in worship, were very much dissatisfied both with the prelates and their clergy'.[92]

Charles himself was largely in agreement, and perhaps misunderstood (or was misinformed of) the nature of the problem when he stated 'that there was no natione or kingdome in the world, where the tennents had so great a dependence upon the gentle men, as in Scotland'. As 'the Commons in Scotland can doe nothing without a head', he blamed those who 'have a prejudice at some who serve me in Scotland'.[93]

However, it was not just the social background of conventiclers that was observable. By all accounts it was the younger generation of Presbyterians who were testing the limits of dissent. With an outbreak of conventicles in the spring of 1674, Kirkton noted that those 'who were young and healthfull were most bussie' while Burnet complained that the people had 'become very giddy and furious' because 'some hot and hair-brained young preachers had the chief following among them, who infused wild principles in them'.[94] The indulged minister of Paisley John Baird likewise complained in 1674 of the 'heat and inconsiderateness of the unsolid, unstudied, younger sort, and a few eager of the Elder'.[95] By 1678 Blackadder was lamenting that 'some of the young men lately licentiate, walked disorderly'. That is, these younger militants were drawn largely from the ranks of the preachers licensed privately by the nonconforming clergy.[96] This was a critical development, and one which had significant ramifications for the later Covenanting movement.

It is equally observable that commitment to the Covenants was cutting across family ties, while those in office, if not complicit, could be connected to the conventiclers they were charged to apprehend. The constable at Beath Hill, the laird of Heriot's sister at Lilliesleaf, the chamberlain of Douglas of Cavers, as also the complicity of the Jedburgh magistrates, all suggest that enforcing the Restoration settlement in the localities was not a simple task when the diligence of officeholders could not be guaranteed. The frequent issuing of decrees by the Scottish Privy Council, and especially the regular attempts to

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[92] Wodrow, *History*, II, 398.
[93] *Lauderdale Papers*, III, 101-2.
[94] Kirkton, *History*, 343; Burnet, *HMOT*, II, 135.
[95] [John Baird], *Balm from Gilead, Or, The Differences About the Indulgences, Stated and Impleaded: In a sober and serious Letter to Ministers and Christians in Scotland*, (London, 1681), 10-11, 137.
[96] Blackadder, *Memoirs*, 205-6.

hold landlords accountable for their tenants, would appear to suggest that compliance was difficult to secure in the 1670s. It also suggests that ideological resistance, while not as obvious as that of the most vehement Presbyterian activists, was not confined to the godly in the field.

Indeed, in ideological terms the conventicles are equally revealing. As suggested previously, it appears that close attention was paid to maintain the regular forms of a distinctively Presbyterian style of worship. Indeed, the Privy Council's proscription of lecturing on scripture by the indulged ministers reinforced its significance at conventicles. They were also in keeping with the earlier inter-congregational communion services which lasted several days. However, it is notable that access to communion was particularly stringent, with inquiry made into prospective communicants' lives in order to ensure that they were 'free of scandal'.[97] While to a certain extent stringent access was consistent with the norms of Scottish Protestantism, the partial and ideologically-driven nature of this access had been altered substantially with the promulgation of the Covenants in 1638 and 1643 and the debarring of 'malignant' Royalists and Engagers from 1646 and 1648. With the deprivation of ministers from 1662, it was possible to maintain strict access to church ordinances at private Presbyterian gatherings. This became increasingly the case as a militant minority emerged within the dissident community during the 1670s who refused to associate (and thus, communicate) with anyone prepared to engage with the 'malignant' regime. In fact, by operating outside the Episcopalian Kirk, nonconforming Presbyterians were able to overcome the fundamental tension of Covenanting; that is, they could view the conventicles as a pure church of the elect while at the same time pursuing the restitution of a Presbyterian Kirk in line with the decrees of the General Assembly and the Scottish Parliament during the British Civil Wars. Thus, from a Presbyterian perspective, the reintroduction of episcopacy had unwittingly, and rather ironically, served to separate the godly from the reprobate in Covenanted Scotland. And while the godly 'remnant' could complain of the backsliders incurring the wrath of God, conventicling reinforced their own sense of righteousness (although not necessarily their salvation).

Nevertheless, Blackadder, and indeed, other preachers in the field, were at pains to stress the spiritual power of their sermons and the frequent conversions which followed.

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[97] See Blackadder, *Memoirs*, 139-42 for the development of private communions.

Most conspicuously, it was noted that even Episcopalian ministers were converted to the cause. As Kirkton observed

> the wonderfull conversion that followed upon these sermons, where sometimes people discovered their own secret scandals, sometimes people of age bemoaned their want of baptisme [...] and sometimes a curat[e] would come, and after the first sermon stand up and profess his repentance for his way, and afterward would consecrate himself to that work by a solemn field-preaching. Indeed, several curat[e]s in diverse places changed their way, forsook their churches, and joyned with the conventicles, and were, upon their candid acknowledgement, even as welcome to the people as any presbyterian among them all.[98]

While accounts such as these must be treated with caution, there was an element of truth to such claims. In addition to the observers at Beath Hill, the recantation of the former 'curate' of Alva, Thomas Forrester, provides a noteworthy, if isolated, example.[99]

As the ministers officiating privately at conventicles owed their spiritual mission to Christ alone – not to the bishops or the king's Erastian supremacy – they were thus held to be legitimate meetings of the godly. But although the conventicles could not have existed without the requisite authority of the Presbyterian ministers, the evidence does not suggest that the impetus lay solely with the clergy. Indeed, as already substantiated, the later Covenanting movement was as much lay-driven as clerical-led. However, in ideological terms, there was a pressing concern among the laity for their own spiritual well-being, especially with respect to their prior engagement to the Covenants, and by extension, to a national church held to have been one of, if not *the*, most fully reformed in Europe. There was also the related concern for a lawful pastor in accordance with the congregational call and church ordinances administered by pastors neither corrupted nor compromised through association with the Restoration regime. With respect to resistance – though Blackadder took care to stress that the conventicles promoted defense only – it is evident that the conventiclers were prepared to move beyond his injunctions. As the clergy had discovered in 1648, the ideological commitment of the laity was highly volatile, could not always be controlled, and often developed in ways not originally intended. Such commitment could be so strong, in fact, that the clergy recognised that they needed to be responsive to the expectations and demands of the

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[98] Kirkton, *History*, 353.

[99] Forrester was minister of Alva from 1664 until his deprivation in 1674. He preached his recantation in the kirk, declaring it vacant for the former minister, Richard Howieson, to return. Prior to this Forrester had handed in a paper to the presbytery of Stirling which vindicated his desertion of its meetings. Thereafter, he preached in both house and field around Stirlingshire, often disguised in Highland plaid (Blackadder, *Memoirs*, 194-5; *Fasti*, IV, 296; *RPCS*, IV, 140-1, 148, 163, 170, 192, 411; Wodrow, *History*, II, 252-63).

laity. Consequently, or so opponents argued, preachers of 'weak gifts' were flocked to 'because they rail against Church and State; which is the only way to make a man popular amongst you'.[100] And despite the difficulty in assessing the extent to which the laity actually engaged with James Stewart's tracts on resistance, there is clear evidence that *Naphtali* and *Jus Populi Vindicatum*, in addition to other seditious items, were being imported from the Netherlands and circulated in Scotland during the 1670s.[101]

Controversy of Conventicling

At the same time as conventicles proliferated, they emerged as a feature of a polemical battle between Episcopalians and Presbyterians. The debate raged in public as negotiations for the comprehension of dissenters were on-going in the early-1670s. Although the terms of this dispute shifted over time, it would nevertheless continue well into the eighteenth century.[102] In the meantime, and now on the defensive having previously held the reins of government during the Civil Wars, nonconforming Presbyterians found articulating responses to Episcopalian jibes no easy task.

In the second dialogue of his *A Modest and Free Conference Betwixt A Conformist and a Non-conformist* (1669), Gilbert Burnet scrutinized various aspects of what was now a distinctive, though still developing, Presbyterian culture. He did so anonymously, using the 'Conformist' as a mouthpiece and the 'Nonconformist' as his straw man. The Conformist began by condemning what he perceived as the secular practices of the Presbyterian Kirk formerly established, asking the Nonconformist 'were not your Church-Sessions like Birla[y]-Courts, where every one came and complained of wrongs, which belonged to the Magistrate'. As examples, the Conformist noted that civil fines had been exacted and temporal punishment threatened to those who refused Presbyterian discipline. Thus, 'you did not carry on the Gospel, by a Gospel-spirit,

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[100] [Burnet], *A Modest and Free Conference*, 55-6.

[101] See *Lauderdale Papers*, II, 213-14; Wodrow, *History*, II, 190. In 1673 a libel was drawn up against Andrew Kennedy of Clowburn for his involvement in the circulation of Presbyterian letters and polemic (Wodrow, *History*, II, 225-6). The house of the widow of William Guthrie was also used as a repository for seditious material, which included copies of David Calderwood's *True History of the Kirk of Scotland* (1678), the second Book of Discipline (1578) George Buchanan's *De Jure Regni* (1579) and assorted tracts dating from the Resolutioner-Protester schism (Wodrow, *History*, III, 394-8). Thomas Wylie had been involved in the production of Calderwood's *True History* before he died on 20 July 1676 (Veitch, *Memoirs*, 495-6).

[102] See Raffe, *Culture of Controversy*.

though that ever in your mouthes, but by secular wayes'. The Presbyterians were also held to have been 'more zealous' in their preaching against opposition to themselves than against opponents of 'the everlasting Gospel', with apparently half of their sermons being 'upon publick matters'. Indeed, he argued that spirituality was little preached, with focus instead on 'external things' such as the reading of scripture, observing the sabbath and undertaking lengthy prayers. The point being made by Burnet was clear: 'what did these concern the Souls of the poor people?'[103]

This line of thought was then developed further in order to undermine Presbyterian practices since the restoration of episcopacy. In terms of preaching and successful conversions, Burnet had the Nonconformist argue in support of the Presbyterians' 'powerfull Sermons' that made his 'very heart shake'. But the Conformist hoped wryly 'that by power you do not mean a tone in the voice, a grimace in the face, or a gesture and action, or some strange phrases' which 'indeed affect the vulgar much'. He also hoped that 'by conversion you do not mean only, a change in opinion, or outward behaviour, which might be done upon interest'.[104] The Conformist continued to argue that matters of devotion or holiness 'are as little among you as any party I know', and judged them hypocritical when he stated that they 'seem so desirous of being noticed in your Religion'.[105]

Burnet's attention then moved towards the more contentious aspects of Presbyterian worship. On outdoor communions, the Conformist stated his aversion to 'your running many miles to them', which was 'tumultuarie and disorderlie'. If the sacraments were truly valued by Presbyterians then they could be received 'nearer to hand'. But their evident desire to travel great distances to take part in inter-congregational services and hear nonconforming ministers demonstrated that they 'idolize men too much'.[106] With respect to family worship, however, the Conformist for the most part approved, although he believed it 'intollerable' that masters of families were expounding scripture,

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[103] [Burnet], *A Modest and Free Conference*, 16-20. In addition, Burnet criticised the Presbyterian casuistry of the Civil War period when he noted that 'you got amongst you a world of nice subtilties, which you called Cases of Conscience, and these were handled with so metaphysical curiosities, that I know not what to make of them'.
[104] Ibid., 21-2.
[105] Ibid., 23.
[106] Ibid., 23-5.

a sure way 'for venting and broaching errours, and heresies'.[107] Nevertheless, he was clear in his identification of prayer meetings as subversive because

> these secret assemblings have been much scandalized, since also they may be a cloak for hatching mischevious practices, and for debauching peoples minds into schism and faction, and to a contempt of the Public Worship, they are not to be used [...] Such persons as desire resolution for their scruples, ought to ask in private, and not in these thronged Conventicles.[108]

A direct response came from the exiled Protester Robert MacWard in the anonymous publication of *The true Non-Conformist* (1671). Vindicating first the 'intrusive' kirk sessions, MacWard offered a lengthy explanation which ultimately served to highlight the difficulty of demarcating the separation between Kirk and state when both were expected to restrain sin in a godly commonwealth. However, he successfully reversed the accusation of hypocrisy; if Burnet thought fining unsuitable for a church court, then what of 'your Spiritual Lords in the highest temporall Courts where both civil and capital punishments are irrogated and inflicted'. Similarly, Presbyterians had 'never owned nor exercised High Commissions'.[109] Clearing the charge of sedition, MacWard also noted that James VI had apparently recognised 'the notable and effectual influence' of kirk sessions in 'their right exercise'.[110] While the charge of hypocrisy could be turned on the Episcopalians with respect to the conflation of civil and spiritual censures, MacWard had greater trouble in vindicating Presbyterian preaching. In essence he argued that the Presbyterian clergy were clearly validated by the 'fruit of Conversion'. But although he stressed their erudition, he conceded that 'some of them might have been rude in speach'. He thus provided tacit acknowledgement of the social dynamic attributed to presbyterianism by its critics; namely, that it was vulgar and unbecoming of an elite.[111]

On communion, MacWard argued that Presbyterians 'were far from neglecting neerer occasions, or undervaluing any of the Lords sincere Servants'. However, if he had 'the libertie of a free election, I am confident, that without slighting the cal[l] of neerer

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[107] Ibid., 27.
[108] Ibid., 27-8.
[109] [Robert MacWard], *The true Non-Conformist In Answere To the Modest and free Conference Betwixt a Conformist And a Non-Conformist*, (n.p., 1671), 54-6. The Court of High Commission had been erected by royal prerogative in 1610 without warrant from the Scottish Parliament or General Assembly. It was reconstituted in 1634 and revived briefly from 1663 until 1665, with the power to impose civil sanctions. Burnet himself had been an outspoken critic of the High Commission (Macinnes, *Covenanting Movement*, 129, 142-3, 148, 155, and Buckroyd, *Church and State in Scotland*, 55, 58-61, 63-4, 68, 70, 78).
[110] [MacWard], *The true Non-Conformist*, 57.
[111] Ibid., 60-7, quotes at pp. 63-4.

invitations, I might chuse rather to go ten miles to your Communion, then five to anothers, and ye you [sic] cannot say that I Idolize you'.[112] Thus, unlike other areas which required doctrinal precision, MacWard suggested there was room for manoeuvre when one was called to communicate. But while the inter-congregational nature of this solemn event was clearly endorsed, there was little in the way of theory underpinning it. On family worship, however, MacWard was on surer ground. He argued: 'all that was allowed in the directions for Familie-Worship, was, that Masters with their Families should read the Scripture with understanding, and by mutuall conference Edifie one another'. Yet 'for the practice, it was in effect so rare, and imperfect, that I am confident your accusation of excesse to most N. C. will only prove a check for their deficiencie'. Furthermore, given that 'the calling upon the Name of the Lord in Families is now so universally and irreligiously slighted', he rejected Burnet's cautious advice. Indeed, given 'the so sad and Lamentable decline of this dutie', to caution against the expounding of scripture in private homes would merely 'harden the wicked, who forget God'.[113] In effect, family worship by Presbyterians was evidence of their commitment to godliness in an otherwise degenerate society presided over by a lax establishment.

However, it is MacWard's response to the denigration of private meetings that is most revealing. He began by agreeing with Burnet 'that they have had both their use and abuse' and granted 'that, in the set[t]led plentie of pure Ordinances, to bring Church-exercises to Chambers; or private conference to a publick confluence, is (in my opinion) superfluous and affected'. Thus, his view accorded with the mainstream opinion that was eventually ratified by the General Assembly in 1640. However, by qualifying his statement with the note that it was 'in *his* opinion', he alluded to the fact that Presbyterians held divergent views on the matter. It similarly demonstrated that, as with communion, there was evidently, and perhaps, pragmatically, room for manoeuvre here. Ultimately, though, MacWard did not wish to see religious exercises restricted 'to Churches, Families, or to Mens Closets' and accepted that to 'keep particular meetings with a visible affectation of singularity were a thing justly to be avoided.' In sum, MacWard would have religion minded at all times thus rendering private meetings

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[112] Ibid., 67-9.
[113] Ibid., 71-2.

redundant. Yet when performed correctly 'they did contribute to the grouth, comfort, and mutuall edification of the Saints'.[114]

The abuse of private meetings – when they became 'justly reprehensible escapes' – was ascribed by MacWard to Satan.[115] He most likely believed that Satan channelled this abuse through sectarianism. But this did not detract from their importance: they were still necessary for edifying the godly provided they remained under the direction of the clergy. Indeed, his response stressed the importance of the clergy in directing prayer meetings to check abuses, no doubt to assuage fears that the meetings would subvert them. Thus conventicles stood on a precarious platform of being useful and possibly crucial to the advancement of religion, but equally capable of instilling division and error.

With regards to 'the practice of Private Meetings in evil times', and referring to 'our latter customes', MacWard asserted that Burnet could not charge the Presbyterians with any of the criticisms aforementioned. Indeed, he wished

> their frequencie did keep a proportion with the deep distress of the People of God, in this penury of pure publick preaching; and then, I am sure, we should have ten to one, and if so, there were ground of hope that they might, in these Private Meetings, pray your Intruders out of their publick capacities.[116]

Thus the conventicles of the Restoration era were not simply a temporary measure resorted to by Presbyterians to keep themselves free from ecclesiastical corruption, but the very means by which the godly would regain control of the Kirk. Their frequency underscored the depth of support for the Covenanting cause and gave reason to believe in their success and salvation.

Conclusion

The response to Burnet's published assault suggests that Presbyterians were still adjusting to the seismic impact of the Restoration settlement and its overturning the Covenanted Reformation. While Covenanting had developed as a vehicle through which to challenge the prerogative rule of absentee monarchy, it had ultimately underwritten

[114] Ibid., 72-3.
[115] Ibid., 73.
[116] Ibid., 73-4.

the wielding of power by Presbyterians in Scotland. Now once again on the defensive and in a posture of protest – although in a markedly different environment – Presbyterians such as MacWard considered maintenance of the Covenanting cause to be best achieved through conventicling. But as analysis of the field conventicles makes clear, practices on the ground were moving much faster than the arguments of even the most radical polemicists. To be sure, these conventicles departed significantly from the Presbyterian past and represented a subversive development in their history. They were also the very embodiment of the Covenanting movement as an exclusive enterprise which promoted confessional purity, yet at the same time reconciling the apparent incompatibility of its national and godly dimensions. But as will become clear in the following chapters on clerical leadership and laic militancy, tensions remained.

Clericalism

What will after ages say, when they compare this with the valiant and zealous deportment of our Predecessours, and of some, at least, of these same persons Anno *1648 and some yeers preceeding?*[1]

They offered that first Indulgence [...] *to divide Zion's Builders, according to the* Matchiavellian *Principle,* divide & impera*, divide and then Command.*[2]

From 1667, two government initiatives, of Indulgence and Accommodation, took centre stage in the drive to secure conformity to the established Episcopalian Kirk and acquiescence to the directives of the Restoration state. Negotiated and enacted over a five-year period, the subsequent controversy surrounding this nominally conciliatory approach towards Presbyterian dissent continued to burn many years later. Most notably, the controversy made a significant contribution to the continuing development of Covenanting ideology and had a lasting impact on Scottish Presbyterianism. But while these so-called 'moderate' policies are well-known to historians of the Restoration era, their focus has been overwhelmingly on the government perspective, with surprisingly little attention paid to the views of Presbyterians.[3] The polemic which emerged in the wake of these policies has also received a similar lack of attention despite the useful social and intellectual insights they contain.

This chapter will reconstruct the religious politics which lay behind these initiatives. In addition to analysing their content, the series of meetings both within and between the Restoration regime and the later Covenanting movement will be considered with respect to their ideological import. Although concerned primarily with the Presbyterian response to government policy, the nature and outcomes of both will be considered. This will include a closer examination of the intellectual issues which emerged in the wake of 'conciliation' and the specific areas of dispute between Presbyterians, their

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[1] [John Brown], *The History of the Indulgence Shewing its Rise, Conveyance, Progress and Acceptance*, (n.p., 1678), 12.
[2] [James Renwick, Alexander Shields et al], *An Informatory Vindication of a Poor, Wasted, Misrepresented Remnant*, (n.p., 1707), 8.
[3] Buckroyd, *Church and State in Scotland*, 68-116; Cowan, *Scottish Covenanters*, 73-81; Donaldson, *James V-VII*, 368-9; Harris, *Restoration*, 120-3; Mirabello, 'Dissent and the Church of Scotland', 65-7, 185-9; Yould, 'The duke of Lauderdale's religious policy in Scotland'. An exception is Hyman, 'Church Militant'.

adversaries and each other. And despite, or indeed, because of, the emergence of fresh ideological fissures, the final section will highlight how the nonconforming clergy confronted clerical disunity and laic militancy through the effective creation of a covert church structure to maintain and control the cause. Taken together, the chapter reappraises the clerical dimension of the later Covenanting movement, a dimension traditionally fixated upon by hagiographers and historians.

Restoration Rapprochement

Following the dramatic upheavals across the British Isles in the mid-seventeenth century, in his Scottish kingdom Charles II was concerned above all else with domestic peace and security. So long as Scotland remained quiescent and voted supply, he could concentrate on governing his larger English kingdom while promoting the Stuart *imperium* internationally. Consequently, Scottish statesmen recognised that their power and influence in government rested not only on their loyalty to the king but in their ability to maintain law and order.[4] After the constitutional settlement of 1661-2 had passed with no concerted opposition, Charles was induced by his leading officials to believe that no insurrection would be attempted against his government. The existence of a standing army reinforced this expectation, an innovation of the Covenanting regime continued into the Restoration era. When opposition did eventually manifest itself in the Pentland Rising of 1666, Charles viewed it rather as a reaction against the severity of repression led by Sir James Turner than widespread disaffection.[5]

This view paved the way for a nominally conciliatory approach to Presbyterian dissent from 1667. Indeed, Lauderdale, Charles II's chief advisor on Scottish affairs, alongside Sir Robert Moray and the Earl of Tweeddale, had long recognised that dissent against Erastian episcopacy did not necessarily entail sedition in matters of state. With the political eclipse of Rothes and Archbishop Sharp, this triumvirate explored alternative measures to tackle the problem of nonconformity. The measures would specifically target the Presbyterian clergy and were in reality concerned less with conciliation than conformity. As Moray made clear in 1667, previous policy 'had unhinged the State' but

[4] Lee, 'Government and politics in Scotland', 161-2, 186; MacIntosh, *Scottish Parliament under Charles II*, 52, 60, 65, 70, 116, 150, 151, 171.
[5] Turner, *Memoirs*, 189.

any alternatives were ultimately to 'settle & secure Episcopacy'.[6] In this approach they were assisted by Robert Leighton, bishop of Dunblane, and his protégé, Gilbert Burnet, then minister of Saltoun and also a client of Lauderdale.[7]

Others, such as Alexander Bruce, second Earl of Kincardine, were more circumspect. Kincardine complained that the Presbyterians were 'a trifling sort of disputatious people' who would 'subdivide among themselves' during negotiations. This would undermine the original intention of healing the schism. In addition, as the younger generation had been raised on 'popular declamations' they would decry the selling of Christ's kingdom for a conclusive settlement. Consequently, he suggested any concessions 'either reasonable or expedient' should be passed into law to ensure that the ministers would have to submit to a predetermined arrangement. Wary of his own position in British politics, Lauderdale refused on the basis that 'a law that did so entirely change the constitution of the church' would be viewed in England as a dismantling of episcopacy.[8] Nevertheless, Kincardine's recognition that Presbyterians were prone to division would be exploited in the drive for conformity.

Before consultations could get underway, Tweeddale became aware of rumours that the nonconforming clergy had 'a desinge to set up & preach again in private housis'. Indeed, the Resolutioner leader Robert Douglas had apparently preached in the household of Riccarton. The tactic was held to derive from their despairing the possibility of never being readmitted to their former charges but also the need to sustain themselves financially. Here they drew inspiration from the nonconforming clergy in England and thought it permissable provided 'they gather not peopel to the fi[e]lds as the mad fellows doe'. For Tweeddale, this was the consequence of depriving so many ministers together rather than meting out punishment when they vented their spleen against government policy.[9] Thus, his principal gripe was with the disruptive impact of Middleton's 'Act of Glasgow' rather than the policy of repression which followed.

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[6] *Lauderdale Papers*, II, 49-50.
[7] The historiography on Leighton is polarised between two views: one commending his learning, the other condemning his impracticability. For recent work, see David Allan, 'Reconciliation and Retirement in the Restoration Scottish Church: the Neo-Stoicism of Robert Leighton', *JEH*, 50 (1999), 251-78; Crawford Gribben, 'Robert Leighton, Edinburgh theology and the collapse of the Presbyterian consensus', in Boran and Gribben, eds, *Enforcing Reformation*, 159-83; Hugh Ouston, 'Leighton, Robert (*bap*. 1612, *d*. 1684)', *ODNB*.
[8] Burnet, *HMOT*, I, 505-6.
[9] *Lauderdale Papers*, II, 103-5.

Indeed, despite the ostensible change of tack, Tweeddale continued to promote coercion, noting in May 1668 that the regime was once more 'ingadgid to severity' because he believed the nonconformists had been spoiled by forbearance. In addition to the use of military personnel he advocated financial reward for the apprehension of deprived ministers and heavy fines for conventiclers.[10]

By June Tweeddale recognised that the danger had been exaggerated, but believed it could be prevented altogether if a handful of 'the soberest' were settled in churches on account of their good behaviour.[11] Thus, in June 1668 he began holding consultations with Robert Douglas and the Protester John Stirling, his own parish minister.[12] He and Kincardine also held discussions with another leading Resolutioner, George Hutcheson, in July. Hutcheson professed his loyalty to the king and dissatisfaction with separatism but ultimately rejected presentation, collation or 'anything that smelt of Bishopes'. However, he was willing to preach wherever the king commanded and declared that for all his aversion to episcopacy he wished only to see changes made 'by the King & authority'. In further remarks which recalled his previous dispute with the Protesters, Hutcheson also noted that efforts ought to be made to prevent 'the flo[c]king of peopel from other chirchis to hier him'.[13] This point was taken on board and duly shaped the terms of the first Indulgence. Nevertheless, Tweeddale continued to complain that

> The dissatisfyd party are irreconciliable; the soberest of them will doe nothing for qwieting the minds of the phanaticks amongst them, uho I fear ar[e] all incorigible, & amongst them ar[e] a uikid desperat[e] partee, uhos principals ar[e] held forth in Naphtali, who countinanc[e] & receet the Rebels, & the Rebels meet in conventicles with them, & amongst a com[m]ittee of thes[e] it seams this lait horrid attempt was contriwid, & if they uer not somuhat diwidid amonst them selws ue should have uork enought.[14]

There may have been distinctive Presbyterian factions, but deprivation and repression had fostered clerical unity.

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[10] Ibid., II, 101-3. Tweeddale endorsed fines of £200 scots for attendance at conventicles despite being 'a great soume for a tennant'.
[11] Ibid., II, 105.
[12] Kirkton, *History*, 276; *Lauderdale Papers*, II, 106-7; Wodrow, *History*, II, 129. This was not the older brother of James Stirling but another John Stirling. In addition to being an active Protester, Stirling had subscribed the Western Remonstrance in 1650. He was also involved in the production of the Protester supplication of 23 August 1660. From 1655 until his deprivation in 1662 he had ministered in the church founded by Lady Margaret, wife of the seventh Lord Hay of Yester (*Fasti*, I, 81 138-9, 365; II, 122).
[13] *Lauderdale Papers*, II, 107-9; *Life of Blair*, 518.
[14] *Lauderdale Papers*, II, 113-15.

Around the same time, Tweeddale promoted persuasion from the pulpit to divert people from conventicles. Here inspiration was drawn from the 1640s: as it had been 'the great art' of those involved in 'the lait troubels' to have preachers promoting the cause, he believed the same 'politike' would serve the regime by having Episcopalians 'out preach the fanaticks'.[15] However, the Presbyterian preacher and Pentland rebel James Mitchell made a more explosive impact when he raised the spectre of another armed uprising by his single-handed attempt to assassinate Archbishop Sharp on 11 July 1668. The project of conciliation was thus put on hold, but the nonconforming clergy, keen to distance themselves from such militancy, were now willing to negotiate. Indeed, in February and again in April 1669 Tweeddale was approached by Presbyterians to grant licenses to the deprived ministers.[16] An examination of ten ministers by Kincardine also yielded a request that the Privy Council consult the king on the possibility of introducing 'the same indulgence in Scotland that their brethren hade in England and Ireland'.[17] The first Indulgence in England had been granted on the strength of the royal prerogative in 1662.[18]

The examination undertaken by Kincardine provides an insight into the ideological positioning of the nonconforming clergy at this juncture. He stated that there were 'two sorts, publique resolutioners & remonstrators'. The first were 'discreet men' who declared they had 'never keeped any conventicles in the fields nor any where but in their oune families'. They had forborn house conventicling until they heard of the Indulgence granted in England and Ireland and so were persuaded to let others hear them. However, they had not baptised any children since their ejection, continued to attend their parish church and promised to live peaceably. Indeed, they professed 'a great abhorrence of rysing in armes'. Only two were Remonstrants, who, despite being 'more moderat[e]' than others, confessed 'a more open keeping of conventicles' than the Resolutioners. While one did confess to baptizing children in his former parish, he had

[15] Ibid., 119-20.
[16] Buckroyd, *Church and State in Scotland*, 77-8.
[17] Kirkton, *History*, 285-6; *RPCS*, III, 1, 3. The ministers were James Alexander, Hugh Archibald, Alexander Blair, Andrew Dalrymple, William Fullerton, John Gemmil, John Hutcheson, John Spalding, James Veitch and John Wallace. All were based within the synods of Glasgow and Ayr, with half ordained in or after 1649 and so deprived by the 'Act of Glasgow' in 1662. While Blair was of the Mauchline cohort, it remains unconfirmed whether he was a Protester; only Veitch can be confirmed as such (*Fasti*, III, 3, 20, 35, 39, 49, 52, 66, 67, 73, 87, 88, 211, 215, 222). Eight of nine (James Alexander died of illness in 1669) would receive a license, with five of eight indulged at their former parish (see Appendix 1.1).
[18] Harris, *Restoration*, 63, 247.

stopped once it had been planted with a new incumbent.[19] Thus the breach between the two factions had narrowed. Clerical unity was affirmed by the Resolutioner William Fullerton's speech on behalf of the whole group, drafted not only to request an Indulgence but because they were often scolded by the laity 'as to[o] faint in avowing and defending their practise of preaching the gospel'.[20] But while a distinction continued to be drawn between the two Presbyterian factions, it was the emergence of a third group which caused most concern. For Kincardine, those that 'made all this noise are itenerants that go from place to place in disguise, & preach & baptise where ever they go'.[21]

Having held discussions with the king and Lauderdale in London, Sharp returned to Scotland and floated the idea of an Indulgence during a meeting of the Privy Council. He suggested it be granted to designated Resolutioners provided they did not preach against episcopacy nor administer the sacraments to anyone from a neighbouring parish. The policy was supported by Anne, Duchess of Hamilton, a noblewomen of famed piety, who opined that the settlement of Presbyterian ministers in vacant churches would calm the people and take them 'out of the hands of the mad preachers, that were then most in vogue'.[22] Leighton opposed the policy, however, arguing that the Presbyterians 'would grow more backwards' if they were allowed to return to their benefices – a stance in line with the opposition emerging from the synod of Glasgow. According to Burnet, 'for all the shew of moderation', Sharp believed the proposals would have no effect because the Resolutioners and Protesters had 'laid down their old disputes, and were resolved to come under no discrimination on that account'.[23] Yet, in June, Douglas and Hutcheson supplicated the king stating 'that they were not for private persons taking upon them to redress wrongs'.[24] This was effectively a condemnation of the Pentland Rising and the principles used to justify it. By 7 July Charles had written a letter authorising the appointment of 'so many of the outed ministers as have lived

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[19] *Lauderdale Papers*, II, 127-8.
[20] Kirkton, *History*, 285.
[21] *Lauderdale Papers*, II, 129.
[22] Burnet, *HMOT*, I, 507-8. Duchess Anne was the daughter of James Hamilton, first Duke of Hamilton and leader of the Britannic Engagement in 1648. Burnet states that the Duchess had told him that she had no fixed opinion on church government. For the Duchess, see Rosalind Marshall, 'Hamilton, Anne, suo jure duchess of Hamilton (1632-1716)', *ODNB*.
[23] Ibid., 507-10.
[24] *Life of Blair*, 524-5.

peaceably and orderly'. The letter was brought to Scotland by Tweeddale.[25] The Indulgence was enacted on 27 July.

The licenses were granted in eight batches between 27 July 1669 and 3 March 1670. 42 ministers were indulged in total.[26] Appointments were made to vacant parishes or to the ministers' former parishes if vacant. Analysis reveals that exactly half returned to their former parish, and thus half were indulged at a new charge. 22 of the appointments were made within the synods of Glasgow and Ayr, while eight were indulged in the synods of Argyll, Perth and Stirling; six in the synods of the Merse & Teviotdale, Dumfries and Galloway; five in Lothian and Tweeddale and one in Angus & the Mearns.[27] With the assistance of Rothes, Sharp ensured that none were indulged within the diocese of St Andrews.[28] The first licenses were accompanied by a separate act outlining their terms and conditions: attendance at both presbyteries and synods was to be mandatory lest the indulged be confined to their respective parishes; they were not to admit parishioners from other congregations to hear their sermons or receive the sacraments; unless collation was accepted they had no right to the stipend, only the manse and glebe.[29] Crucially, the indulged were not required to undertake presentation or collation as they had been in 1662. George Hutcheson, indulged at Irvine and among the first batch of licensed ministers, made a speech to the Council on their behalf; his future conduct would become a focal point in the controversy to come. Another prominent Resolutioner among this group was William Vilant, who later defended the indulged from the gibes of the exiled Protester and polemicist John Brown. A handful of Protesters were also comprehended within the policy, such as Ralph Rodger, who was indulged at Kilwinning – the former parish of famed diarist and Resolutioner, Robert Baillie.[30]

The Presbyterian response to the Indulgence was ambivalent. While viewed by some as 'the best shape in which this public favour to presbyterians stood' and perhaps the first

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[25] *RPCS*, III, 38-40. See also [Brown], *History of the Indulgence*, 4-18; Burnet, *HMOT*, I, 515; Kirkton, *History*, 288; Wodrow, *History*, II, 130-1.
[26] *RPCS*, III, 42, 62, 70, 77, 104, 149; Wodrow, *History*, II, 134.
[27] Appendix 1.1.
[28] *Life of Blair*, 526, 530.
[29] Kirkton, *History*, 288-9; *RPCS*, III, 47.
[30] Having been admitted to Ardrossan parish on 27 May 1647 and later translated to the High Kirk of Glasgow in 1659 (*Fasti*, III, 78, 117, 453) Ralph Roger did not fall within the compass of the 'Act of Glasgow'. Neither was he called to take the oath of allegiance. It is therefore probable that he was deposed by diocesan synod.

step towards a universal indulgence free of restrictions, others were not so optimistic. Justifiably wary of government motives, dispute centred on whether it was truly intended to favour Presbyterians or rather 'a snare to wheedle them into destruction'. It was certainly disingenuous to suggest that the policy could be classified as 'friendship' when the chief advocates had to prove it would lead to their 'ruine'. In particular, James Kirkton pointed to James Dalrymple, Lord (later first Viscount) Stair, who argued in Council meetings that the Indulgence would prevent the ministers from encouraging laic nonconformity, break clerical correspondence and stop private Presbyterian ordinations. It was thus 'a false medicine to skin the ulcer before it was cleansed'.[31]

In ideological terms the Indulgence was also riven with substantial difficulties. Though argued by some to be simply a removal of 'the unjust restraint' placed on them by the 'Act of Glasgow' in 1662, its distinctly Erastian nature and delivery – authorised by the royal prerogative and enacted by the Privy Council – was widely criticised. This criticism was connected to the congregational call: while there was 'no difficulty' where ministers were appointed to former parishes, those named to other churches refused to enter 'till the church sessions, and the inhabitants of the parish met, and made choice of them for their pastors'. Indeed, congregational liberties became a significant battleground between the Presbyterian laity and the Restoration regime, with some arguing that the choice of the people ought not to be restricted to Privy Council nominees consented to by the local patron. In certain quarters the indulged became known as 'the king's curates' while claims circulated that they no longer operated 'with the power and authority that had accompanied them at conventicles'. The anti-clerical tenor of these sentiments was also reflected in the outcries that attended the beginning of a ministry if unaccompanied by a testimony condemning all that had been done against the 'work of God'. But despite this hostile reception, every minister was settled and their ministry owned. The western gentry proved particularly supportive. At this juncture only the Dutch exiles opposed the policy unreservedly, writing letters to Scotland outlining their stance against the indulged.[32]

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[31] Kirkton, *History*, 290; Wodrow, *History*, II, 134-5. Nevertheless, Kirkton states that Stair was their 'confident in the councill'. He was also rumoured to have helped pen the Western Remonstrance in 1650. See Kirkton, *History*, 328, 345. See also J. D. Ford, 'Dalrymple, James, first Viscount Stair (1619-1695)', *ODNB*.

[32] Burnet, *HMOT*, I, 515-17; Kirkton, *History*, 289-92; *Lauderdale Papers*, II, 192; *Life of Blair*, 530-3; Wodrow, *History*, II, 134-6; [Vilant], *Review and Examination*, 4-5.

The conduct of the indulged aroused immediate concern, but Tweeddale believed an act of parliament would divide the 'sober' and 'fanatic' ministers. His approach was to 'make all partys strive uho shal[l] pleas[e] awtority most'. Inspiration was again drawn from the mid-century upheavals, although this time from the Cromwellian regime during the 1650s:

> bot had ue thes tuo as once the Usurper Oliver had the publick resolutioners & protesters the fi[e]ld uer uon; for all ther heatrid they livid in p[e]ac[e], though the publik party uas stronger & caryed all & soe most our publik resolutioners & have the wisible awtority still in ther hands.

By mid-August Tweeddale was confident of success: the Indulgence would either ensure orderly preaching on behalf of the indulged or inculcate division among the nonconforming clergy. However, its Erastian thrust struck 'terrour in both partys' while 'the commons they say call it Rogischly Rascalisme'.[33] Yet his self-satisfaction was undermined by Kincardine's recognition that the terms of Indulgence were being flaunted by all but two of the indulged while discontent had grown in other parts of the country.[34] For some, it appeared that the west had been rewarded for its turbulence.

The policy unwittingly provoked the Episcopalian clergy too. A petition from the synod of Glasgow emerged in September which complained about the Indulgence, and specifically the planting of censured ministers by the Privy Council.[35] It also questioned the royal supremacy in ecclesiastical affairs. Moray believed the petition cast 'the greatest ignominy that ever Episcopall governm[en]t fell under since the Reformation' and required better management in order 'to be a support to Monarchy or a pillar of Religion'. The king was equally outraged, observing that 'this damned paper shewes Bishops & Episcopall people are as bad on this chapter as the most arrant Presbyterian or Remonstrator'.[36] Lauderdale similarly remarked that in Glasgow 'it seems they wilbe remonstrators by what name or title soever they are distinguisht'.[37] With nearly two decades having passed since its inception, the Western Remonstrance had become a by-word for a spirit of protest which appeared to animate south-west Scotland.

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[33] *Lauderdale Papers*, II, 194-7.
[34] Ibid., 198.
[35] Ibid., app. A, lxiv-lxvii.
[36] *Lauderdale Papers*, II, 137-9. See also Burnet, *HMOT*, I, 518-19.
[37] Ibid., 140-1

Clerical grievances, whether Presbyterian or Episcopalian, were exacerbated by the Act of Supremacy passed on 16 November.[38] The Act declared 'that his majestie hath supream authority and supremacie over all persons and in all causes ecclesiasticall within this kingdom'. The declaration was deemed necessary 'for the good and peace of the church and state'.[39] In a letter to the king, Lauderdale stated his intention had been 'the more cleir asserting of your powers in Ecclesiastick matters then formerly it hath been', of which 'nothing can secure Episcopacie Like it in this kingdome'.[40] Nevertheless, the bishops were suitably concerned. Debate in the committee of Articles saw the issue of constitutional checks on monarchy – or lack thereof – return to the agenda despite having been put to bed less than a decade ago in the settlement of 1661-2. Reflecting on the terms of the Act, Sharp remarked wryly that it was akin to a Henrician Reformation being achieved in three days.[41] By 13 November Lauderdale was celebrating his success in making the king master 'in all causes & over all persons'.[42] But although Sharp eventually acquiesced, Lauderdale found that 'the old Spirit of Presbitery' did remain with the bishops, 'soe unwilling are Church-men, by what name or title soever they are dignified, to part with power'.[43]

Presbyterians viewed the Act of Supremacy not unjustifiably as a demonstration of *ad hoc* policy-making. As well as turning the royal supremacy into a 'plaine and positive formal Statute', it was also to 'salve, in point of Law, the Councel in what they did, in and about the *Indulgence*'. That is, the Erastian delivery of the Indulgence ran counter to the Act of Restitution because the latter denied benefices to those who refused to acknowledge episcopal authority. Thus, the Act was a calculated move to give the king's letters to the Council a legal veneer while also removing the need to consult the episcopate. The Indulgence and the Act of Supremacy were therefore 'as twines, which must die and live together'.[44] So, as John Brown and others argued, to embrace the former was to recognise the latter, a position which threw up ideological complications for the indulged and their maintenance of the Covenants.

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[38] See Buckroyd, *Church and State in Scotland*, 80-5; Cowan, *Scottish Covenanters*, 77; Harris, *Restoration*, 120-1; MacIntosh, *Scottish Parliament under Charles II*, 90-2; Mirabello, 'Dissent and the Church of Scotland', 58-71; Raffe, *Culture of Controversy*, 35.
[39] *RPS*, 1669/10/13.
[40] *Lauderdale Papers*, II, 143-5.
[41] Ibid., 151-4.
[42] Ibid., 158-9.
[43] Ibid., 163-4.
[44] [Brown], *History of the Indulgence*, 26-33. See also Burnet, *HMOT*, 517-18; Wodrow, *History*, II, 137-8.

The Act of Supremacy confirmed the flagrant Erastianism of the regime, soon to be underscored by a Council directive which prohibited the indulged ministers from lecturing on scripture before their sermons. Lecturing duly became a distinctive feature of Presbyterian worship and a crucial aspect of conventicling.[45] Conversely, the abandonment of lecturing had become 'one of the badges of conformity' since 1662.[46] As the indulged continued to cause problems within the Kirk and conventicles caused problems without, conformity – and Covenanting – were contested bitterly during the 1670s.

Contesting Conformity

With another round of repressive legislation passed in 1670, the 'indulgence to a few was accompanied with the persecution of the whole body'. Indeed, the initiative was perceived as 'ane unreasonable bargain, that for a license of 40 ministers, all the presbyterians in Scotland should captivate their soules to the wretched curates through the countrey'.[47] To be sure, laic engagement remained generally absent while coercion continued to feature as an essential component of government policy – not only in terms of enforcing conformity but in collecting taxation and reducing Highland disorder.[48] However, the military was put on a more cost-effective footing for the Crown upon the creation of a national militia in 1669, later to be amended in 1672.[49] It was argued in some quarters that this was not only a stretch of the royal prerogative but manifestly illegal.[50] The military-fiscalism of the Restoration state continued to be a serious burden on the localities.[51]

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[45] *RPCS*, III, 123. See also Kirkton, *History*, 291-2; *Life of Blair*, 532. Lecturing became a casuistic and politically-charged 'preaching to the times' during the Civil Wars. It was backed by the Directory for Public Worship produced by the Westminster Assembly. See *A Directory for the Publique Worship of God throughout the Three Kingdoms of England, Scotland and Ireland*, (London, 1646), 6-7 and *Records of the Kirk*, ed. Peterkin, 421. See also Christopher R. Langley, 'Times of Trouble and Deliverance: Worship in the Kirk of Scotland, 1645-1658', unpublished PhD thesis, (University of Aberdeen, 2012), 64-71.
[46] Wodrow, *History*, II, 148.
[47] Kirkton, *History*, 297-8.
[48] See Macinnes 'Repression and Conciliation'.
[49] *RPS*, 1669/10/14, 1672/6/7a. See also Lee, 'Government and politics in Scotland', 171-2, 174; MacIntosh, *Scotland under Charles II*, 89-90, 117-18, 150.
[50] Burnet, *HMOT*, I, 511; Wodrow, *History*, II, 139, 197.
[51] Kirkton, *History*, 272-5; *Life of Blair*, 520.

Resentment of the Indulgence policy by both established and nonconforming clergy, coupled with the continued proliferation of conventicles, led to consideration of another initiative which had been tabled as early as 1667 by Bishop Leighton. Leighton reckoned 'if the schism could be once healed, and order be once restored, it might be easy to bring things into such a management, that the concessions then to be offered should do no great hurt in present, and should die with that generation'.[52] That is, the terms for a comprehension of Presbyterian ministers ought to be marginal and temporary, with a commitment to conformity superceding conciliation before discussions got underway. Leighton was eventually given scope to pursue his initiative as an inducement to accept the vacant archbishopric of Glasgow following the removal of Alexander Burnet on account of the 'Remonstrance' affair. Although twice refused, he eventually acquiesced having received a personal command from the king. He took up the office as commendator in June 1670.

Leighton's scheme, known as the 'Accommodation', was preceded by an attempt to engage the laity. At his first synod, he instigated a committee to receive complaints against the established clergy.[53] He also hired a cadre of clergymen to tour the west of Scotland to promote the Accommodation. Among them was Gilbert Burnet, recently installed as Professor of Divinity at the University of Glasgow. It was on this tour that Burnet discovered the extent of the commons' knowledge on ecclesiastical affairs. His amazement notwithstanding, Burnet believed they were 'vain of their knowledge, much conceited of themselves, and were full of a most entangled scrupulosity; so that they found, or made, difficulties in every thing that could be laid before them'.[54]

In August, George Hutcheson, Alexander Wedderburn, Matthew Ramsay, John Baird and John Gemmil – all former Resolutioners presently indulged – were requested to appear in Edinburgh to discuss the Accommodation with Lauderdale, Leighton, Burnet and a number of privy councillors, including Rothes, Tweeddale and Kincardine. The overture proposed that: bishops act only in a presidential capacity in church courts, with matters of jurisdiction and ordination settled by the votes of presbyters; bishops be denied a negative vote in courts; regular synods hear complaints against bishops and

52 Burnet, *HMOT*, I, 502-3.
53 Wodrow, *History*, II, 176-7.
54 Burnet, *HMOT*, I, 535; Wodrow, *History*, II, 177.

clergymen; Presbyterians be allowed to protest against episcopacy before sitting.[55] Leighton spoke for half an hour on division and lamented that 'many souls were lost, and many more were in danger by these means'. Perceiving episcopacy as an order distinct from presbytery which had existed since the era of the apostles, he argued that a parity of clergymen had not been considered until the mid-sixteenth century when it was 'set up rather by accident than on design'. Although persuaded of this view, he believed the overture would allow both sides to 'preserve their opinions' while uniting to promote the gospel. As the Accommodation affected both indulged and non-indulged ministers, Hutcheson requested time to allow for a Presbyterian conference to consider its terms. This required sanctioning by Lauderdale 'since this might seem an assembling together against law'.[56]

Tweeddale was doubtful that further debate would lead to a conclusive settlement. In private conversations with Hutcheson he continued to draw a simplistic distinction between the Protester west and Resolutioner east, and believed the Accommodation would suffer the same fate as the Public Resolutions of 1650-1. He also believed some Protesters to be 'professid separatists & congregational & not presbetierian'. From his perspective, the wisest approach to avoid wrestling with their factious nature was to convince the 'honest sober men' to accept the proposals. They could then encourage their brethren to do the same. Hutcheson was apparently 'sensible' to this approach. Tweeddale was still sceptical of success by the end of September, but at least hoped to secure the support of Resolutioners 'soe that, the protesters left behind, they might take a different Measur[e] if they could not bring them the length'.[57] The marginalising of Protesters was arguably as much a feature of government policy now as it had been a decade ago when discussions for an ecclesiastical settlement first began.

Much like the Indulgence and Act of Supremacy, the Accommodation was scorned by both the established and nonconforming clergy. The former believed they would soon be abandoned by their congregations if Presbyterians returned to the Kirk, while the latter again thought it a 'snare' intended 'to lay that generation in their graves in peace'.

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[55] Burnet, *HMOT*, I, 503-4, 530-1; Kirkton, *History*, 296-7; [Robert MacWard], *The Case of the Accommodation Lately proposed by the Bishop of Dunblane, To the Non-conforming Ministers examined*, (n.p., 1671), 2; Wodrow, *History*, II, 178.

[56] Burnet, *HMOT*, I, 531-2.

[57] *Lauderdale Papers*, II, 204-8.

While ostensibly a compromise, the coercive undercurrent to the endeavour is revealed by Burnet:

> the far greater part of the nation approved of the design: and they reckoned, either we should gain our point, and then all would be quiet, or, if such offers were rejected by the presbyterians, it would discover their temper, and alienate all indifferent men from them; and the nation would be convinced, how unreasonable and stubborn they were, and how unworthy they were of any farther favour.[58]

In other words, failure to accept the overture would eliminate public sympathy and justify continued repression.

In addition to their distrust of government motives, the series of conferences running from September to November 1670 highlighted the ideological complications presented by the Accommodation, but also the Restoration settlement more generally. Firstly, Presbyterians judged the presbyteries before 1638 and after 1661 to be entirely different entities. While bishops had been imposed upon presbyteries from 1606, the courts were still understood to have been erected upon the 'intrinsic power' of the Kirk as outlined in the so-called 'Golden Act' of 1592. In 1661, however, church government was declared to be at the king's pleasure, while a proclamation on 9 January 1662 had discharged all ecclesiastical meetings until authorised by royally-appointed bishops. Then, in 1662, the Act of Restitution had restored episcopacy and annulled the 'Golden Act'. Thus 'the work of the last revolution, was not only an invasion made upon the Churches Government, by the setting up of Bishops, and their usurpation over Presbyteries and Synods' but a fundamental alteration where the king annexed 'all Church-power to himself, as the proper right and prerogative of the Crown'. Consequently, the royal supremacy had 'swallowed up all true Ecclesiastick-government' and, in a canny reversal of Restoration rhetoric, the church courts were simply 'its unwarrantable conventicles'.[59]

While these expressions of opposition to the Restoration settlement were a hallmark of Presbyterian dissent, Burnet believed the nonconforming clergy were motivated primarily by a desire to maintain their popularity. This was because

> The people had got it among them, that all that was driven at, was only to extinguish presbytery, by some seeming concessions, with the present generation; and if the ministers went into it, they

[58] Burnet, *HMOT*, I, 533.
[59] Kirkton, *History*, 296-7; Law, *Memorialls*, 32-3; [MacWard], *Case of the Accommodation*, 3-13; Wodrow, *History*, II, 178-9. For the 'Golden Act', see *RPS*, 1592/4/26.

> gave up their cause, that so they themselves might be provided for during their lives, and die at more ease.

Whether concerned to save face or recognising their reliance on lay support, the ministers resolved to reject the proposals 'though they could not well tell on what grounds they should justify it'.[60] While obviously keen to play down a principled rejection of the Accommodation, Burnet's view does again suggest that dissent was as much lay-driven as clerical-led.

The circulation of a false report also 'had its full effect upon them'. A rumour suggested that the king had become alienated from the Church of England and grown weary of supporting episcopacy in Scotland. Consequently, the concessions were viewed as a desperate attempt to preserve the ecclesiastical settlement rather than a gesture of 'tenderness'. However, in another debate, arguments returned to the Covenanting obligation to maintain the presbyterian system as expressed through the maxim 'in doctrine, worship, discipline and government'. To this papers were sent pressing the ministers on their questionable Covenanting commitment. For example, they had continued to perform their clerical duties despite the prohibition of General Assemblies by Cromwell, they had submitted to an order to cease praying for the exiled Charles II and they had 'discontinued their ministry' from 1661. For Burnet these were far greater alterations than the projected Accommodation. The Duchess of Hamilton also intervened, making it clear to Hutcheson that rejection of the scheme 'would give a very ill character of them'. He responded that a Presbyterian majority were 'against all treaties' and thus acceptance of the Accommodation by a few 'would not heal the old breaches'.[61] The experience of schism, and especially its contribution to the restoration of episcopacy, ensured that a premium was placed on clerical unity. But unfortunately for those willing to compromise with the regime, the price of unity was their continued nonconformity.

Leighton contacted the Presbyterians in November and eventually agreed that a conference be held at Paisley on 14 December. On that day Leighton, Burnet and officials from Glasgow met with around 26 ministers to better explain the proposals. After a lengthy speech by Leighton, John Baird stated that they could not accept the Accommodation 'without quitting their principles'. Well aware that their reasoning

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[60] Burnet, *HMOT*, I, 536. For a response to this charge, see [MacWard], *Case of the Accommodation*, 95.
[61] Ibid., 536-9

would be used against them, the Protesters William Adair and James Naismith requested the proposals in writing. The ministers then met at Kilmarnock and agreed that the written proposals were even more unsatisfactory. Afterwards, Hutcheson and Wedderburn, alongside the indulged ministers William Maitland and Robert Miller, travelled to Edinburgh in January 1671 and held two further meetings with Leighton, Burnet and a cohort of privy councillors. Hutcheson stated that, in the name of his brethren, the Accommodation did not satisfy their consciences. He refused to negotiate any further, allowing Leighton to juxtapose the Presbyterians' unwillingness to offer solutions with his own desire for peace.[62] Word may have spread about 'how neir the Bishop Leighton and the Nonconformists wer aggreid' but by the end of the year such optimism had receded.[63] The indulged were punished subsequently for the failure to reach an agreement.[64]

Within the year, the exiled Protester Robert MacWard had produced a tract which gave extensive treatment to the scheme from a polemical perspective. In addition to surveying the proposals, *The Case of the Accommodation* (1671) focused its ire on two letters produced by Leighton to persuade the Presbyterians to accept. But as was so often the case during the Restoration era, discussion of contemporary issues regressed into a debate on the legitimacy of the Covenants and the Covenanting regime – the platform on which Presbyterian nonconformity ultimately rested. Thus the tract was not only a published vindication of their refusal to conform but a defiant statement of later Covenanting ideology.

For MacWard, there were three guiding principles when it came to government in Kirk and state: first, that 'Ecclesiastick power' was the 'sole prerogative' of Jesus Christ; second, and in keeping with the political thought of Samuel Rutherford and James Stewart of Goodtrees, magisterial power was 'under God, from the People'; and third, that all 'extraordinarie interpositions' of emperors and kings in ecclesiastical affairs 'did no wayes flow from any inherent right or prerogative' but were the product of necessity and 'sustained by the righteousness of the work'. So if the established clergy upheld the king as head of the Kirk but the Presbyterians disallowed all church government which

[62] Burnet, *HMOT*, I, 539-42; Kirkton, *History*, 297; Law, *Memorialls*, 33; *Lauderdale Papers*, III, 233-4; Wodrow, *History*, II, 179-82.
[63] Brodie, *Diary*, 309, 322.
[64] *RPCS*, III, 277. See also Law, *Memorialls*, 33.

did not have a commission from Christ, how were they to conform? Indeed, until convinced otherwise, 'they cannot rationally blame us for Separation'. Indeed, the scope for protesting against episcopacy was largely inconsequential when the constitution of the Kirk was adjudged 'unwarrantable and corrupt'.[65]

Next, and having outlined how 'our Presbyterian paritie is plainly warranted, both by general Gospel-rules, and very expresse instances contained in Scripture', a church hierarchy was rejected by MacWard. Leighton's assertion that episcopacy managed in conjunction with presbyters was agreeable to the word of God was therefore denied. While conceding that a fixed presidency was discernible in the second and third centuries of the Church, MacWard believed 'the better pattern of the more pure and ancient times do hold out no such thing, but an equal paritie'. What was more, 'this Presidencie did, in its tendencie and progresse, become the rise not only of aspiring Prelacie, but of the monstrous Papacy'. It was evidently 'a meer humane invention, equally unwarrantable and dangerous', with the Church Father and historian Jerome of Stridonium cited as affirming the same in the apostolic age. Even the proposal for a reduced episcopacy (echoing the scheme promoted by the Archbishop of Armagh James Ussher) was rejected, although this time on the grounds that it was 'a Politique draught' which would consolidate the establishment of the royal supremacy.[66] Thus the Covenants were not 'the main, if not the only ground of Scrupling' as Leighton alleged, but it was nevertheless the case that in 1638

> having found Presbyterian government with an equal paritie, to be the government appointed by the Lord in his House; and that the same was formerly established by Oath in this Land; and having then restored it, we bind our selves constantly to defend and adhere to the true Religion, as then reformed from the novations and corruptions that had been introduced; whereof the government of the Church by Bishops, and their constant Moderatorship were reputed to be a part.[67]

The second article of the Solemn League and Covenant had similarly bound signatories to the extirpation of popery and prelacy, and 'whatever respect it may have to *England* and *Ireland* for the future yet', for the Scots 'it must more forcibly inferre an abjuration

[65] [MacWard], *Case of the Accommodation*, 14-16.
[66] Ibid., 17-31, 80. Ussher's *The Reduction of Episcopacie* was published posthumously at London in 1656 . For Ussher, see Alan Ford, 'Ussher, James (1581–1656)', *ODNB*.
[67] However, Bishop Honyman had previously argued that the Glasgow Assembly's intepretation of the National Covenant as against episcopacy 'could not oblige all the takers of it to their own declaration of the sense of the Covenant' because it 'was not at first imposing the Oath, declared to them'. See [Andrew Honyman], *A Seasonable Case of Submission to the Church-government, As now re-established by Law, briefly stated and determined*, (Edinburgh, 1662), 36.

of all these things'.[68] Indeed, the interplay between the Covenants was at the heart of Covenanting as an ideology. The force of the

> obligement of constant defence and adherence, contained in the *National*, did so constrain us to make the *League and Covenant*, as the visibly necessary mean for that end, and without which conjunction the prelatick partie in England, which had twice from thence perfidiously attacqued us, prevailing there, had in all probabilitie overwhelmed us.

Consequently, 'the refusal of the second Covenant, by any who had taken the first, could not but be construed a breach thereof'.[69] This view ensured that only those committed to confederalism and the export of the Covenanted Reformation could be considered true Covenanters.

The confederal dimension of the Solemn League and Covenant did complicate matters, however. Not only did Leighton contend that the reduced episcopacy on offer was of a different nature to that abjured by this covenant, he rightly noted that English Presbyterians recognised the distinction between prelacy and moderate episcopacy.[70] Predictably, MacWard argued that they only spoke of 'the obligation of the Covenant in order to England'. It was also fanciful to expect that England 'should instantly upon our grant of assistance embrace Presbytery in all its forms'. But it remained clear that 'both they and we, in our respective stations, are still obliged to reform that Church from all Episcopacie'.[71] Thus confederalism continued to be promoted by MacWard, although he remained quiet on exactly how reform was to be achieved in practice.

Covenanting obligations were followed by Covenanting vindications. Leighton's first letter had argued, not unreasonably, that the 'iniquity and unhappinesse of such Oaths and Covenant tyes' were because 'they are commonly patched up of so many Articles and Clauses' of 'versatile and ambiguous termes' which proved to be 'wretched snares and thickets of briars and thorns to the Consciences of these that are ingadged in them, and matter of endlesse contentions about their true sense'.[72] Andrew Honyman had similarly argued in his *Survey of Naphtali. Part II* (1669) that the Covenants were 'so

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[68] [MacWard], *Case of the Accommodation*, 33.
[69] Ibid., 34-5.
[70] See Richard Baxter, *Five Disputations of Church Government, and Worship*, (London, 1659), 276-85, 297-307, 330-1 and Theophilus Timorcus, *The Covenanters Plea against Absolvers*, (London, 1661), 17.
[71] [MacWard], *Case of the Accommodation*, 35-40, 57-8.
[72] Ibid., 43, 100-1.

flexible' they would be the basis of perpetual trouble.[73] Unsurprisingly, MacWard read the recent past differently. It was clear to him that

> the Bodies of both the Parliaments, Assemblies, and People of these Nations, were acted in the matter of this League with such unanimity, straightnesse and zeal for Religion and Liberty, as can not readily be instanced in any Age or Nation, and could only be the effect of a Divine presence and assistance.

By drawing on social memory in an 'appeal to the remembrances of thousands', he observed that the renewal of the Covenants in Scotland and England had been 'attended with more sincere mournings and serious repentances, and solid conversions, then hath been in any dispensation of the Gospel since the dayes of the Apostles'.[74] Such was the singularity of the Covenanted Reformation as a providential event. By extension, then, it was neither ambiguous nor a snare to conscience. MacWard then argued that the accusation of ambiguity could not be applied without harming 'the Scriptures of Truth with the same Darts' because the Covenants were not only divinely-inspired but divinely-warranted. Meanwhile, he believed it no coincidence that those who accused the Covenants of being unconscionable were the very same who had broken its terms. By their 'serpentine subtiltie and irreligious indifferencie' they had extricated themselves from their Covenanting commitments, a comment indicative of Scottish Presbyterian views on latitudinarianism.[75] Indeed, Leighton was an obvious target, disguising his covenant-breaking by arguing that the faithful were detained against their wills. On the other hand, those who urged conformity to the changes wrought by the restoration of Charles II 'must not only slack the bond of the *Covenant* and the Commands of God; but of all honesty and ingenuity among men'. Consequently, and in a remark that captures the *mentalitié* of Presbyterian nonconformity, 'he that would be faithful, aswell as he that would live godly, must resolve to suffer persecution'.[76]

However, it was not simply the terms of the Covenants with which Leighton took issue, but the nature of their imposition: it had been violent; it had engaged 'the whole body of the community' and not just those in public office; it had conflated the religious and civil spheres in its promotion of 'Church Discipline and Government, the privileges of

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[73] [Honyman], *Survey of Naphtali. Part II*, 17. See also [Honyman], *Seasonable Case*, 28-36, 38-40.
[74] [MacWard], *Case of the Accommodation*, 44.
[75] For latitudinarian theology, see John Spurr, ''Latitudinarianism' and the Restoration Church', *HJ*, 31 (1988), 61-82, and for Scottish Episcopalian latitude, see Kidd, 'Religious Realignment', 147-53. Presbyterian criticism of these views can be found in [Brown], *Apologetical Relation*, 108-33; [MacWard], *True Non-Conformist*, 303-63; [Stewart], *Jus Populi*, 188.
[76] [MacWard], *Case of the Accommodation*, 45-7.

Parliament, the liberties of the subject, and condigne punishment of Malignants'; it had been 'far from the reach of poor countrey peoples understanding' and equally distant from the interest of their souls. This was, Leighton argued, unparalleled tyranny.[77] A 'weighty accusation', MacWard held that the majority were 'cheerfully' engaged but conceded that some had refused. In a dubious vindication of Covenanting policy, he stated that 'their suffering was so just and notwithstanding moderat[e], and their number so small [...] that it cannot give any countenance to the exception'. More convincing, however, was the retort that episcopacy 'had such an universally grievious influence upon all ranks' that 'the people ought in duty to have had a competent knowledge in these matters'. Indeed, the Covenants were 'entered into from the universal feeling of all ranks of the invasions made and threat[e]ned both against Religion and Libertie'. Their religious and civil dimensions were also entirely compatible:

> Can not these things lye easily enough together in an Oath, which yet are all comprehended in the Law of God? Are the Churches true Government, the righteous privileges of Parliaments and liberties of the Subject, and the duty of endeavouring in our place and calling that evill doers may be punished, and the rebels purged out of the Land [...] the great concernes both of Religion and Righteousnesse, things either impertinent or in themselves incompatible?

This was a succinct statement of Covenanting ideology. MacWard did recognise that the maintenance of liberties and the punishment of malignants had no direct correlation, but in an observation that highlighted the interaction between policy and process, was sure that 'in the then juncture of affaires, their defence was of notable subservience to the preservation and reformation of Religion principally covenanted'. By contrast, it was the oath of allegiance which was the 'strange hodge podge', where the spiritual and temporal were entangled in the royal supremacy.[78]

A vindication of Presbyterian nonconformity followed naturally from the vindication of the Covenants. It was not, he argued, 'separation or withdrawing, in the abstract, but in its complexe causes, conditions & tendency, that we are to regard'. In the present context, those who feared God and wished to keep themselves pure 'withdraweth from such as walk disorderly'. Those looking to avoid contamination supposed 'that gain is godlinesse'. Could the godly be blamed for separation? Or was it really the present establishment – by its breach of the Covenants, usurpation of Christ's prerogatives and ejection of faithful ministers – which had created the schism? Revealing the symbiosis of

[77] Ibid., 47-8, 101.
[78] Ibid., 48-55.

religious dissent and rights of resistance in later Covenanting thought, MacWard contended that 'the lovers of Gods Glory and of their own salvation' ought to 'resist all these their intended corruptions'. The charge of separatism was then reversed. MacWard noted that 'assuming the name of the Church, and accusing discountenancers of Separation, have been the common artifices, by which every prevailing sect or party have endeavoured to render their opposities odious'. So until Leighton proved the present establishment was 'the only Church' the charge of separatism was inconclusive. But going a step further, MacWard also contended that the later Covenanting movement – 'the broken Ministry, scattered Flocks, and secret meetings of the Lords faithful people in this Land' – were 'his true Church'. Thus he had not simply argued for the necessity of separation in the interests of confessional purity, as had the Protesters, but gone as far as to suggest that the true Church of Scotland were the nonconformists who attended conventicles in house and field.[79] This view was not, however, endorsed by all Presbyterians (see Epilogue).

Ultimately, MacWard rejected the Accommodation because its terms were ambiguous, its approach pernicious and its framework expedient. Above all, and reflecting its clerical focus, it was designed 'to catch a small remnant of the Lords faithful ministers' who were 'witnesses against the present backsliding'.[80] That is, it targeted those ministers who upheld the Covenanted Reformation as legitimate and maintained the Covenants as their chief reference point for government in Kirk and state in Scotland, if not England and Ireland. The rhetoric of the 'remnant' – inspired by Old Testament prophecy and first espoused in a later Covenanting context by James Guthrie from the scaffold – would become a well-worn Presbyterian trope during the Restoration era. It was also a title to be contested as the movement continued to fragment.

Spirit of Division

Leighton laboured to fill the vacant parishes in the western shires, but by December 1671 had become exasperated with the expectations of the laity, who 'in most of ye parishes would not receive angels, if they committ ye horrid crime of going to

[79] Ibid., 59-60, 69-73.
[80] Ibid., 95-6.

presbyteries & synods'.[81] He was still complaining of the vacant kirks in May 1672 – which were 'not a few' – while 'diverse of ye people' were 'very humorous & hard to please'. In a candid appraisal of government policy since 1661, he believed it had been the 'negligent indifferent throwing in upon them any that came to hand was ye great cause of all ye disquiet that hath arisen in these parts'.[82] Consequently, Burnet urged a second Indulgence to fill the 'many vacancies in the disaffected counties'. His proposal recognised the necessity of comprehending the Protesters if a settlement was to be conclusive. By this approach, he argued, 'all the outed ministers would be again employed, and kept from going round the uninfected parts of the kingdom'. He suggested that ministers be planted in couples, or, where a minister was already indulged, another minister added to that parish. However, as with previous endeavours, there was a malevolent undercurrent to the design. Burnet presumed that the maintenance of two ministers would either inculcate weariness in the localities or initiate quarrels between the incumbents. In other words, if the ministers could not be settled peacefully, the movement would at least be divided. Once in writing, Lauderdale turned the proposal 'into the style of instructions'.[83] On his return to Scotland in April 1672, rumours circulated that 'he had an indulgence in his pocket'. Charles had already granted a second Indulgence in England on 15 March, although it was widely believed to show greater favour to Catholics than Protestant dissenters. Indeed, in light of Stuart foreign policy, it was interpreted as a method to gratify the French while calming domestic affairs in the midst of the third Anglo-Dutch war (1672-4).[84]

By the summer, the nonconforming clergy were meeting to discuss the possibility of another Indulgence. On 8 August, there was a conference of some 20 ministers in the chambers of Thomas Hogg near Magdalene Chapel in Edinburgh. There they resolved to send a letter to Lord Stair which urged an Indulgence 'free of poysonous ingredients or conditions'. James Kirkton and Gabriel Cunningham were then selected to meet with Stair on 20 August. However, divisions had become visible. According to Kirkton, there

[81] *Lauderdale Papers*, II, 217.
[82] Ibid., 225.
[83] Burnet, *HMOT*, I, 547-8.
[84] Brodie, *Diary*, 326-7; Wodrow, *History*, II, 201-2. See also Harris, *Restoration*, 63, 69, 72, 80, 102, 122-3, 130, 169, 233, 247. The attempt at closer union between Scotland and England which began in 1669 – no more than half-hearted and ultimately a failure – shifted attention away from Charles's secret dealings with Louis XIV which had culminated with the Treaty of Dover in 1670. See MacIntosh, *Scottish Parliament under Charles II*, 79-82, 106-8.

was 'a dangerous humour' at the meeting wherein some urged a testimony 'against the sinfull government of the state'. Those who wished such 'dangerous expressions' left Edinburgh the following day in order to leave their brethren 'to be their proxies for martyrdom'. Yet they would 'talk gloriously among their companions in the countrey, how they hade moulded a testimony at Edinburgh'. While the letter was eventually laid aside, the meeting was misrepresented in the western shires in order to suggest that 'the ministers in Edinburgh hade all been for accepting the indulgence if a letter were write with it'.[85]

Stair may have promised that 'all would be safe and fair', but when the Privy Council announced the second Indulgence on 3 September 1672 there was widespread indignation.[86] It was passed in three consecutive acts. The first confined 88 ministers to 58 parishes across the dioceses of Glasgow, Irvine, Ayr, Kirkcudbright, Hamilton, Lanark, Linlithgow and Argyll.[87] As Burnet had suggested, many were indulged in pairs. Analysis reveals that, at least in theory, Irvine received the greatest influx of ministers with 24 in total. Meanwhile, the repeated inclusion of Argyll suggests that nonconformity had been an issue in the western Highlands and not just the Lowlands as traditionally assumed.[88] With respect to the previous incumbents, in most cases the indulged were replacing a deceased minister or an Episcopalian who had been translated elsewhere.[89] In addition, the act set up a commission of privy councillors, who, alongside the respective bishop of each diocese, had the power to remove and replace the ministers comprehended within the Indulgence. It also stipulated that the stipend of each parish had to be divided equally among the incumbents. Crucially, in order to avoid discouraging the established clergy and disquieting peaceable laymen, the act stated that the Indulgence would not be extended or enlarged in future. This was as far as the regime was prepared to compromise with Presbyterian dissent, thus calling into question the extent to which the policy can considered 'conciliatory'. The second act then listed six conditions to be observed by the indulged: they were only to baptise children from their own parish; those within a diocese were to celebrate communion on the same day and not to admit anyone from a neighbouring parish; they were only to preach in the

[85] Kirkton, *History*, 328-30.
[86] Ibid., 330.
[87] *RPCS*, III, 586-9.
[88] This may be explained by the close link of presbyterianism to Clan Campbell as also the movement of settlers from the western shires into Cowal and Kintyre from 1648. See Macinnes, *British Confederate*, 275.
[89] Appendix 1.2.

kirk lest they be convicted of conventicling; they were not to leave their parish without a license from the local bishop; in the exercise of discipline all cases were to be referred to the local presbytery; they were to meet the cost of bursars and clerks in their respective church courts.[90] Finally, the third act discharged all non-indulged ministers from exercising their ministry and empowered inferior magistrates to coerce attendance at the local kirk.[91] Kirkton, who had been intimately involved in negotiations, condemned the thrust of the Indulgence, and in particular the belief among statesmen that by its satisfaction of a few western parishes the remainder 'should contentedly rest upon the curat[e]s'.[92]

A number of clerical meetings were held in wake of the announcement. Within a couple of days a dozen Presbyterian ministers had met in the chambers of David Hume, with some urging those listed to declare 'it was sinfull for any man to enter to a church by these acts'. However, as the issue concerned all nonconforming ministers, a general meeting was convened on 24 September. There they resolved 'to abstain from endless disputes'. Then, at the next meeting, John Inglis, the elected moderator, asked 'What was the present duty of the ministers named in the indulgence, and whether they should goe to the churches named to them or not?' Four opined that with a testimony against the state the ministers could accept the posts, two were unclear and the remainder for the negative. The first minister to speak, Thomas Wylie – formerly minister of Kirkcudbright, of the Mauchline cohort and now indulged at Fenwick, the former parish of another of the Mauchline cohort, William Guthrie – provided his reasons for rejecting the Indulgence. He also pointed to the testimony of Robert Douglas, who had apparently stated that he would abandon his post at Pencaitland if the ministers refused the offer.[93] This stance proved to be influential.[94]

When copies of the Indulgence arrived in the west there were meetings across the shires. In general, the ministers thought they could accept provided they testified against Erastianism. William Vilant and Alexander Wedderburn, both in post under the first Indulgence, were chosen to draft the testimony. Receiving amendments at Irvine in

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[90] *RPCS*, III, 590.
[91] Ibid., 590-1.
[92] Kirkton, *History*, 327.
[93] Ibid., 330-2. Wylie had moved to Coleraine in county Londonderry prior to the second Indulgence (*Fasti*, III, 94).
[94] Wodrow, *History*, 206.

October, it managed to comprehend both indulged and non-indulged ministers. However, with nearly a month having passed since the announcement, there was a discernible shift in opinion at a conference held in Kirkton's chambers in Edinburgh. After another vote had established who was for and against the Indulgence, with an influx of ministers seeing an increase in the number for acceptance, Gabriel Cunningham produced a paper written by Wylie entitled 'Certain of the many Grievances in the Indulgence, straitning the Presbyterian Ministers named therein, that they cannot accept'. The paper was accepted by the conference on the understanding that it outlined their rejection of the Indulgence. But following further consultations, Cunningham altered the title of the paper to 'The Complaint of the Ministers who were to take the Indulgence upon some Grievances to the Councill's Acts'. Perceived by some as an excuse to conform, it was at this point that the clergy divided. Arguments continued as both sides strove to emit a testimony which not only vindicated their position but maintained clerical unity. But at a final 'great' meeting on 23 December, the majority of attendees declared that they could not condone a paper which excused acceptance of the Indulgence. There was no subsequent declaration from the indulged, who defended themselves by blaming the refusers for not wishing to emit a joint testimony. From the accounts he had seen, Wodrow observed that 'the ministers in the east country were more averse than those in the west'.[95]

While dividing the nonconforming clergy had featured as a subsidiary aim of government policy since 1667, the acute social divergences occasioned by the Indulgences were entirely unplanned. Indeed, the social divide undermined the entire conciliatory project, which had specifically targeted the clergy on the basis that their conformity would secure that of the laity. As Kirkton reports, most of the western gentry had supported the second Indulgence, 'desyring much to hear a presbyterian rather than a curat[e]' and no doubt concerned to free themselves from the repressive sanctions against dissent. But a strain of anti-clericalism, the development of which can be traced back to the 1650s, had been fostered among the peasantry. Reacting to the second Indulgence

> the commons were against it, and learned to improve that dangerous principle which hade been so much inculcate in their ear, that it was unlawful to hear a minister who was guilty of any

[95] Kirkton, *History*, 332-4; Wodrow, *History*, 206-9.

> publict error or scandal in his ministry, so as totally to reject their ministry, and to refuse both their doctrine and sacraments.[96]

Such sentiments became more pronounced as the decade wore on and were at the heart of the Presbyterian secession consolidated after the Bothwell Rising of 1679. In the meantime, dissension among the clergy manfested itself in a very public dispute.

A number of tracts appeared between 1674 and 1681 which represented the range of positions within the dispute. The strongest indictment of the Indulgences, the indulged and the Restoration regime was *The History of the Indulgence Shewing its Rise, Conveyance, Progress and Acceptance* (1678) by the exiled Protester John Brown. Much like Robert MacWard, Brown had the least to gain if limited toleration proved successful and the greater scope to speak out against government policy. A point-by-point response to Brown, accompanied by a short dialogue vindicating the hearing of indulged ministers, was *A Review and Examination of a Book, bearing the Title of the History of the Indulgence* (1681) by the former Resolutioner and indulged minister of Cambusnethan, William Vilant. Meanwhile, the indulged minister of Paisley, John Baird, exhorted unity in a letter circulated from 1674 and published subsequently as *Balm from Gilead: or, the Differences about the Indulgence, Stated and Impleaded* (1681). Robert Fleming, the former minister of Cumbuslang who refused to join Ralph Roger as indulged minister of Kilwinning, also urged unity in his *The Chuch Wounded and Rent by a Spirit of Division* (1681); indeed, in his first sojourn to Rotterdam in 1677, Fleming had clashed with his colleague MacWard on the subject of maintaining fellowship with the indulged.[97] Finally, a vindication of the remaining nonconforming ministers which was less obviously critical of the indulged was *An Apology for, or Vindication of the Oppressed persecuted Ministers & Professors of the Presbyterian Reformed Religion, in the Church of Scotland* (1677), a joint work by Hugh Smith and Alexander Jamieson.[98]

The Presbyterian dispute was not simply theoretical but rooted in, and shaped by, the political process. Indeed, much like the evidence presented in the previous chapters, the dispute reveals the integration of ideas and action in the development of Covenanting as

[96] Kirkton, *History*, 334.
[97] David George Mullan, 'Fleming, Robert (1630-1694)', *ODNB*.
[98] It was proposed that Jamieson be indulged with James Hutcheson at Killellen – Hutcheson's former parish before he was deprived and replaced by George Birnie (see Appendix 1.2). Smith, meanwhile, had been ordained in 1652 and thus fell within the compass of the 'Act of Glasgow'. The minister of Eastwood until his deprivation, he was neither comprehended within the first or second Indulgence (*Fasti*, III, 134).

an ideology – exemplified most obviously in Brown's historical approach to the controversy. He drew attention first to the case of William Weir, indulged at West Calder, who had been punished by the Privy Council for inflammatory preaching upon entering his new charge. Concerned about his initial grounds of entry, Weir had received a call from several heritors and people of the parish. In his first sermon he then declared his adherence to the Solemn League and Covenant and refused to acknowledge the authority of either king or bishop in ecclesiastical affairs. He later stated that neither king nor Council were 'the Treasurers of the Gospel, or of the Ministrie of it' and condemned both prelacy and the royal supremacy. While this incident reveals Weir's apprehension and the care which he, and others, took to balance pragmatism with principle, for Brown it was simply a demonstration of Erastianism. In short, Weir's punishment proved to Brown that the Council 'taketh upon them to make this man a Minister'. He was not owned by the established, though corrupt, church courts and the Act of Indulgence had been his only call. That preaching against episcopacy and the royal supremacy 'was sufficient to be the matter of a Lybel' suggested that the Indulgences had been designed to firmly establish both.[99]

The case of Weir was juxtaposed with that of John Burnet, formerly of Kilbride and indulged at Loudoun, the former parish of the exiled Protester John Nevay (who was also of the Mauchline cohort). Not only had Burnet rejected the Indulgences, but he 'thought it his duty to give an open and plaine account of his Reasons to the Councel, why he could not submit'. These were drawn up in a short paper, which, while not presented due to his illness, and later, death, was sent to Chancellor Rothes as his testimony. It began with five key points. First, the constitution and government of the Kirk of Scotland 'was framed according to the Word of God, confirmed by many laudable and ancient Lawes of the Kingdome, and solemnly sworne to by all Ranks within the same'. Second, since 1660 this purportedly ancient government was overturned and replaced by prelacy, depriving the Kirk of its lawful pastors. Third, this had not only involved Scotland in backsliding and defection but had apparently bred atheism, profanity, popery, paganism and Quakerism. Fourth, it was not within the power of magistrates to alter the government of the Kirk, but fifth, he did not deny the magistrate 'hath a power *circa Sacra*, which power is objectively Ecclesiastick'. Thus royal

[99] [Brown], *History of the Indulgence*, 41-2. See also Wodrow, *History*, II, 209-10.

authority could only prescribe what was commanded by God. He then outlined his reasons for not accepting the license: he argued that Christ had committed ministerial authority to church officers only; the Indulgences condemned conventicles; acceptance inferred approbation; it was intimately related to the Act of Supremacy. But most importantly, he believed the permission to preach was no favour when considered alongside his congregational call, 'which tye can never readilie be dissolved by any other Power, than that which at first did make it up'. At his former parish he had 'Ten years (during the English Usurpation) wrestled in opposition to *Quakers* & *Independants* in the place where the first breach had been made upon the Church of Scotland'. And while he was 'without any Ecclesiastick sentence thrust from the public exercise of my Ministrie in that place', he took solace in the support of his congregation, 'where there will be 1200 examinable Persons, whereof there were never 50 Persons, yet to this day, who have subjected themselves to him, who is called the Regular Incumbant'.[100]

Focus was then placed on the performance of the ministers before the Privy Council in the wake of the second Indulgence. 17 ministers were initially cited on 12 March 1673 for not entering their confinement. Among them were James Kirkton and Alexander Jamieson, with the former denounced rebel on 6 November having fled to England. The Protester Robert Lockhart had done the same. Others, such as George Wauch, retired to Ireland. Meanwhile, on 8 July, 23 indulged ministers were fined for failing to keep the Restoration anniversary. A further six were fined on 10 and 31 July respectively.[101] Though a new act 'hade some way soft[e]ned the first act made about that day' they still 'could not keep any holy day but the Sabbath'.[102] It was this refusal which gave cause for consideration of the rules of Indulgence more generally and fuelled further controversy. The cited ministers had met to discuss the 'canons' and drew up a paper which reflected on magisterial power in ecclesiastical affairs. While some desired to emit a testimony before the Council as a vindication of their position, others were less enthusiastic. Most notably, George Hutcheson was against subscription.

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[100] Ibid., 42-8. Burnet had replaced the deceased Protester Thomas Charteris at Kilbride in 1656. Charteris had ministered to a congregation of Independents and Anabaptists there in 1653. See *Fasti*, III, 267. Wodrow asserts that there had been 'a great many quakers and separatists' in the parish. See Wodrow, *History*, II, 227.

[101] *RPCS*, IV, 34-5, 71-2, 73, 83, 98-9, 108-9.

[102] Kirkton, *History*, 336-7. For the individual Acts, see *RPS*, 1661/1/255, 1662/5/16, 1672/6/33. This stance on holy days applied equally to Christmas and Easter. Presbyterian opposition to holy days had manifested itself most obviously during the Perth Articles controversy earlier in the century.

It was eventually decided that the paper would function as a template for the ministers in their discourse before the Council. The following day they were each presented with a copy of the rules. Alexander Blair, indulged at his former parish of Galston and of the Mauchline cohort, spoke first, informing the Council that 'he would receive no instructions from them for regulating their ministry, otherwayes they should be their ambassadors, not Christ's'. Hutcheson tried to qualify Blair's assertion by outlining 'the difference between the civil and church government, and their different powers, formal and objective, intrinsic and extrinsic'. The ministers were then dismissed, but Blair was declared to have 'publicly disowned the king and council's power and authority' and so imprisoned until December. He was eventually liberated due to illness but died on 8 January 1674.[103]

This episode damaged Hutcheson's reputation, who was blamed for Blair's suffering. This was compounded by the circulation of a paper titled 'Informations' which criticised clerical conduct. Chastising the indulged, Brown remarked that 'notwithstanding of all their love to Union, [they] left Mr Blair alone'. Indeed, the courage of Blair allowed Brown to accuse the others of hypocrisy and betrayal. Hutcheson's discourse before the Council also compared unfavourably to Blair's forthright testimony. Condemned as neither complete nor sufficiently candid, it failed to vindicate Presbyterian principles and contained no doctrinal assertions 'according to former Vowes, Covenants and Solemne Engagments'. It was also deemed to lack clarity by its delivery 'in such General and Scholastick termes'. Irrespective of whether Hutcheson deserved such scorn – as the minister most intimately involved in negotiations with the regime, he was certainly an obvious scapegoat – the perception among 'the zealous people' was that the behaviour of the clergy had fallen well short of expectations.[104] That the policy had been designed to divide 'the Mad-Cap Phanaticks, and the more sober' now appeared manifest.[105]

Beyond clerical conduct, three distinct, though interconnected, areas are identifiable in the dispute. Continuing a debate generated by the schism of the 1650s, the first considered whether Presbyterians were obligated to promote unity or strict confessional purity. The second, and already observable in this chapter, considered the appropriate relationship between church and state. This debate was on-going in early modern

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[103] Kirkton, *History*, 338; Wodrow, *History*, II, 214-17.
[104] [Brown], *History of the Indulgence*, 52-4, 58-77; Wodrow, *History*, II, 217-22. See also Brodie, *Diary*, 345.
[105] [Brown], *History of the Indulgence*, 59.

Europe, and, in a Scottish context, traceable to the fallout from the Reformation of 1560. It had also been central to the controversy surrounding the Britannic Engagement in 1648. Finally, the third concerned the burgeoning Scottish Presbyterian 'tradition', and specifically, competing claims to be acting in accordance with this imagined past.

The emergence of dissension within the later Covenanting movement – sowed by government policy but owing as much to ideological tensions – led a number of clerics to exhort unity in their published treatises. Drawing attention to the fatality of division, John Baird rebuked Scottish Presbyterians for their inability to cope with internal differences of opinion:

> Can there be no *difference* among you without *division*? No diversity of apprehensions of things without running into *Parties* and *contests* about them? Is difference of judg[e]ment in every lesser thing, inconsistent with unity and peace, concord and communion in things wherein ye are aggrieved?

Division was so fatal because once taken root it was difficult to remove. Arguing for an essential unity among Presbyterians in Scotland, Baird asked if they were not united in principles of doctrine, worship, discipline and government. Were they not engaged in 'one common cause against a common adversary?'[106] In a similar vein, Robert Fleming argued that it was a duty to maintain 'safe union' with those who had witnessed against the restoration of episcopacy and believed differences could be sustained within Reformed Churches without division. Indeed, scripture (Phil. 3:15-16), the early Christians and the first reformers all suggested that differences ought not to prevent unity among the godly when undertaking their Christian duties.[107]

Of notable concern was that endless dispute had become synonymous with Scottish Presbyterianism. Baird wondered aloud whether 'Schism be again the bane and blemish of the *Presbyterian* party'. Indeed, much like the Resolutioners, he accused his opponents of breaking their covenant with God – 'Is not Schism a breach of your Covenant, as well as Prelacy?' – and deemed it hypocritical that they 'cry out of others for breach of Covenant, yet violate the same so grossly your selves'.[108] Fleming was similarly sure that

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[106] [John Baird], *Balm from Gilead: or, the Differences about the Indulgence, Stated and Impleaded*, (London, 1681), 6-9.

[107] [Robert Fleming], *The Chuch Wounded and Rent by a Spirit of Division*, (n.p., 1681), 1-6, 19. As an example, Fleming highlighted John Calvin's promotion of mutual forbearance among the English congregation at Frankfurt in the midst of the liturgical 'troubles' of 1554-55. See [William Whittingham], *A Brieff Discours off the troubles begonne at Franckford*, (n.p., 1554).

[108] [Baird], *Balm from Gilead*, 9-10.

schism was a breach of the Covenants but perceived the current divisions to be markedly worse because 'What ever length the difference about the publick resolutions of late came to (which was a visible presage of the stroak that after came) yet was there no dashing on such a rock as this is now'.[109]

As Baird's directions for union reveal, division was viewed as a sinful phenomenon because it had the potential to promote anti-clericalism, atheism or sectarianism. While arguing that no more than a dozen ministers urged separation from the indulged, he observed that 'one man will easily raise more fire than twenty will be able to extinguish'. Thus both sides were to be wary of making their differences public or spreading them among the people. Not only was the publicity of dispute detrimental to the movement – indeed, it had occasioned a tacit, but public, recognition of charges levelled at them by statesmen and the established clergy – it also threatened to envelop the laity. Consequently, the ministers, while acting as guides, needed to ensure that these roles were not reversed. On the other hand, laymen were not to let their religosity be bound to public concerns. Neither were they to meddle with the controversies of the clergy nor attempt to be '*Teachers of your Teachers*'. Instead they ought to focus on prayer as a method of private inquiry into public sins.[110] Fleming was of the same judgement, noting how the laity had been so 'racked and tossed to and fro with *every winde of Doctrine*' that many would lose faith in the gospel.[111] Baird thus proferred a series of rules to be observed by the laity. Warned to steer clear of novelties in religion and beware holding men in too high esteem, they were also to avoid attaching themselves '*to any person or party*'. The magnetism of the nonconforming clergy, so crucial to the cause, was therefore not without its problems. But above all, they were to '*Take heed of pretending to greater purity and strictness about Church-communion*' and not take upon themselves '*other mens faults*'.[112] That is, they were not to advocate ideas of confessional purity or corporate sin – tenets which were critical to the 'rule of the saints' from 1648-51, defended by a layman, James Stewart of Goodtrees, from 1667, and endorsed by John Brown in 1678. Indeed, if the application of such views to the Indulgence controversy were permitted, then fellowship and communion with most Reformed Churches, as also the

[109] [Fleming], *Church Wounded and Rent*, 9, 23-4.
[110] [Baird], *Balm from Gilead*, 141-68.
[111] [Fleming], *Church Wounded and Rent*, 27-9.
[112] [Baird], *Balm from Gilead*, 179-88.

nonconformists in England, would be broken. In fact, for Fleming, it was even contrary to the practice of Congregationalists in New England.[113]

By contrast, Brown's *History* culminated with an exhaustive 40-point vindication of those who scrupled to hear, and thus withdrew from, the indulged. This was largely a roll call of the arguments against the indulged already identified above – their harming of the headship and prerogatives of Christ, departing from Presbyterian principles, deviation from the cause, homologation of the royal supremacy, acceptance of Erastianism and crossing their hitherto unbroken congregational call.[114] In addition, he applied Smith and Jamieson's arguments against hearing Episcopalian ministers to the indulged even though the authors did not endorse separation themselves.[115] There was also, as his detractors alleged correctly, an inordinate amount of repetition.[116] However, ideas of confessional purity and corporate sin – vague, but visible – can be found at point 17, where Brown refers to the royal supremacy as 'the grand National sin'. He argues that those who wished to be kept 'free of the plagues, that the same will bring upon the Land, must, in their places and stations, bear witness against the same'. However, because the peasantry had no practicable way to testify publicly against the Indulgences, withdrawing from those 'set over them by vertue of this Usurped Power' was their only option. In short, those who withdrew would be unsullied by 'publick regnant evils'.[117] Not only its anti-clerical reverberations, the implications of this passage are considerable with respect to popular protest and resistance.

An ideological departure was equally evident in the discussion of magistracy and the church. Concerned about the erosion of obedience to civil authority which had become especially marked during the Restoration era, Baird argued that 'just offence' at the faults of magistrates ought not to diminish respect of magistracy as an ordinance of God. Indeed, in his advice to the laity he urged that '*Notwithstanding the severity of those in authority, unto you, be not yet tempted to slight duty unto them*'.[118] He continued by vindicating the power of magistrates in ecclesiastical affairs. Against Catholics and Anabaptists he

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[113] [Fleming], *Church Wounded and Rent*, 25.
[114] [Brown], *History of the Indulgence*, 128-36.
[115] Ibid., 136-9. See [Hugh Smith and Alexander Jamieson], *An Apology For, Or Vindication Of The Oppressed persecuted Ministers & Professors of the Presbyterian Reformed Religion, in the Church of Scotland*, (n.p., 1677), 8, 75, 77, 79-80, 90, 91, 94-5.
[116] [Fleming], *Church Wounded and Rent*, 12.
[117] [Brown], *History of the Indulgence*, 132.
[118] [Baird], *Balm from Gilead*, 21-4, 161-4.

attributed to magistrates an 'Imperative Power *circa Sacra*' which was 'formally civil, and only objectively Ecclesiastical'. This power was wielded 'in a civil way, and by a civil means', and was therefore not 'sacred in the visible matters of Religion'. Consequently, and as against Erastians, Baird denied the magistrate 'any power *in Sacris*, or formally and intrinsecally [sic] Ecclesiastical' – otherwise known in scripture (see Matt. 16:19) as 'the power of the keys'. This was standard Presbyterian doctrine, but by arguing that the abuse of this power was neither Erastianism nor 'the usurpation of an unlawful power', he challenged a central claim of those who opposed engagement with the regime. In fact, not only did this power extend to the Indulgences, it was held to be competent in commanding spiritual officers in the exercise of religion, and especially so when the church was in a corrupt condition. Pastors may have received their mission from God, but they did not renounce their commission by receiving civil commands. What was more, as several General Assemblies had been convened by royal authority, did opponents of the Indulgences consider these 'Erastian Courts and Synagogues'?[119]

Baird anticipated that his detractors would argue 'that this power was only subscribed to *Godly* Magistrates' such as Hezekiah, king of Judah. His response reveals an ideological shift within the context of Covenanting. First, and perhaps most obviously, he noted that by their stringent requirements it would be easy to 'seclude any Prince professing the Gospel, and being a member of the Visible Church'. Second, the idea 'that Soveraignty and power is grounded on Grace and Piety' – widely understood to be a Catholic tenet – was condemned as 'popish'. Moreover, he argued that the extent of magisterial piety did not diminish the legal status of magisterial power. 'In vain therefore use ye the distinction here betwixt Godly and Ungodly Magistrates'. Finally, that pagan princes in scripture such as Cyrus, Darius and Artaxerxes had ruled in matters of religion demonstrated that magisterial power need not be augmented by 'the Princes Religiousness nor diminished by his Irreligion'.[120] In effect, Baird had scaled back the demands for a godly magistracy that had been a defining feature of the Covenanting movement from 1638, and especially so from 1649. And although Stewart of Goodtrees, like Baird, had rejected the idea of dominion founded on grace, the disparity between their positions reveals a significant fissure.

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[119] Ibid., 26-31.
[120] Ibid., 32-40.

For Brown, however, the relationship between Kirk and state in Scotland had been far more fractious than Baird allowed. The history of monarchical intrusion in ecclesiastical affairs, often to the disadvantage of the Kirk, saw him unwilling to concede too much power to magistrates: 'It hath been the lot of the Church of Scotland, from the very beginning, to be put to wrestle against the Powers of the Earth, encroaching upon the Prerogatives of Jesus Christ, and the Privileges of his Church'. Similarly, as 'one maine ground' of the protests in 1637-8 had been to formally separate civil and ecclesiastical causes – to be tried by the Scottish Parliament and General Assembly respectively – the countenancing of magisterial involvement in church matters was an implicit condemnation of the Covenanted Reformation. Indeed, turning to the period of radical rule 'in the Year 1649' Brown asked the indulged ministers how they would have been viewed by the General Assembly if they had accepted direction from the Privy Council? Likewise, if Parliament or Privy Council had removed those ministers who stood against the Britannic Engagement, would adherence to the command not constitute a desertion of the cause?[121]

As these passages suggest, the rival groups contested ownership of, and sought to align their positions with, the Reformation tradition, or, more accurately, the burgeoning Presbyterian tradition, during the course of the controversy. Most notably, the ideologues of the 1640s who had made the most significant contribution to the intellectual framework of the Covenanting movement, George Gillespie and Samuel Rutherford, had become the standard-bearers of Scottish Presbyterianism. As both had died before the Restoration era had taken off – Gillespie in 1648, Rutherford in 1661 – they had left a formidable reputation as well as a sizeable corpus of ideological material. However, the balancing act both had played to secure an accommodation with English Presbyterians and Independents at the Westminster Assembly had ensured that their works could be utilised by both supporters and opponents of the indulged. At the same time, their positioning as foremost authorities saw them recast as entirely orthodox, glossing over their radicalism during the British Civil Wars. In effect, the radicals shaped the ideological responses of the later Covenanting movement to government policy. Thus, even the more conservative-minded among the nonconformists cannot be considered entirely divested of the radical legacy. Beyond Gillespie and Rutherford,

[121] [Brown], *History of the Indulgence*, 101-4, 135.

appeals were made to James Durham, the centrist minister who had refused to take sides during the schism of the 1650s – and particularly *A Dying Man's Testimony* (1659) – and David Calderwood, whose *Historie of the Kirk of Scotland* had been printed by the Dutch exiles in 1678. Indeed, not just the Covenanted Reformation but the initial Reformation of the sixteenth century had been tied into the debate, with the first and second Books of Discipline (1561 and 1578) and the Scots Confession (1567) the texts most frequently cited. And although they were chided for their laxity, the printed output of English Presbyterians across the seventeenth century also made a substantial contribution, particularly for those urging unity.[122]

In essence, the tensions within the Covenanting movement which had manifested themselves in ideological splintering across the 1640s had fostered two polarised schools of thought on ideas of unity and purity. So in the context of rising dissension occasioned by the Indulgences, both sides could legitimately claim to be acting in accordance with the past. But while both upheld the concept of a national church, one side continued to promote the Protesters' decidedly Congregational vision, thus confirming the long-held fear that a separatist tendency had infected the Kirk during the British Civil Wars.[123] This recent past had also shaped views on the relationship between church and state. However, while Scottish Presbyterians had been largely critical of Erastianism in their treatises, the indulged found themselves having to delineate and defend magisterial power in the Kirk. This shift in stance is likely to have made an indirect contribution to the Erastian nature of the church settlement during the Revolution of 1688-91. In the meantime, Presbyterian organisational practices were tapped to prevent dissension becoming secession.

Regulating Resistance

From 1674, a series of Presbyterian meetings were convened to provide direction and oversight of the Covenanting cause. In effect, the meetings instituted a covert Presbyterian church complete with presbyteries and synods – but without lay elders.

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122 In addition to Thomas Cartwright, Samuel Hildersham and Paul Baynes, John Baird cited William Bradshaw's *Unreasonableness of the Separation* (1614), John Ball's *Triall of the Grounds Tending to Separation* (1640), John Hales' *Tract Concerning Schisme* (1642), John Brinsley's *Arraignment of the Present Schism* (1646) and Richard Baxter's *A Christian Directory* (1673).
123 See Baillie, *L&J*, I, 248-55 and Guthry, *Memoirs*, 78-82.

Though no claim was made to judicial authority, the covert courts consisted of ministers who wielded an ecclesiastical power they considered to be immediately from Christ.[124] The meetings therefore represented a direct challenge to the Episcopalian Kirk, and by extension, the ecclesiastical power claimed by Charles II through the royal supremacy. It can also be suggested that the operation of these covert meetings drew on the experience of the 1650s when church courts, though divided, continued to meet despite the prohibition of the General Assembly by the English Commonwealth. More generally, the meetings illustrate further the organisational nous of nonconforming Presbyterians during the Restoration era.

Towards the end of June there was a 'great meeting' at Edinburgh which was attended by delegates from across Scotland. They included 'severals' from the north and south but 'maniest' from the west. There was at least two ministers from every 'province' involved in the consultation. Most crucial, though, was the involvement of both indulged and non-indulged ministers. Their principal business was 'to consult how Presbyterial government may be continued and perpetuated, brethren constituting themselves in classical meetings for trial and ordination of young men, and doing other things, as the times should require'.[125] The movement certainly required new blood following the deaths of clerical leaders since the Restoration. The Protester ideologue James Guthrie had been executed in 1661 and a number of the Mauchline cohort had died subsequently: William Guthrie in 1664, Matthew Mowat in 1670, John Nevay (in exile) in 1672 and Alexander Blair in 1674. The Resolutioners, meanwhile, had lost key figures in Robert Baillie and James Wood in 1661 and 1664, and Robert Douglas and George Hutcheson in 1674. Indeed, it may well have been the recent passing of Hutcheson in March that made necessary – or made possible – a meeting that can be viewed as an unofficial General Assembly. Hutcheson had emerged as the ostensible leader of the nonconformists in the midst of the Indulgence and Accommodation negotiations that commenced from 1667, though it may well have been the course of those negotiations themselves that convinced Presbyterians of the necessity of a general meeting.

124 [Smith and Jamieson], *An Apology*, 130-56.
125 *Life of Blair*, 542; Wodrow, *History*, II, 273.

The meeting agreed a number of overtures which were to be considered by the 'several societies' – in effect quasi-presbyteries. First, they were to deliberate on the best method for ensuring a succession of Presbyterian ministers. Second, the ministers were urged 'to associate themselves in their respective bounds' so that they met 'by correspondents who live in the bounds of one synod, for the greater harmony in actings'. Third, the societies were to send preachers to those people who required them. In particular, the preachers were to 'warn them faithfully of the evils and dangers of the time, and exhort them to seek for the things that make for peace, and whereby they may edify one another'. Fourth, 'no offer from the state, in order to church affairs' was to be accepted or rejected without further consultation between the societies. Fifth, correspondence was also to be kept with gentlemen and 'judicious elders'. Sixth, no minister was to be settled with a congregation 'without consent of the meeting in the bounds'. And seventh, ministers were to have 'a special respect' to their particular congregation but without prejudice to the 'common concernment and work'. The societies (i.e. the unofficial presbyteries) therefore provided oversight of the cause in the localities while at the same time maintaining its national dimensions. They would ensure unity as well as uniformity, improve communications, harness the support of the laity and counteract the government's decidedly Machiavellian approach to Presbyterian dissent.[126] The same meeting also considered the terms of an address to the regime after 'too long silence'.[127]

A sense of the overtures and address was given in a paper composed by the 'presbytery' of Paisley on 29 September 1674. They agreed that young men, following trial, should be licensed as probationers by the presbyteries in order to provide for 'a succession of godly and able presbyterian ministers'. However, they correctly identified two contentious issues. First, it was urged that none be ordained without a particular charge 'at least until the lawfulness and expediency of ordaining to an indefinite and ambulatory ministry be further considered'. Second, where there was a vacant charge and a harmonious congregational call, the chosen minister ought to be tried and ordained by the presbytery, but it should be undertaken 'in an orderly way, as formerly wont to be, agreeable to our presbyterian principles, except where necessity compels to recede from any of the usual circumstances'. Regarding the second overture, they agreed that a 'synodical correspondence' was necessary, but added that they should be 'fixed and

[126] *Life of Blair*, 542-3; Wodrow, *History*, II, 273.
[127] *Life of Blair*, 543-5; Wodrow, *History*, II, 274.

distinct' in their membership 'as wont to be formerly'. In the interim and for the sake of expediency, it was stipulated that the covert synods should contain two delegates from each presbytery, meeting three or four times a year, with only a consultative power until 'further settlement'. As to the third overture, they argued that no ministers should be sent to preach within the bounds of another presbytery without 'extraordinary necessity' and that their preaching should cast no reflections 'upon the rest of their brethren'. They likewise agreed with the fourth and fifth overtures, but urged that lay elders be restored 'in due time'. Their agreement to the sixth overture was again on the condition that no stranger or minister was to preach or baptize within the bounds of any presbytery without its consent. Nor were ministers 'to go any where through the country preaching' without the direction and regulation of his own presbytery. Finally, the seventh overture was accepted on the basis that it did not oblige ministers settled elsewhere to return to their former charges 'without an open door of regress'. The Paisley presbytery also agreed with the necessity of an address, but stressed that 'some way of public testimony' be given if the contents of an address could not be settled upon.[128] Thus the presbytery was most concerned with the maintenance of order: ordination was not to compromise the congregational call, preaching was to be carefully regulated and presbyteries were to follow previous procedure. That a premium was placed on unity is evidenced from the implicit proviso that no minister preach against the indulged.

While there is no record of the general meeting proposed for October, articles agreed by the Glasgow 'synodical correspondence' on 20 January 1675 demonstrate that deliberations were making headway. Regarding ordination, it was agreed that students of theology, after trial, ought to be licensed as probationers by the presbyteries. Where a charge was vacant, a sufficient call received and an able minister willing to accept, the local presbytery (or, where none existed, the adjacent presbytery) was to manage the ordination. Where a 'plurality or considerable part' of a parish desired a minister, they were to be provided. At ordination ministers were bound to maintain 'the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, as it

[128] Wodrow, *History*, II, 274-5. The presbytery appointed Hugh Peebles and William Eccles as its delegates for the general meeting to be held in October. Peebles, presented to Lochwinnoch parish by the Earl of Lauderdale in 1647, had joined the Protesters in 1651 and was eventually deprived in 1665 for refusing to attend diocesan meetings (*Fasti*, III, 152-3). Eccles had been ordained to the second charge at Ayr in 1656, deprived in 1662 and indulged at Paisley in 1672 (*Fasti*, III, 9, 11, 168).

is contained in the scriptures, and summarily held forth in our Confessions of Faith and catechisms, and sworn to in our covenants'. However, the issue of indefinite ordination remained unresolved and was to be considered further by the presbyteries. The fourth overture concerning a joint response to government offers was also referred to the next synod meeting. Beyond such sticking points, it was generally agreed that: presbyteries be fixed in their membership, covert synods formed with only a consultative power, preachers provided for the people, elders restored to meetings and no preaching without the consent of the local presbytery. They also suggested, with reference to the seventh overture, that a minister not employed in his own or a vacant charge 'should repair to his own charge, or as near thereunto as may be, or as he can attain a tolerable accommodation and access to the exercise of his ministry'. Those ministers assisting other parishes were to get them 'to invite and encourage their own ministers home'. Other recommendations gave the synods a watching brief over expectant ministers and the constitution of presbyteries. Finally, Robert Law, Robert Mitchell, James Walkinshaw and Thomas Melville were urged to 'associate themselves together' as the covert presbytery of Dumbarton, while Patrick Simson was to correspond with the brethren of Argyll to ensure they firmed up links with other synods.[129]

Towards the end of the year the considerations agreed at the Glasgow synod were still being debated. On 18 November 1675 the presbytery of Paisley made further comment. It began by stating that the 'meetings' should be labelled decisively as 'presbyteries'. It was again argued that 'in this extraordinary case of the church' congregations should be provided with a 'godly presbyterian minister' – either a minister who no longer had access to his former charge or an expectant at the behest of the synod. But the Indulgences had raised a new problem that required further consideration: what was to be done for those congregations whose minister had been indulged to preach elsewhere? And what was to be done for and by those congregations whose minister, though 'by the people and their brethren desired', did not return? Regarding the synods, the presbytery now urged that they should have an authoritative power within their own bounds, provided that emergent cases or matters of common concern were referred back to those presbyteries which had yet to deliberate. Regarding the sixth overture

[129] Wodrow, *History*, II, 275-6. Law (Cambusnethan), Mitchell (Luss), Walkinshaw (Kilbarchan) and Melville (Dalziel), as also Simson (Kilmalcolm), were comprehended within, though did not necessarily accept, the Indulgences (*RCPS*, III, 62, 587, 588).

(oversight of local preaching) further explanation was required; did it extend to 'known' ministers among a people who did not have a settled Presbyterian incumbent, or was it with the reservation that the local presbytery or synod would fill such vacancies? They concluded by asking correspondents to decide on a course of action towards those brethren who refused to associate or meet with the presbytery in their local area; that is, those preachers, predominantly in the field, who refused to join with the indulged ministers or any who maintained fellowship with them.[130] In short, progress had been made with respect to the nature and structure of the covert courts, but the regulation and provision of ministers was proving much more difficult.

Aside from a conference of around 50-60 ministers held at Edinburgh on 30 May 1676 'who did constitute themselves in form of a commission of the kirk', no further meetings are recorded.[131] According to Wodrow, the regulations remained in place 'till piece by piece their liberty was retrenched, and divisions and jealousies broke in among themselves'. Nevertheless, he highlights another 'pretty large meeting' held at Edinburgh in 1677. Ralph Rodger was chosen moderator. The meeting was accounted 'a pretended general assembly' by the exiles in the Netherlands. However, it apparently remained a consultative assembly that 'never claimed the powers of the supreme judicatory of this church'. At the meeting further attempts were made to compose Presbyterian differences, with the sentences passed against the Protesters in 1661 overturned. Hugh Kennedy, William Crichton and Edward Jamieson were among this number.[132] The meeting also advised the indulged ministers to invite the non-indulged to preach alongside them, with the indulged to preach beyond their parishes 'as they were called'. It was this dual policy which occasioned criticism from the exiles. The question of indefinite ordination was also addressed, occasioning 'long reasoning' and 'no small debate'. Though the majority were against it the matter was again left unsettled.[133] But

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[130] Wodrow, *History*, II, 277.
[131] *RPCS*, V, 106-7; Wodrow, *History*, II, 355-6.
[132] Taught by Samuel Rutherford at St Andrews, Hugh Kennedy became minister of Mid-Calder from 1643. He later assisted in the forming of the Protester presbytery of Linlithgow but was deprived in 1660 (*Fasti*, I, 127, 177). William Crichton had been appointed minister of Bathgate by the Protester presbytery of Linlithgow on 10 April 1654 but his ministry was inhibited by the synod in February 1655 and he was susquently removed after 16 November 1660. Though appointed to Beith parish (presbytery of Irvine) by the second Indulgence he refused to accept. (*Fasti*, I, 136, 193, 206; *RCPS*, III, 587). Edward Jamieson was minister of Swinton from 1647. Having joined the Protesters in 1651, Jamieson was appointed by the English Commonwealth in 1654 to authorise admissions to the ministry in Lothian, Teviotdale and the Merse . He was eventually deprived for his opposition to episcopacy in 1661 (*Fasti*, II, 59, 60).
[133] Wodrow, *History*, II, 346.

by the summer of 1679 – and without consultation – Robert MacWard had the firebrand preacher Richard Cameron indefinitely ordained in order to concert lay protest against the nonconforming clergy.

Although the address considered by Presbyterians in June 1674 had linked the reintroduction of episcopacy with a rise in profanity, legislative moves to confront profanity had actually been made by the regime. Passed on 11 September 1672, the 'Act against profanenes' drew self-consciously on statutory endeavours begun by James VI in 1617 and continued by Charles II in 1661. It looked to tackle 'curseing, swearing, drunkenness, fornication and uncleanness, profanation of the Lord's day, mockeing or reproaching of religion and the exercises therof' by exacting the fines previously specified.[134] However, the Act also appeared to confirm the kirk session as a legal court and gave local heritors a power that effectively restored them as ruling elders.[135] The ministers and heritors were also to nominate a resident 'most fitt' for executing the law and collecting the fines, although he was to receive an official commission from the local sheriff or bailie. Once constituted they were known colloquially as 'reformers of manners'.

It was under the cover of this Act that the indulged were able to operate within the established Kirk without acknowledging the bishops' singular jurisdiction in church discipline. An example of this can be found in William Guthrie's former parish of Fenwick, where the kirk session had been in disuse for nearly a decade following his death in 1664. There the indulged minister Thomas Wylie appointed the laird of Rowallan younger as 'civil magistrate' of the kirk session on 4 November 1674. At a session meeting on 16 December, the laird of Rowallan elder (a former Remonstrant), the lairds of Craufurdland and Lochrig, and several heritors 'vnanimouslie consented' to this appointment. The elders then supplicated the Earl of Eglinton, principal bailie of Cunningham and Presbyterian sympathiser, for a commission to the laird to exercise the office, which was eventually delivered on 21 June 1676.[136] By operating within the law

[134] *RPS*, 1672/6/69. The Act took cues from *RPS*, 1617/5/34 (Regarding the punishment of drunkards), 1661/1/345 (Act for the due observation of the Sabbath day), 1661/1/346 (Act against swearing and excessive drinking) and 1661/1/423 (Commission and instructions to the justices of peace and constables).
[135] Wodrow, *History*, II, 201.
[136] Alfred C. Jonas, 'Extracts from Fenwick Parish Records, 1644-1699', *Proceedings of the the Society of Antiquaries of Scotland*, 46 (1911-12), 27-52, at 42-6; Wodrow, *History*, II, 278.

Wylie had effectively restored the strict parochial control championed by Presbyterians as a distinguishing feature of their church polity. Their efforts to erect unoffical church courts may have sundered, but the indulged had managed to subvert the established Kirk from within.

Conclusion

During the 1670s Presbyterian ministers were split on their principal duty: was it testifying against, and shunning engagement with, deviations from 'the truth' as purportedly upheld by the Covenants, or was it injecting the cause with some pragmatism by looking for areas for compromise with a regime in which they had few serious supporters? As some discovered, such as George Hutcheson, a balancing act was difficult to achieve. However, while the radicals were correct to suspect government motives, those prepared to engage were not easily assimilated. Instead, they came to represent a subversive element within the Episcopalian Kirk. In fact, the combination of indulged parishes and private conventicles arguably represented the best of both worlds for the Presbyterians, and thus the drive for conformity was ultimately a failure from the perspective of the regime. What is more, the covert church – or the 'Erastian Cabal' as MacWard termed it[137]– not only challenged the authority of Kirk and state during the Restoration but laid the foundations for a Presbyterian Kirk shorn of its Covenanted basis following the Revolution of 1688-91.

The only government success was the sowing of dissension, but as will be seen in the following chapter, this created new problems. The majority of ministers may have stopped preaching in the field but they were still outside the establishment, while increasingly militant laymen were no longer bridled by clerical oversight. Indeed, the militants would demonstrate in spectacular fashion that there was more to the later Covenanting movement than the nonconforming clergy.

[137] See Robert MacWard, *Epagōniemoi: Or, Earnest Contendings for the Faith*, (n.p., 1723), 320.

Anti-clericalism

[...] *and truly I doubt not, but if all the Fathers of our Church, and all the Clergy under them had but one Neck, that there are at least 300 Covenanted* Mitchels *behind, that would strive to cut it off.*[1]

We say let them not take up a wrong Opinion of us, or our Proceedings: For we are not only endeavouring to extricat our selves from under a Tyrannous Yoke, and to reduce our Church and State, to what they were, in the years 1648 and 1649.[2]

By 1679 – marking 30 years since the Covenanted Reformation had reached its zenith under the 'rule of the saints' – the subversive nature of Covenanting was reaffirmed with the outbreak of another rebellion: The Bothwell Rising. It represented a third instance of popular resistance to the directives of state which was supported by an appeal to the Covenants. However, at 6,000 men it dwarfed previous endeavours at Mauchline Moor (2,000) and the Pentland Hills (1,000), thus calling into question the extent to which Covenanting sentiment had faded since 1660.[3] But as was now customary, promotion of the Covenants was hampered by internal divisions among adherents and the subordination of military planning to ideological wrangling on the eve of battle. Indeed, in many ways the Bothwell Debates were a re-run of disputes which had compromised the battle of Dunbar in 1650 and engulfed the Public Resolutions in 1651, although this time the anti-aristocratic dimension was more than matched by an anti-clericalism which has yet to be fully explored by historians.[4] Indeed, a thorough assessment of Covenanting ideology at this critical juncture has yet to be undertaken.[5]

Looking first at the so-called 'civill warre' period from 1675, this chapter will explore the responses of the later Covenanting movement to the policies of the Restoration regime. Particular attention will be paid to the ideological impact of the 'Highland Host' – an

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1 [George Hickes], *Ravillac Redivivus, being a Narrative of the late Tryal of James Mitchel, a Conventicle-Preacher*, (London, 1678), 52.
2 Quoted from the Lanark Declaration (1682) in [Renwick, Shields et al], *An Informatory Vindication*, 184.
3 Raffe, *Culture of Controversy*, 33; Spurlock, 'Problems with Religion as Identity', 27.
4 See Mark Jardine, 'United Societies', 21-31. Alasdair Raffe has rejected the existence of popular anti-clericalism in early modern Scotland (Raffe, *Culture of Controversy*, 149-50).
5 As recently noted by Keith Brown in 'Early Modern Scottish History – A Survey', 23.

army of occupation designed to enforce conformity or provoke resistance. Attention will then shift to those conventiclers whose actions, not least the brutal murder of Archbishop James Sharp, signalled the growth of militancy in the nonconforming community. This will form the background to an extended analysis of the intellectual and social dynamics of the Bothwell Rising, with specific focus on its ideological significance. Consideration of the subsequent fallout will highlight the emergence of a distinctive 'Cargillite' or 'Cameronian' platform which went on to claim exclusive ownership of the Covenanting tradition in the 1680s.

Restoration Repression

The outbreak of Presbyterian conventicling and inadequacy of alternative measures to enforce conformity to Kirk and state reinforced the cyclical relationship between government repression and Presbyterian defiance during the Restoration era. In fact, from 1675 the period was widely characterised by contemporaries as a 'civil warre'. For example, Gilbert Burnet recalled that

> The field conventicles increased mightily. Men came to them armed. And upon that great numbers were outlawed: and a writ was issued out, called *intercommoning*: because it made all that harboured such person, or did not seize them, when they had it in their power, to be involved in the same guilt. By this means many, apprehending a severe prosecution, left their houses, and went about like a sort of banditti, and fell under a fierce and savage temper. The privy council upon this pretended they were in a state of war.[6]

Having been denounced rebel in July 1674 for failing to appear before the Privy Council to answer the charge of keeping conventicles, letters of intercommuning had been issued to at least 90 people on 6 August 1675.[7] Of these, no more than 18 were nonconforming ministers, with the overwhelming majority drawn from the amorphous 'fifth Estate' of lesser proprietors. A further fifteen letters were then issued to ministers on 3 August 1676.[8] Among them were David Hume and Thomas Douglas – both key players in the Bothwell Rising. By the letters anyone who assisted the rebels were to be considered 'art and part' of the same crimes and pursued 'with all rigour'. While unlikely to have been part of a broader strategy devised by the Council, the letters' engineering

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[6] Burnet, *HMOT*, II, 104. For social banditry, see E. J. Hobsbawm, *Bandits*, (London: Penguin, 1972).
[7] *RPCS*, IV, 237-9, 448-52.
[8] Ibid., V, 18-19.

of outlawry provided the context in which drastic solutions to Presbyterian dissent could be tabled.[9]

In addition to the letters of intercommuning, the appointment of garrisons on 13 July 1675 was cited as evidence of a Scottish civil war existing in all but name.[10] William Row believed the royal letter appointing garrisons contained 'more peremptory and severe expressions than in any of the King's letters formerly; so that now it was evident that Lauderdale would carry more arrogantly, and persecute more cruelly than ever'.[11] For Robert Law, the appointment 'looked lyke an arbitrary power over the free subjects' while Robert Wodrow later observed that it 'was not only unprecedented, in time of peace, but, by many, thought plainly contrary to law, and the liberty of the subject'.[12] Indeed, the regular clashes between Presbyterians and government forces ensured that 'the country resembled war as much as peace'.[13] But while physically destructive, James Kirkton implied the essentially *ideological* nature of the conflict when reporting that 'the inflammations of Scotland looked large more like a civil warre, manadged by bloody violence, than ane ecclesiastical schisme, which used to be confirmed by arguments'.[14]

The perceived injustices carried out during this 'civil warre' allowed Presbyterians to champion their moral fortitude while at the same time vindicating the excesses of the Covenanting regime during the 1640s. Reflecting on the British Civil Wars in his dispute with Burnet, Robert MacWard argued

> that the Bloud of the former Times, abstracting from its justice, was in a manner the Bloud of War in War: but in your Times we have seen; over and above its injustice, the bloud of War shed in Peace, and that of such Persons, for such Causes, and with such Circumstances, as time doth only increase and not diminish its astonishment.[15]

Criticisms such as these were a feature of opposition to the military-fiscalism and rampant corruption of the Restoration state. Such opposition dovetailed with the political and religious strands of Presbyterian dissent. Indeed, in *Ane Accompt of Scotlands Grievances By reason of The D. of Lauderdales Ministrie* (1675) – attributed to James Stewart of Goodtrees – social and economic protest was aligned with the constitutional and

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[9] For the King's Advocate Sir George Mackenzie on 'reason of state', see Jackson, *Restoration Scotland*, 132-44.
[10] See *RPCS*, IV, 425-6.
[11] *Life of Blair*, 559.
[12] Law, *Memorialls*, 78-9; Wodrow, *History*, II, 281-4.
[13] Wodrow, *History*, II, 279.
[14] Kirkton, *History*, 364.
[15] [MacWard], *The true Non-Conformist*, 37.

religious imperatives of Covenanting. Care was clearly taken, however, to avoid mentioning the Covenants explicitly.

Addressed to the king as 'the complaints of your people, against your Commissioner' and thus no 'libelling pamphlet' – Stewart presumably had the trial of Lord Balermino in 1634 for leasing-making in mind – *Ane Accompt* cast Lauderdale in the traditional mould of an evil counsellor obstructing the inherent 'goodnesse' of his royal master. This approach allowed for a withering assessment of government in Scotland since 1660. Beginning with the Restoration settlement, six problems were identified. First, 'by Acts, oaths, and subscriptions' the Scots had made the king absolute in the appointment of officials, councillors, judges and constitutional assemblies, and in matters of peace, war and diplomacy. This was despite the fact 'that many did even thinke this a streatch beyond the frailties of men, and casualities of human affairs'. Second, and ignoring 'that the soundest policie hath allwayes judged, *the power in the Prince and purse with the people* to be the just ballance of government', they had instead granted an annuity which doubled the king's revenue. The Act may have stated expressly 'that his majestie had signified his resolution not to raise any more cess' but the benevolence of the people had since been abused with 'taxations and assessments'.[16] Third, they had 'mancipat our very liberties and persons' by offering 2,000 horse and 20,000 foot to be mobilised upon royal command.[17] Fourth, the 'ordering and disposall' of foreign trade had been declared a prerogative of the Crown.[18] Fifth, by repealing the constitutional gains achieved by 1641 the Scots had placed the security of their interests in 'confidence of his Mat[ies] goodness' rather than 'the firmest provision of the best laws'. As 'their lustre seemed to be a little stained, by the ingratefull remembrance of some previous contentions', they had 'at one blow' annulled the Covenanting settlement. Finally, their 'unparalleled submission' and 'meer complyance' was evidenced when 'our Par[lt.] doth consent and the people silentilie acquiesce, to Presbyteries unexpected overthrow'.[19]

Having decried the 'tumults excited, and tragedies acted' up to 1666 – where the pursuit of conformity had been 'emulous of that Presbyterian zeal, which they used so hotlie to decry' – Stewart dated the 'late mischiefs' to the appointment of Lauderdale as king's

[16] See *RPS*, 1661/1/144, 160.
[17] See *RPS*, 1663/6/64.
[18] See *RPS*, 1663/6/110.
[19] [Stewart], *Ane Accompt*, 5-8.

commissioner in 1669. To be sure, his accumulation of power had been unrivalled. Through him alone 'Privie Councellors are named, Lords of Session and Exchecquer placed and removed, gifts and pensions granted, Armies levied, and disbanded, Generall Officers appointed, this Par$^{lt.}$ Called, and all other matters of importance transacted'. In this he had been assisted by the Lords of the Articles, a committee which, whatever its origins, was now 'justlie lookt upon by all considering men, as a virtuall subversion of the power and libertie of Par^{lts}'.[20] The corruption and oppression of the regime was then detailed. The principal grievances were: the granting of monopolies on salt, brandy and tobacco and the gifting of the king's casualties for wards and marriages; the corruption of the mint and debasing of silver coin; the filling of the Court of Session with ignorant or insufficient men; the 'dictatorship' of Sir Andrew Ramsay as provost of Edinburgh; the operation of Lauderdale as sole intermediary between king and kingdom and the concentration of public offices in his circle.[21] Particular focus was then given to his conduct in ecclesiastical affairs and especially his 'zeal against Phanaticks'. Above all, Stewart argued that Lauderdale purposely obstructed efforts to solve the nonconforming problem in order to justify the necessity of a standing army and his own position as 'standing commissioner'.[22]

Nevertheless, for Lauderdale's brother, Charles Maitland – installed in the Court of Session as Lord Hatton in 1670, created Treasurer-Depute in 1671 and Lauderdale's chief advisor on Scottish affairs from 1674 – blame for the conflict of the 1670s lay only with the nonconformists: 'all Europ[e] is in warre & we under the King's government ar[e] in peace with all the world & yet we are that perverse that our bad hewmors most oppose that autoretie that gives uss that peace'.[23] But if the notion of civil war was only a rhetorical flourish, by the autumn of 1677 there was greater substance to the suggestion.

Already alert to an 'intended insurrection', government paranoia was heightened by a scuffle in Fife at the beginning of October. According to Wodrow, six or seven gentlemen, including Robert Hamilton, younger son to Sir Robert Hamilton of Preston,

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[20] For a reappraisal of the Lords of the Articles, see Roland J. Tanner, 'The Lords of the Articles before 1540', *SHR*, 79 (2000), 189-212 and Alan MacDonald, 'Deliberative Processes in Parliament, c.1567-1639: Multicameralism and the Lords of the Articles', *SHR*, 81 (2002), 23-51.
[21] [Stewart], *Ane Accompt*, 13-37. See also Burnet, *HMOT*, II, 19-20.
[22] [Stewart[, *Ane Accompt*, 37-51 and esp. pp. 44-5.
[23] *Lauderdale Papers*, III, 83.

and Alexander Hamilton of Kinkell, had sheltered in the house of John Balfour of Kinloch.[24] These men were militant conventiclers and among the core of officers in the Bothwell Rising. However, according to the Council, the number of men was anywhere between 60 and 80 and consisted predominantly of lesser proprietors 'in fier of weir'. Having been discovered by a party of soldiers led by Captain William Carstairs a brief shoot-out had ensued. After mortally wounding his servant the men had urged Carstairs 'to render himselfe prisoner in the name of God and the Covenant'. But after making his escape Carstairs duly informed the Council, who, unsurprisingly, declared the incident 'an high act of rebellion, and resisting of lawful authority'.[25]

Meanwhile, on 27 October the Council wrote to the Earl of Glencairn and the Lords Dundonald and Ross to convene the heritors of Ayr and Renfrew in order to consider measures to suppress dissent. The missive made note of the

> extraordinary insolencies committed not only against the present orthodox clergy by usurping their pulpitts, threatning and abusing their persons, and setling up of conventicle houses for keeping of scandalous and seditious field conventicles [...] bot lykwyse of the great prejudice that is lyke to aryse to his Majesties authority and government.[26]

Much to their chagrin, however, the meeting of heritors at Irvine on 2 November concluded that it was beyond them to stop conventicling and that religious toleration was the only expedient measure to secure the peace. This obstinacy was 'very ill taken' and coloured later dealings with western landholders. Thus the Council opted to assemble the 'nearest Highlanders' and militias, with letters written to the Earls of Huntly, Perth and Airlie on 6 December to ready their vassals and tenants. A letter from the king then arrived on 20 December which commanded the suppression of disorder in the south-west. It also offered the assistance of royal forces stationed in the north of England and Ulster.[27] Crucially, though, the Committee of Public Affairs had already recommended on 1 November that a proclamation be prepared 'incaice of any insurrection' and for Highlanders to convene at Stirling upon its issue.[28] A letter from Lauderdale to Thomas Osborne, first Earl of Danby (later first Duke of Leeds), dated 8 November, also reveals that orders had been given to Scottish noblemen 'for making

[24] Wodrow, *History*, II, 371-2. Hamilton of Kinkell may have been related to Robert Hamilton, himself brother-in-law to Balfour of Kinloch. For Robert Hamilton, see Richard L. Greaves, 'Hamilton, Sir Robert, of Preston, second baronet (1650-1701)', *ODNB*.
[25] *RPCS*, V, 393-5.
[26] *RPCS*, V, 270-1.
[27] *RPCS*, V, 291, 296-8; Wodrow, *History*, II, 372-7.
[28] *RPCS*, V, 272-3.

ready a good bodie of Highlanders and others'. Though unsure when the nonconformists would rise – 'for, as I have often said, they are perfitely fifth monarchye men, and no judgment can be made upon the grounde of reason what they may attempt' – he was clear that preparations needed to be made hastily as 'we must take this opportunity to crush them, so as they may not trouble us any more'.[29] The Presbyterians therefore asserted correctly that the 'Highland Host' had been resolved upon by government officials before royal warrant had been procured.[30]

Refusing English or Irish assistance, the Council began levying the Host on 26 December.[31] On 3 January 1678 an act was passed which discharged all landholders from leaving the kingdom without official permission. At the same time, all fencible men between 16 and 60 were to attend the Host under pain of treason.[32] On 18 January a committee of the west was appointed to oversee the project. In addition to their 19-point mandate was a commission to hold justiciary courts.[33] That nine of the 11 councillors were also commanders in the army highlights the blurring of civil and military office.[34] The Host rendezvoused at Stirling on 24 January and arrived at Glasgow two days later, although rumours of an upcoming Presbyterian communion celebration had seen half the force enter the burgh by 13 January.[35] By 28 January orders had been sent to the sheriff of Lanarkshire and bailie of Glasgow instructing them to press a bond of peace on 'the haill heretours, lyfrenters, conjunct fiars and others' while also disarming those within their jurisdiction.[36] This approach mirrored closely the advice given in by the Scottish episcopate in December 1677.[37]

The thrust of this policy was to coerce conformity to Kirk and state. However, if refused, the regime appeared motivated by the Ecclesiastes maxim *oppression maketh a wise man mad*.[38] That is, the Host would drive Presbyterians to rebellion and provide the

[29] *Lauderdale Papers*, III, 89-90.
[30] Wodrow, *History*, II, 377-8.
[31] *RPCS*, V, 299-304.
[32] Ibid., 304-5.
[33] Ibid., 319-26.
[34] Wodrow, *History*, II, 383.
[35] Ibid., 387. The force consisted of around 8,000 men in total with a third drawn from the Lowland militias and the rest from the southern and central Highlands (Macinnes, 'Repression and Conciliation', 185). But while a misnomer, the 'Highland Host' was undoubtedly an army of occupation operated by the Restoration regime.
[36] *RPCS*, V, 509-10; Wodrow, *History*, II, 389-90.
[37] *Lauderdale Papers*, III, 95-8.
[38] Ecc. 7:7. See also *Life of Blair*, 548.

necessary context for the maintenance, if not the expansion, of fiscal-military apparatus and venal office-holding. This was a perception held not only by Presbyterian commentators but by Episcopalian sympathisers.[39] Even if this view is disregarded, the policy certainly shifted the responsibility for peace, and thus, the blame for disorder, from government officials to western landholders.[40] In fact, while the depredations committed across the next three months were controversial, it was arguably the bond of peace which occasioned the greater outcry.

The bond obliged signatories to ensure that their wives, children and servants, as also the families of their tenants and cottars, refrained from attending 'disorderly meitinges'. They were also discharged from interacting with the forfeited, the intercommuned or 'vagrant preachers'. If the terms were contravened the signatory was to apprehend the guilty in order for their fining or imprisonment.[41] The bond produced an immediate response in a flurry of papers which objected to its tenor and imposition. One such paper identified a series of constitutional, legal and religious arguments against it.[42] Although some of the points are debatable, particularly the complaint concerning the inference of episcopacy, the paper asked quite rightly how signatories could bind anyone but themselves in cases of conscience. What was more, 'how shall any nobleman and gentleman bind himself to that which all the king's forces could not do?' More generally, Robert Law drew attention to the increasingly ineffectual practice of imposing oaths for political purposes, observing that the people had become 'outwearied with oaths and subscriptions' because 'in every revolution there was still new oaths pressit, and these contradictory the one to the other, as if men had cast off all fear of God'.[43] Furthermore, in highlighting that 'in Cromwell's tyme, the usurper, there was an oath administered to the people by the commonwealth' he made an implicit comparison between the Cromwellian and Restoration regimes. To be sure, there was a clear similarity between the style of government practised in Scotland during the 1650s and

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[39] Burnet, *HMOT*, II, 136-8; Kirkton, *History*, 382; Wodrow, *History*, II, 378. A revisionist account of the regime maintains that Lauderdale intended to provoke resistance (Buckroyd, *Church and State in Scotland*, 124-5).

[40] Lee, 'Government and politics in Scotland', 264-5.

[41] *RPCS*, V, 513-14.

[42] Wodrow, *History*, II, 391-2. A further three papers are appended, including one focused specifically on reasons 'in law' (392-6).

[43] Law, *Memorialls*, 136. Despite recognition of their inherent problems, oaths continued to be imposed by the state well into the eighteenth century. See Alasdair Raffe, 'Scottish State Oaths and the Revolution of 1688-90', in Adams and Goodare, eds, *Scotland in the Age of Two Revolutions*, 172-191.

the 1670s. But in another recollection of the mid-century upheavals, Wodrow conceded there had been a lamentable, if ironic, role-reversal: 'it was as reasonable for presbyterians, some years ago, to press the covenants upon malignants who scrupled them, as it is in the managers to press this bond on presbyterians'.[44]

Marching westward from Glasgow on 2 February, the Host was soon scattered across the districts of Cunningham and Kyle. On its march the horses of Ayrshire labourers were captured. The seventh Earl of Cassillis was also ordered to take down Presbyterian meeting-houses in Carrick.[45] The process of disarmament, dehorsing, quartering and bond extraction was mirrored in the shires of Stirling, Lanark, Renfrew, Kirkcudbright, Dumfries, Wigton and Roxburgh.[46] However, at meetings held in Ayrshire and Clydesdale the bond was rejected 'even by them who were of no principle but to save their estate'.[47] The Council then issued a proclamation on 11 February against the resetting of tenants in order to prevent runaways from being sheltered elsewhere. The narrative stated specifically that it was 'many of the commons' who had withdrawn from parish churches and that it was in 'the unwary and credulous multitude' that sedition was being diffused.[48] In a tone of marked concern, Wodrow later argued that this was only 'cunningly enough insinuate'.[49] By 14 February widespread aversion to the bond – cited as evidence of an inclination 'to overthrow his Majesties authority' – saw the Council respond with a demand for 'lawburrows'. Lawburrows was a mechanism for local dispute resolution whereby an accused party gave legal security that they would keep the peace towards a complainant who had reason to fear potential violence. While it had been an 'uncontraverted' practice of the Council for some time, its use in this context was entirely novel and of questionable legality. In the circumstances, those who refused the bond were to subscribe the council record asserting that they, their families, their servants and their tenantry would keep the peace, stop conventicling, avoid the intercommuned and protect the established clergy under the pain of double their yearly rent.[50] Much like the bond, the demand was met with hostility across the political and

44 Wodrow, *History*, II, 390-1.
45 *RPCS*, V, 517, 520 ; Wodrow, *History*, II, 396-7.
46 *RPCS*, V, 520-52. The bond was extended to the shires of Edinburgh, Haddington, Linlithgow, Berwick, Peebles and Selkirk on 13 March (pp. 382-4).
47 Kirkton, *History*, 377-9.
48 *RPCS*, V, 342-3.
49 Wodrow, *History*, II, 398.
50 *RPCS*, V, 347-9.

social spectrum. While there was a brief respite on 19 February with the dismissal of the Highland forces, they were shortly replaced by militias drawn from Midlothian, East Lothian, Peebles and Linlithgow.[51] Garrisons were also erected in Ayrshire and the nonconforming burgesses of Stirling, Glasgow and Irvine were purged.[52] The extent of opposition by landholders and lesser proprietors was at its largest in Ayrshire – the area which bore the brunt of the Host.[53]

By March word had reached Moray of 'the perplexiti that men wer[e] in anent the taking of the Band'.[54] At the same time, an aristocratic delegation disregarded the prohibition against exiting the kingdom 'to represent to the king the miseries of Scotland' – an expression of corporate protest the likes of which had not been seen since the 1640s. The delegation consisted of approximately 12-16 nobles and 40-50 gentlemen headed by the Duke of Hamilton and including men not connected to the Host, such as the Earls of Roxburgh and Haddington, and those intimately involved, such as the Marquess of Atholl and Earl of Perth.[55] As ostensible leader of the 'country party' Hamilton had become the locus for aristocratic opposition to Lauderdale.[56] But he and others struggled to gain access to the king, and those who did made little impression.[57] It was also rumoured that Hamilton's concern for his own interests saw him propose 'nothing for the countree'.[58] However, Charles did make some revealing remarks in response to a paper given in by the Earl of Cassillis on 28 March.[59] Derided as 'very silly', the king argued that the accusations against his government in Scotland had been 'false as hell, and that there was nothing done there but what was done by law'. He was also unsure how else rebellion could be prevented and thought himself obliged 'not to fall in a snare a second tyme' – referring to his initial dealings with the Covenanting movement in 1650 – because 'he was sure they made use of religion as a pretence only'. This had been proven, or so he thought, in the midst of the Indulgence controversy. Furthermore, having been in Scotland at 'the worst of tymes' Charles believed it neither unjust nor

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[51] Ibid., 354-5, 356.
[52] Ibid., 366, 369-70, 552.
[53] *RPCS*, V, 523, 528, 533-6, 541-5; Wodrow, *History*, II, 423-30.
[54] Brodie, *Diary*, 398.
[55] Burnet, *HMOT*, II, 138-41; Kirkton, *History*, 391-3; Law, *Memorialls*, 137.
[56] Brodie, *Diary*, 348; Burnet, *HMOT*, I, 617-19, II, 36-7, 49-50; Kirkton, *History*, 339-42; *Lauderdale Papers*, II, 241-4, 245-7; Law, *Memorialls*, 54-6, 71-2, 87-8; *Life of Blair*, 565; Wodrow, *History*, II, 228-31.
[57] *Lauderdale Papers*, III, 107-9, 112-13, 114-15, 116-17, 117-19, 120-2, 122-4.
[58] Brodie, *Diary*, 400-1. See also Turner, *Memoirs*, 260-1.
[59] For the paper, see Wodrow, *History*, II, 434-6.

severe to make gentlemen answer for their tenants. Indeed, he knew of 'no natione or kingdome in the world, where the tennants had so great a dependance upon the gentle men, as in Scotland'. Likewise, he was sure that 'the Commons in Scotland can doe nothing without a head' and so blamed those who 'have a prejudice at some who serve me in Scotland'. Such men were deemed fools because they 'know not there oun Interest'. Evidently recalling the export of revolution in 1643, he argued that if a rebellion was undertaken north of the border it would 'afterwards come into England, and that England should turne Common welth, Scotland wold be a province nixt summer after'.[60] In other words, it was wiser for the Scots to support absolute monarchy as the purported guarantor of national sovereignty and aristocratic power. Yet Charles failed to appreciate the irony that Scotland had already been reduced to provincial status within the Stuart *imperium*. The justification offered by the Council echoed these views and therefore contradicted the previous assertion that it was the commons who were most culpable: 'the meaner sort would not dare to appear in such open insolencies, if they were not encouraged by persons more eminent'.[61] Thus government policy had been predicated on a view of Scottish society that took little cognizance of social developments across the previous century and which was formed in spite of an awareness of social subversion taking place under the aegis of Covenanting.

However, the publication of a 'True narrative of the proceedings of council' as part of a public relations exercise did connect the current crisis to mid-century radicalism.[62] The tract was likely written by Sir George Mackenzie of Rosehaugh, who was appointed as King's Advocate and a member of the Privy Council the previous year.[63] Significantly, it argued that in the reign of Charles I the disorders

> did first take rise, and had their chief maintenance from some western shires in this kingdom, who having been the chief actors in every scene of that bloody and tragical rebellion, were so far from wearying or repenting of having opposed their native prince, that they persecuted both in church and state, such of their former associates as resolved to return to their duty, and to hazard all in rescuing their king.

In 1648 these rebels had been ignited 'at a communion in Mauchlin[e]' and, following the failure of the Britannic Engagement, 'did again form their own tenants in an army'. The rebels then stifled opposition to the Cromwellian conquest because they

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[60] *Lauderdale Papers*, III, 99-102. See also Burnet, *HMOT*, 140-1.
[61] *RPCS*, V, 395-6.
[62] Ibid., 438.
[63] Ibid., 232-3. See also Jackson, *Restoration Scotland*, 144.

> drew a remonstrance, and divided from his majesty's forces, and declared by an act at the West-kirk, that if his majesty would not grant the concessions then proposed to him, and whereby all his prerogatives were to be screwed from him, they would not own his government.

And with the defeat of the patriotic accommodation in 1651 'these remonstrators did, by all possible insinuations, endeavour to gain the usurper's favour, and did persecute such as had owned his majesty while he was in Scotland'.[64] So because the western shires were viewed as the Covenanting heartlands 'it was thought better the countrey should be laid waste'.[65] Whether a genuine observation or disingenuous excuse, statesmen were equally capable of exploiting the Covenanting tradition.

After three months the Host was dismissed on 24 April. On the same day the farcical conduct of the regime was affirmed by a letter from the Privy Council to the committee in the west urging consideration of measures to tackle increased disorder in Fifeshire, the Merse, Teviotdale and Linlithgow.[66] Either the focus on the western shires had encouraged disorder elsewhere – as had already been experienced during the Indulgence controversy – or Presbyterian dissent was being exacerbated intentionally for private gain. The hearing of grievances was eventually permitted by the king but delegated to the Council and conceded only because he was concerned how his 'arbitrary government' of Scotland had affected the political climate south of the border.[67] That this was purely a cosmetic change was confirmed at a Convention of Estates held in the summer of 1678.

Militant Manoeuvring

The military-fiscalism of the Restoration regime was extended on 10 July 1678 when a Convention of Estates levied £1,800,000 scots, to be collected as cess in order to finance another government army. The tax was deemed not only excessive but, according to James Kirkton, 'the saddest stumbling block that ever was laid before the covenant-keepers in Scotland' because 'it divided them who were already disjoynted'. As the levy was designed expressly for the suppression of 'these dangereus feild-conventicles, declared by law rendezvouses of rebellion' the field preachers at home and

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[64] Wodrow, *History*, II, 442-6.
[65] Kirkton, *History*, 382
[66] Ibid., V, 445-6, 593.
[67] *Lauderdale Papers*, III, 117. See also Harris, *Restoration*, 129-35, 167-74.

the exiles abroad condemned its payment. Like the bond of peace, debating the cess went on to have a significant impact on Covenanting ideology in the 1680s. There were also rumours of 'some tumult and bushling' at the Convention, but instead Lauderdale was once again successful in his adriot management of a constitutional assembly.[68]

At the same time field conventicling was becoming increasingly militant to the dismay of most nonconforming ministers. This view was reinforced with the murder of the government soldier John Hog, who had been dispatched from the Bass Rock prison to disperse a field conventicle near Whitekirk in East Lothian. The accused were one Temple, James Lermont and Lermont's brother – possibly related to the Pentland rebel Major Joseph Lermont – who were held as being 'art and part' of the crime. With their presence at the conventicle confirmed it was argued that they had either armed themselves or encouraged the slaughter. While proven that Temple had an undrawn sword and an unarmed Lermont had undertaken reconnaissance on horseback, it was discovered that one Cowan had thrust a halberd into Hog's stomach. Thus the assize concluded that the accused were only guilty of being present at a field conventicle, but Sir George Mackenzie, Archbishop Sharp and the other justices demanded an amendment. The second verdict adhered to the former and so threats were made for an assize of error if the same verdict was returned again. Temple and Lermont were duly found guilty of murder. The former had his sentence superseded until November but the latter was executed on 27 September. According to the Presbyterian lawyer Sir John Lauder of Fountainhall, the case was considered 'ane terrible streatch of what formerly was esteimed law, and a great shake to the security of mens lives and fortunes'.[69] Dubious legal processes such as these became a hallmark of the Restoration era.[70]

The perpetration of violent incidents in support of nonconformity continued into 1679. For example, in March, the town-major of Edinburgh Robert Johnston and a party of guards were lured to the property of baker George Turnbull (used by an Elizabeth Crawford to host conventicles) and assaulted by a group of men apparently numbering 18-20 who were 'prompted by the bloody principles of their traiterous books'. In the

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[68] Burnet, *HMOT*, II, 141; Kirkton, *History*, 393-6; *Lauderdale Papers*, III, 154-9; Law, *Memorialls*, 137-9; *RPS*, 1678/6/22; Wodrow, *History*, II, 485-504. See also Macintosh, *Scottish Parliament under Charles II*, 152-71.

[69] Fountainhall, *Historical Notices*, I, 194-7; Wodrow, *History*, II, 473.

[70] See e.g. the case of Robert Baillie of Jerviswood in Fountainhall, *Historical Notices*, I, 136; Kirkton, *History*, 367-71; *Lauderdale Papers*, III, 83-5; Law, *Memorialls*, 97-8; Wodrow, *History*, II, 326-30.

midst of the melee a guard was shot while Johnston was pressed to stop his harassment of conventicles. The Council responded by demanding that all nonconforming clergymen remove themselves and their families from the burgh within 10 days or else face a fine of £100 sterling. The town magistrates were also to compile a list of 'the names and designations' of all inhabitants between the ages of 16 and 60.[71] In the same month there was a skirmish at a field conventicle near Lesmahagow in Lanarkshire. When a party of dragoons led by Lieutenant-General Thomas Dalzell was sent to investigate they were confronted by three companies of around 100 foot 'drawne up in order' and a troop of around 60 horsemen. The conventiclers were armed with pistols and carbines and disguised in cloaks and periwigs. When asked to disperse the commander of the horsemen, Robert Hamilton, answered: 'Farts in the Kings teath, and the Counsells, and all that hes sent you, for wee appear here for the King of Heaven'. The conventiclers then went on the attack and wounded Dalzell in several places. He was taken prisoner and read the National Covenant whilst lying on the ground. After four sermons he and the other seven prisoners were dismissed but without their horses and arms.[72] The following month there was also the robbery and murder of two soldiers who had quartered on a countryman near Loudoun Hill in Ayrshire because he had not paid cess. Before he died one of the soldiers named his assailant as John Scarlet – apparently a polygamous tinker who had been cashiered from the government army but rumoured to have joined the armed guard of firebrand preacher Richard Cameron.[73]

These incidents were accompanied by a predictable dose of repression. In January overtures to suppress 'the present schism and disorders of the church, and frequent insurrections thereupon' were approved. Most notable was the automatic indemnity offered to soldiers if they killed a conventicler and the order to seize their upper garments as 'a means of conviction and evidence of probation'.[74] At the same time a number of Galloway men were cited for attending field conventicles, including the Bothwell rebel Alexander Gordon of Earlston, former provost of Stranraer James Johnston and commissary of Kirkcudbright John Inglis. The bishop of Galloway was tasked with replacing the latter after his removal from office.[75] Lesser proprietors from

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[71] Blackadder, *Memoirs*, 208-10; *RPCS*, VI, 143-4, 155-6, 159; Wodrow, *History*, III, 30-2.
[72] *Lauderdale Papers*, III, 162-4; *RPCS*, VI, 160-1, 162-3, 166-7, 173, 174-8; Wodrow, *History*, III, 33-6.
[73] Wodrow, *History*, III, 35-8.
[74] *RPCS*, VI, 91, 97-9.
[75] Ibid., 95, 133.

Fifeshire were fined on the same account the following month.[76] Landholders and lesser proprietors from Wigtonshire were also fined in April.[77] In addition, the government forces levied the previous year were quartered across the Lowlands at the Canongate in Edinburgh, Leith, Calder, Stirling, Culross, Clackmannan, Cupar, Falkland, Glasgow, Ayr, Renfrew, Lanark, Galloway and Kelso.[78] Despite these efforts, the problem of public disorder reached dramatic new heights in May.

On 3 May Archbishop Sharp was brutally murdered on Magus Moor by a group of men from Fife. In brief, oppression of the shire by sheriff-depute William Carmichael had led to an assassination plot being hatched the previous month by militant conventiclers. However, when the would-be assassins went hunting they discovered Carmichael safely ensconced at Cupar. But before dispersing they heard that Sharp was approaching the area unguarded. Following a frantic chase he was knocked to the ground and slain in front of his daughter.[79]

This was not, however, the first attempt on Sharp's life. On 11 July 1668 he had narrowly avoided shots fired by the preacher and Pentland rebel James Mitchell while entering his coach in Edinburgh.[80] Mitchell's dialogue with Sir James Turner during the Pentland Rising had already revealed the extent of his radicalism: having railed 'against all authoritie both supreame and subalterne' Turner observed that he seemed most offended 'with the gentlemen of the long robe, who, as he conceaved, had been the contrivers and penners of these laws, either in Parliament or Councell, which did uphold the prelaticall government'.[81] Having escaped apprehension, Mitchell acted on ideas located in *Naphtali* (1667) and *Jus Populi Vindicatum* (1669), though he appeared to be inspired less by the wider argument for popular resistance than with the particular example of Phineas in the Old Testament as an agent of divine retribution.[82] Sharp may have escaped unscathed but his colleague, Bishop Andrew Honyman, was wounded – somewhat ironically, given his polemical opposition to these tracts.[83] Soon afterwards

[76] Ibid., 133, 137.
[77] Ibid., 159-60.
[78] Ibid., 124.
[79] See Blackadder, *Memoirs*, 211-12; Burnet, *HMOT*, II, 231-3; *RPCS*, VI, 181, 182-4, 186-8, 188-90, 199-200; Veitch, *Memoirs*, 103-5; Wodrow, *History*, III, 40-8, 52-61.
[80] See Burnet, *HMOT*, I, 508-9; Kirkton, *History*, 277-82; *Life of Blair*, 518-20; Wodrow, *History*, II, 115-18.
[81] Turner, *Memoirs*, 165-6.
[82] See [Stirling and Stewart], *Naphtali*, 20-5 and [Stewart], *Jus Populi*, 409-26.
[83] See [Honyman], *Survey of Naphtali*, 104-20.

the nonconforming clergy distanced themselves from this so-called 'weak scholar'.[84] And much like the legal processes above, Mitchell's trial in January 1678 proved to be particularly controversial.[85] Indeed, Burnet believed the 'treachery, perjury and cruelty' involved in the case – Mitchell had been executed despite assurances otherwise – marked a turning point in Scottish politics.[86]

Undue though not unsurprising attention has been given to assassination as a feature of the later Covenanting movement.[87] It did certainly provide useful material for contemporary polemicists, not least Lauderdale's own chaplain, George Hickes.[88] But while undoubtedly shocking, there has been only limited engagement with the intellectual and social dynamics behind the murder of Sharp. Indeed, while well known to historians, an account of the murder by one of the assassins, James Russell, has yet to be considered in this direction.[89] In attempting to better understand the motivations behind this violent expression of popular politics we can learn a great deal about the nature of Covenanting ideology in Restoration Scotland.

The first meeting of conspirators met on 8 April and consisted of 15 men, three of whom were gentlemen (David Hackston of Rathillet, John Bonner of Greighton, younger, and John Lindsay of Baldastard) and the rest craftsmen and lesser proprietors. They met to discuss the condition of Fife. The men observed that the gospel had been 'quite extinguished' in the shire and the godly oppressed by government forces. In particular, Carmichael and his fellow officers had summoned those whom they knew would not comply and then fined them for non-compearance; if or when the charge to pay the fine expired the officials confiscated and sold their moveables. Servants were also threatened and tortured. Consequently – and significantly – the meeting asserted it unlawful to engage with the regime. This was not only in terms of recovering their goods but by 'any other way to own them'. The meeting also debated the necessity of carrying arms and the lawfulness of opposing all who dispersed conventicles. Again,

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84 Kirkton, *History*, 277.

85 *State Trials*, ed. William Cobbett, (London, 1810), VI, 1207-1262; Fountainhall, *Historical Notices*, I, 90, 182-6; Kirkton, *History*, 383-4; Law, *Memorialls*, 85-6; Wodrow, *History*, II, 248-52, 454-73.

86 Burnet, *HMOT*, II, 127-34.

87 See most recently Colin Kidd, 'Assassination Principles in Scottish Political Culture', in Erskine and Mason, eds, *George Buchanan*, 269-88.

88 [Hickes], *Ravillac Redivivus*, 3-58.

89 James Russell, 'Account of the Murder of Archbishop Sharp' in Kirkton, *History*, 397-431. While his account had previously served as a protestation when affixed to the kirk of Kettle in 1681, Russell made no attempt to absolve himself of responsibility.

policy was linked to process: instances were noted of God 'owning' the defence of conventicles, such as when James Mill and a group of conventiclers had 'broken a company of men'.[90]

The meeting being dispersed by an alarm, on 11 April they deemed it their duty to deal with Carmichael. Crucially, if he was discovered in the house of the Archbishop they resolved 'to hang both over the port'. Indeed, Russell states that the godly had long since held it a duty 'not to suffer such a person to live, who had shed and was shedding so much of the blood of the saints'. At another meeting on 18 April – numbering at least 12 but featuring a host of men who had not previously attended – ideological congruity was consolidated when the group agreed that the Indulgences were 'very dishonourable to God'. It was also settled that 10 or more should be mounted with arms and led by Rathillet as commander. On 29 April they sought the opinion of the godly in the south of the shire having already corresponded with the west. Alexander Smith, a weaver at the Struther Dyke, noted that 'if the Lord saw it meet to deliver Carmichael in their hands, he would bring him in their way'. It was also understood that the oppression of the sheriff-depute was 'like to make some take a sinful course to be freed of trouble'. Having kept the 1 May as a day for seeking divine counsel the assassins prepared to take action the following evening. The final group consisted of two gentlemen (Hackston of Rathillet and John Balfour of Kinloch) and 11 others, including James Russell and the weaver Andrew Guillan. The murder was to be followed by a field conventicle on the sabbath where they resolved 'to resist such as should offer to oppose the meeting'. One of their number had already departed to bring a minister to the conventicle. They also drew up a paper which was affixed to the school-door at Cupar, 'threatening such as should buy their poyned goods'. The paper terrified 'all these persons who were accessory to the present troubles, troupers, soldiers, judges, clerks, and all others in that shire'.[91]

In the midst of scouting Carmichael's movements, a boy from Baldinny informed the conspirators of Sharp's coach travelling between Ceres and Blebo. This was viewed as a clear sign of providence: 'it seemeth that God hath delivered him into our hands'. And while interpreting providence had often divided Presbyterians in the past, this group

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[90] Ibid., 403-6.
[91] Ibid., 406-12.

were entirely persuaded that the appearance of Sharp was 'a clear call from God to fall upon him'. However, Rathillet did not wish to lead the attack because he believed his well-known dispute with Sharp concerning his teinds would see the assassination construed as private revenge rather than divine justice. It was thus Balfour of Kinloch who led a party of nine towards Magus Moor. At the same time Russell told his friends that when reading scripture he had become convinced 'that the Lord would employ him in some piece of service'. Indeed, he had then entered into 'a covenant with the Lord, and renewed all his former vows and engagements against papists, prelates, indulgences, and all that was enemies to the work of God'.[92]

Having chased down his coach two assassins discharged their firearms. Russell informed Sharp they were to execute the vengeance of God 'because he had betrayed the church as Judas' and 'wrung his hands these 18 or 19 years in the blood of the saints' – most especially that of James Guthrie, James Mitchell, James Lermont and the Pentland martyrs. Another noted he was not to die for wrongs done to them in particular 'but because thou hast been a murderer of many a poor soul in the kirk of Scotland'. Eventually alighting, Sharp fell to his knees and begged for his life. When he arose, one assassin, George Balfour, struck him in the face; another, Andrew Henderson, cut his hand and then Balfour 'rode him down'. At this point Sharp feigned death, but on hearing his daughter exclaim that he was still alive the assassins 'ha[c]ked his head in pieces' while William Dingwall thrust a sword into his stomach. After taking his papers and arms they fled westward.[93]

This violent episode reveals a great deal about Covenanting since 1660. For example, it again demonstrates the organisational capacity of nonconforming Presbyterians: the initial plot was hatched in covert meetings of laymen drawn from across the shire; the meetings involved strategy, planning and provisioning; there were networks of local correspondence; there was a desire for consultation and discussion in order to attain unanimity in action. The structures were also deeply subversive: while private they focused on public concerns; they were used to mount a campaign of concerted opposition to Kirk and state; they involved only a handful of gentry and were staffed predominantly by lesser proprietors and craftsmen; they involved a wider

[92] Ibid., 414-16.
[93] Ibid., 416-37.

nonconforming community beyond the immediate conspirators. Yet the episode was no less subversive in ideological terms. Most obviously, the Covenants were now invoked to justify the murder of government officials and Scotland's highest-ranking cleric. Indeed, Russell noted explicitly that select assassinations could be in the interests of the godly – a shift in posture from defence to offence which was later given theoretical backing in the 1680s (see Epilogue). But more broadly, it confirms the continued development and diffusion of Covenanting ideology: the assassins believed in their own *personal* covenant with God; that divine providence could be interpreted to reveal the demands of this relationship; that such demands included their opposition to clerical hierarchies; that any recognition of an ungodly or 'malignant' state was sinful; that conventicles were meetings of the godly; that they had a right to defend themselves and those who upheld the Covenanted Reformation.

Indeed, not only was the assassination itself a spectacularly gruesome expression of popular resistance but both politico-religious and socio-economic protest were again expressed in an accompanying declaration. Its content amounted to an uncompromising insistence on ideological conformity which was rooted in the era of Covenanting hegemony. That commitment remained remarkably strong some 40 years after the promulgation of the National Covenant is demonstrated by the studious disregard for the structures of power and sources of authority which underwrote the Restoration regime and in spite of the obvious hazards attending nonconformity. Another declaration – issued symbolically on the 29 May Restoration anniversary – underlined the continued ideological purchase of Covenanting in seventeenth century Scotland; it also gave further credence to the suggestion that Presbyterian conventicles were 'rendezvouses of rebellion'.[94]

Bothwell Rising

Having made their escape from Fife, Sharp's murderers headed west in order to link up with nonconformists in the region. Joined by their leader Robert Hamilton at Glasgow on 23 May, Hackston of Rathillet and Balfour of Kinloch met with the minister Donald Cargill and town clerk John Spreul in order to discuss the publication of a testimony

[94] See *RPS*, 1670/7/11.

against the Restoration anniversary. A meeting was duly held on the 29 May about a mile north-west of Strathaven in Lanarkshire. At short notice there was 'a considerable party, but not the half that was expected'. Afterwards 50-60 horsemen drew up and listened to Hamilton read the testimony. Then, shortly before dawn, the party came to Rutherglen; there they extinguished the celebratory bonfires, congregated around the public cross, called for the magistrates and secured the bridge to Glasgow. The minister Thomas Douglas offered solemnities then Hamilton read 'all the wicked acts that was against the liberty of the kirk of Scotland'. While speaking to the people he fixed the testimony to the cross and burnt the acts.[95] The testimony, later known as the Rutherglen Declaration, was the first of a series of events which constituted another rebellion: The Bothwell Rising.

The Declaration began by integrating the cause into the Reformation tradition: as God had preserved his interest in Scotland 'by the testimony of faithful witnesses' the nonconforming Presbyterians believed they had emulated if not surpassed previous generations by suffering 'imprisonments, finings, forfeitures, banishment, torture, and death'. As they were pursued by 'an evil and perfidious adversary to the church and kingdom of our Lord Jesus Christ' they judged it their duty – in accordance with scripture, the National Covenant and Solemn League and Covenant – to testify against all public actions against the Covenanted Reformation and 'especially from the year 1648 downward to the year 1660'. In other words, their cause did not date from the Restoration but rather the Britannic Engagement 12 years earlier. Seven acts were then identified as the most egregious: The Rescissory Act, the act restoring episcopacy, the declaration for holding public office, the 'Act of Glasgow', the Restoration anniversary, the Supremacy Act and – controversially – the Indulgences. As confirmation they burned these acts 'as they have unjustly, perfidiously, and presumptuously burned our sacred covenants'. The Declaration concluded by noting that its publication was in lieu of written subscriptions; although ready to do so, the group would only subscribe if deemed necessary 'by consent of the rest of our suffering brethren in Scotland.'[96]

After issuing the testimony the group was dismissed, with the Fifeshire men accompanying Robert Hamilton to Eaglesham in Renfrewshire. From there they went

[95] Ibid., 437-9.
[96] Wodrow, *History*, III, 66-7.

to Newmilns in Ayrshire and stayed in anticipation of a field conventicle at Loudoun Hill the following day. However, they received intelligence that John Graham of Claverhouse had captured the chaplain of Lord Cardross, John King, and some 14 others, after being sent to investigate the incident at Rutherglen.[97] Those managing to escape informed their friends at Glasgow and headed towards Loudoun Hill – the site where the Mauchline rebels had first liaised in 1648. But more positively, the meeting was strengthened by the arrival of militant stalwarts Henry Hall, Thomas Weir, William Cleland and men drawn from Lesmahagow. Cleland's appearance was particularly noted. Not only was the young polymath esteemed 'a great philosopher, physician and divine' but he had garnered a reputation as 'extraordinary in warlike affairs'. Whether he or other leading militants had 'official' military experience remains unconfirmed but they had certainly gained guerrilla experience as armed guards at field conventicles. In total, there was around 50 horse, 50 gunmen and 150 forks or halberds. Rather than await imminent disruption the conventiclers went on the offensive.[98]

When half a mile west of Drumclog the conventiclers saw Claverhouse and his party. Pressing forward while singing psalms, they came to a 'great gutter' which separated them from their adversaries. Commanded by no less than seven officers – Robert Hamilton, Robert Fleming, David Hackston of Rathillet, John Balfour of Kinloch, William Cleland, Henry Hall and John Loudoun – the 'honest party' exchanged fire with the government force. None fell initially but after Cleland killed a dragoon Claverhouse's men advanced towards a marshy brae. Lacking firepower, the conventiclers charged forward in a confused panic but were saved by the unforgiving terrain which had arrested the government advance. Indeed, the conditions favoured the type of guerrilla warfare honed by conventiclers over the course of a decade. After repelling their adversaries they maintained pursuit for two miles. The people of Strathaven also attempted to thwart the government retreat. In all, at least 8-10 soldiers and 'many mor[e]' dragoons were killed, with five or six lost on the side of the conventiclers. In the wake of Drumclog (as at Dalry in 1666) they opted to continue in

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[97] *RPCS*, VI, 210-11. Claverhouse had accrued military experience as a junior lieutenant in French service and later as a cornet in the guard of Prince William of Orange. After returning to Scotland in February 1678 he was given command of three troops of horse on the personal recommendation of Charles II's brother, James, Duke of York. He was known infamously as 'bluidy Clavers' on account of his rigour in the 1680s. See Magnus Linklater, 'Graham, John, first viscount of Dundee [*known* as Bonnie Dundee] (1648?-1689)', *ODNB*.

[98] Russell, 'Account', 439-41; Veitch, *Memoirs*, 107; Wodrow, *History*, III, 68-9.

arms 'till they saw what turn things would take'. By 1 June Claverhouse had reported to Lauderdale that the battle 'may be counted the beginning of the rebellion'. He also warned that 'the country was flo[c]king to them from all hands'.[99]

While these events are well known, they were not only presaged by the incident at Lesmahagow in March, but also by an over-looked field conventicle held the previous week at Fala Moor near Livingston in West Lothian. There the minister John Blackadder had spoken on defensive arms and reflected on the conventiclers' military and spiritual preparations: 'When you come forth with swords in your hands, to defend the worship of God, it is well; but whatever you endeavour with your hostile weapons, I would have you trust little to them'. However, their eagerness to 'defend the cause by instruments of war' was more than matched by an increasingly anti-clerical outlook. Blackadder noted his concern that 'several people more forward than godly' had scolded ministers for refusing to preach in line with their strident views and demanding too little of the people.[100] Such anti-clericalism was reinforced when the nonconforming clergy distanced themselves from the Bothwell Rising.

For ministers like Blackadder, the present circumstances called for preaching and suffering rather than an 'enterprise of their own with carnal weapons'. Nevertheless, he knew of several 'well forward sticklers' who incited the commons in the western shires. They spoke of rising in arms, although Blackadder was unaware of any plan concerted by the gentry, clergy or 'the most serious, solid, and grave among the yeoman'. Most notably, Robert Hamilton had convened a series of covert meetings which 'drew on a sort of more general correspondence'. In practical terms the basis for the United Societies had been laid.[101] Critically, the correspondents had considered rebellion up to a year before the Rutherglen Declaration. Thus, like the Pentland Rising, the Bothwell Rising was not entirely unplanned. In addition, the subversion of both clerical oversight and social status was demonstrated by the correspondents' effective exclusion of ministers and gentry 'in better capacity to manage such a business'. Consequently, the formation of the United Societies in 1682 can be viewed as the culmination of both anti-clerical and anti-aristocratic sentiment within the context of Covenanting (see

[99] *Lauderdale Papers*, III, 164-5; Russell, 'Account', 441-5; Veitch, *Memoirs*, 107-8, 282; Wodrow, *History*, III, 70.
[100] Blackadder, *Memoirs*, 212-13.
[101] Mark Jardine suggests its foundations were laid no earlier than 1679 (Jardine, 'United Societies', 1-2, 41).

Epilogue). When the rising did eventually arrive the following year Blackadder was confined to his bed by a bout of rheumatism. He did not stop anyone from joining, including his eldest son, the physician William Blackadder, but his own thoughts were 'much jumbled'.[102]

Having stayed in arms after the battle of Drumclog, the rebels set up camp in and around Hamilton and patrolled the countryside lying south-east of Glasgow. Over a three-week period the burgh was harassed by rebel forces. Their forays included searches for arms and ammunition. They also issued another divisive declaration at the tolbooth 'against the sins of the time, and defections, supremacy, and all flowing from it'. In this period their numbers swelled to about 6,000. Men were drawn from across the Lowlands and believed it

> their duty to come forth in haste, to assist their brethren, in such an exigence, with such furniture as they had, and without any more deliberation or previous consultation, but to testify their respect and willingness to own the good cause.

They included contingents drawn from the districts of Carrick, Galloway and Tweeddale led by the minister John Welsh and the Pentland rebels Robert MacLellan of Barscobe and Major Joseph Lermont. Captain John Paton also joined with a party of horse from Fenwick, Newmilns and Galston – three of the parishes involved in the Mauchline Rising. In addition, the Lothians, the districts of Nithsdale, Cunningham and Kyle and the shires of Renfew, Lanark and Stirling all contributed manpower. However, contingents from Teviotdale and Fifeshire were halted en route, with the latter featuring Alexander Hamilton of Kinkell and his kindred Hamilton of Dalgrum. As the army grew it was organised into troops and companies according to shire or district – much like the Western Association in 1650. While this provided a measure of military co-ordination there was no regimental structure and the officers were chosen irregularly. Indeed, the militants were able to exert considerable influence over the *ad hoc* council of war on this account. There was also a quasi-martial court in which a butcher from Glasgow was sentenced and shot for friendly fire. In terms of its social dynamic there was again no noble involvement while Blackadder reckoned there were fewer gentry than in the Pentland Rising. Those who did appear were 'not as great estates as many

[102] Blackadder, *Memoirs*, 213-14, 220.

others who did not'.[103] Analysis of a proclamation emitted by the Privy Council on 26 June, although providing an incomplete picture of participation, can still confirm that lesser proprietors and craftsmen predominated.[104]

Of the clergy, at least 26 ministers attended.[105] This represents an increase on the seven ministers at Mauchline Moor and 19 in the Pentland Hills. However, only three had previous involvement in the Pentland Rising: Samuel Arnot (Tongland), Gabriel Semple (Kirkpatrick-Durham) and John Welsh (Irongray). There were no indulged ministers, although the former conformist Thomas Forrester was in attendance. Most notably, 10 were privately licensed preachers; that is, over a third of the clergymen had come of age during the Restoration era. However, their clerical status cannot necessarily be used to gauge militancy as most of the preachers would support the more conservative Welsh faction during the Bothwell Debates; no doubt their primary allegiance was to the 'society' or quasi-presbytery which had licensed them. Nevertheless, those who were demonstrably radical, such as Thomas Douglas, were also of the younger generation; the only militant who had lived through the British Civil Wars was Donald Cargill, now aged about 50. That only four clergymen supported the militant faction suggests that their platform was largely a laic phenomenon.

The Bothwell Rising was not just a reaction to the excesses of government policy but an ideological showdown between nonconforming Presbyterians. The weeks of wrangling which preceded the battle of Bothwell Bridge, known collectively as the Bothwell Debates, exposed the divisions which had been exacerbated by the Indulgences. Stemming from a series of practical concerns which arose during the rebels' military preparations, it proved to be a turning point for the Covenanting movement as attempts to clarify ideological ambiguities once again led to fragmentation and factionalism. Historically this factional struggle has been framed as a contest between 'moderate' and 'extremist' Presbyterians but these labels are loaded with unhelpful connotations and underplay the essential radicalism of all participants involved. Consequently, the terms 'militant' and 'conservative' have been deployed as the most appropriate terminology to characterise the rival positions.

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[103] Blackadder, *Memoirs*, 221-3; Law, *Memorialls*, 149; *Lauderdale Papers*, III, 166; Russell, 'Account', 447-63; James Ure of Shargarton, 'Narrative of the Rising Suppressed at Bothwell Bridge', in Veitch, *Memoirs*, 456-8, 459-61; Wodrow, *History*, III, 83, 89.
[104] *RPCS*, VI, 261-2. See also Jardine, 'United Societies', 50.
[105] See Jardine, 'United Societies', appendix 1.3.

The core of the militant faction were the followers of Robert Hamilton who had published the Rutherglen Declaration and secured an ideologically important victory at Drumclog. This included the likes of David Hackston of Rathillet and John Balfour of Kinloch. They had a comfortable majority on the council of war which was steadily eroded as reinforcements arrived. Clerical support came from Donald Cargill, Thomas Douglas, John Kid and John King.[106] The militants had little purchase among the elite but could draw on the conventicling networks which had emerged in the 1670s. Meanwhile, the conservative faction was led by the conventicling stalwart John Welsh. He was assisted by the ministers George Barclay and David Hume.[107] They were supported by most of the nonconforming clergy and the gentry. They had key officers on the council of war in James Ure of Shargarton, Robert MacLellan of Barscobe and Major Joseph Lermont.[108]

The Debates were concerned with three issues: the composition of the rebel army, the contents of a declaration and a day of humiliation.[109] Discussion of each echoed the disputes which sundered the 'rule of the saints' in 1650-1. The participants were well aware of the parallels.

The structure and nature of the rebel army was of immediate concern once the rebels had set up camp. After a foray to Glasgow had been repelled by government forces a council of war was summoned to examine its failure. One cause identified was the presence of Thomas Weir of Greenrigg, a West Lothian gentleman who had fought under Dalzell in the Pentland Rising. The militants demanded his repentance but he declined. A policy of exclusion was then extended throughout the army as the militants

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[106] Donald Cargill was admitted to the Barony Kirk of Glasgow in 1655 and deprived by the 'Act of Glasgow' in 1662. He was licensed at Eaglesham under the second Indulgence but he refused (*Fasti*, III, 387, 392). Thomas Douglas had been ordained to an unknown charge in London (*Fasti*, II, 225). John King was the chaplain of Henry Erskine, third Lord Cardross (John Callow, 'King, John (*d.* 1679)', *ODNB*). John Kid was licensed privately some time before 1679. He preached at field conventicles in Fife and was linked to the followers of Robert Hamilton (Wodrow, *History*, III, 132; *RPCS*, VI, 64, 179).

[107] George Barclay was admitted to the parish of Gargunnock in 1638 (*Fasti*, IV, 308). David Hume was admitted to the parish of Coldingham in 1658 and deprived by the 'Act of Glasgow' in 1662. He opposed the Indulgences but maintained fellowship with the indulged (*Fasti*, II, 37).

[108] For probable members of the council of war, see Jardine, 'United Societies', appendix 1.4.

[109] The following account of the Bothwell Debates has been based on: EUL, Laing Collection, La. III, 344, no. 11, 'Divisions at Bothwell' and no. 12, 'Rathillets account of the Divisions at Bothwell 1679'; Robert Hamilton, 'To the True Presbyterian Remnant of the Church of Scotland', in Michael Shields, *Faithful Contendings Displayed*, ed. John Howie, (Glasgow, 1780), 186-220; Russell, 'Account', 447-65; Shargarton, 'Narrative of the Rising', 455-74; Walter Smith, 'A brief Rehearsal', in Patrick Walker, *Biographia Presbyteriana*, 2 vols, (Edinburgh, 1827), II, 67-8; Wodrow, *History*, III, 90-105.

refused to join with anyone deemed guilty of such 'public sins' as giving bonds, paying cess or supporting the indulged. Indeed, the involvement of the gentry was scorned because they had endorsed the Indulgences, and by extension, the royal supremacy. While 'sitting at ease' others had suffered for the Covenants. Furthermore, those guilty of defection were to be passed over as officers and disallowed from voting in the council. This included those under 'that Curse of doing the Work of the Lord deceitfully, by withholding our Sword from shedding of their Blood' – in other words, those who had ignored Hamilton's command for no quarter at Drumclog. However, while the council produced a paper regulating the army – effectively an unofficial Act of Classes – it did not get published. Nevertheless, the militants were deeply concerned about the presence of 'malignants' compromising the cause and did successfully remove a captain from east Stirlingshire. They repeatedly argued that guilt could only be cleared through repentance and public confession. In short, and much like the motivations behind the Western Association in 1650, they yearned for an untainted godly army which was guaranteed to have divine backing.

In the same spirit of unity which had been promoted by the nonconforming clergy in the midst of the Indulgence controversy, the conservative faction encouraged widespread participation in the rising. Like the Resolutioners in 1650-1 they argued that superior numbers were vital for victory – a sensible view which was nevertheless disproven several times during the British Civil Wars. In this direction the ministers set about securing the support of indulged clergymen and the gentry. They also opposed any strictures which would have ceded control to the militants. Indeed, the conservatives argued that participation in the rising was enough to absolve those guilty of sinful conformity. However, while the appeal for unity was certainly genuine, the conservatives were just as concerned with control as the militants. Most blatantly, Welsh and Hume circumscribed the council of war by their unilateral publication of a draft declaration. They also had lines of communication with government officials and were susceptible to the charge of double-dealing. Meanwhile, the arrival of another cohort of gentlemen on 21 June saw an attempt by conservatives to supplant the militants. In particular, the Galloway men led by Barscobe challenged the irregular nomination of officers and countenanced none but those chosen by the gentry. They also disapproved of the firebrand preacher Richard Cameron: when Shargarton arrived at the rebel camp he informed the militants that recruitment for the rising had been compromised by his

suspected involvement. As it was, Cameron was presently in the Netherlands with the Protester exiles.

The contest over composition and control bled into debates on a declaration. In keeping with their call for unity the conservatives wanted the cause stated on as broad a base as possible in order to promote widespread participation – an approach which recalled the initial promulgation of the National Covenant in 1638. It was also designed to secure support from other Reformed Churches whilst aligning the cause with the Whig ascendency in England. Consequently, the conservatives did not want a declaration denigrating the king or the indulged. Indeed, the conservatives wished to maintain ideological ambiguity. They wanted debate postponed until 'free' constitutional assemblies (i.e. the Scottish Parliament and a General Assembly) could resolve the disputes which had emerged in the Restoration era. Thus, a declaration drafted by conservatives was primarily in defence of 'the true protestant religion'. It tapped into the climate of fear created by the Popish Plot just as the Covenanting movement had capitalised on the Irish Rebellion in 1641. Although rejected by the council Welsh used it as the basis for the Hamilton Declaration. This declaration was proclaimed at Hamilton and printed at Glasgow in spite of promises otherwise. It courted militant ire by its inclusion of the infamous third article of the Solemn League and Covenant which upheld defence of the king. In addition to rumours that the correspondence of the clergy had framed the rising as no more than an attempt to secure another indulgence, the militants had grounds to suspect that widespread participation was being promoted at their expense.

For the militants, a declaration before God had to include 'all the defections of the time' as they understood them. Consequently, the king and the Indulgences had to be expressly condemned. This imitated the 'rule of the saints' and was inspired by *The Causes of the Lords Wrath against Scotland* (1653). Like the Protesters they argued that the imperative to uphold the king was subordinate to the defence of true religion. This interpretation was supported by another constitutional document, the 'Acknowledgement of Sins and Engagement to Duties', which was issued by the Commission of the Kirk following the Whiggamore Raid in 1648. Throughout the Debates the militants insisted on its inclusion in any declaration because of its strictures against malignancy. This was regarded by conservatives as no more than a tactic 'to keep

out gentlemen of quality'. However, the militants asserted incorrectly that it disowned the king's interest. While certainly challenging 'an arbitrary & unlimited power' it still preserved his person and authority. This oversight was later used by Robert Hamilton as an excuse for his agreement to the Hamilton Declaration. As it was, Welsh had it printed without the Acknowledgement anyway. This treachery was also viewed as ideological inconsistency because the Hamilton Declaration was deemed to have crossed the Rutherglen Declaration. The latter had an aura of authority because the rebel victory at Drumclog was regarded as tangible evidence of divine backing. Thus, the militant reaction was to call another council of war in order to comprehend the Hamilton Declaration within 'the Causes of the Lords Wrath' drawn up by Cargill.[110]

Repenting the causes of divine dissatisfaction also lay behind the militant demand for a day of humiliation. This was in keeping with the tradition of fasting and prayer which had followed armed engagements during the British Civil Wars – most famously in the wake of the psychologically damaging defeat of the Covenanting army at Dunbar in 1650. Above all, it symbolised a continued belief in the ideas of corporate sin and confessional purity which had supported the 'rule of the saints'. In this they were the true heirs of the Protesters. However, the conservatives, who comprehended former Protesters, accused the militants of prioritising the sins of others over their own. Even though some could have been brought to agreement on the need for 'divine protection' the sticking point continued to be whether the Indulgences were a 'sin of the land'. So deep was this rift that rival services – effectively separate field conventicles – were held during the Bothwell Rising. It was in this context that a creeping anti-clericalism was finally unleashed.

When the rebel army convened at Rutherglen to observe the sabbath on 8 June the militants declared they would oppose any ministers not preaching against the Indulgences as they did episcopacy. The temporary solution was rival services as the ministers led by Welsh refused to preach against the indulged. They were scorned by the militants as being more concerned with 'allegiance to the magistrate'. Indeed, the militants framed the dispute as the 'honest party' upholding 'the Lord's interest' against the unfaithful who prioritised 'the king's and their own'. This rhetoric replicated the accusations levelled at Resolutioners by the Protesters in the 1650s. In the days which

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[110] Hamilton, 'To the True Presbyterian Remnant', 192-3.

followed the conservatives became increasingly worried about the anti-clerical implications of militant demands. In another debate on the Indulgences the conservatives asked if they would 'cast off Mr Welch, and all the ministers, except a few?'

By 14 June matters had become more serious. While the rival services had averted violent confrontation the council of war now called Welsh and Hume to preach against the Indulgences. The separate conventicles were not enough – the ministers needed to be brought to heel or else removed entirely lest they compromise the rising. Predictably, the ministers were infuriated that laymen were giving them instructions on what to preach. This struggle continued into the sabbath when the army convened at Shawhead Moor for a conventicle. When the council was called the ministers were told they would have to preach against the indulged 'name and surname' or else not preach at all. They were also subjected to armed intimidation. Hume retorted that militant demands represented 'an encroachment upon the ministerial authority'. The conservative officers also denounced the anti-clerical thrust of the demands and made plain the hypocrisy of the militants railing against absolute monarchy when their own conduct amounted to 'the height of supremacy'. Indeed, the minister John Rae remarked wryly that 'he would never truckle to the worst kind of Erastianism in the common people'. Further controversy then followed when Hume attempted to remove John Kid as 'a troubler of the church'. This was deemed contrary to the congregational call as the people had 'a power to call what ministers they pleased'. In the end rival services were again the safety valve which prevented a definitive break between the two factions. However, the ministers were now resolved to sideline the militants. Recalling the Resolutioners' fear that the Protesters were actually sectarians subverting the Covenanted Reformation, the nonconforming clergy refused to join with the militants because 'they were in greater fear of them who were their friends than they were of their avowed enemies'.[111]

Much like its anti-aristocratic dimension, the anti-clerical potential of Covenanting ideology was first realised during the late-1640s. The pursuit of a godly commonwealth by the Covenanting regime saw the clergy no less than the laity subject to demands for ideological conformity. Their conduct came under increasing scrutiny as the General Assembly set about its self-appointed task of creating a godly ministry free of

[111] Shargarton, 'Narrative', 468.

timeservers, scandal and ideological opposition.[112] In the wake of political misfortune the clergy were also held to be just as culpable as sinful kings, statesmen and officers. In short, the clergy were subject to the same stringent requirements which they extolled from the pulpit. However, the Public Resolutions controversy occasioned a critical shift. While the Kirk had been largely united in opposing the Britannic Engagement the clergy had divided on the issue of malignancy after the battle of Dunbar. As a minority the Protester ministers now argued that the majority of clergymen were corrupt. This view was outlined in *The Causes of the Lords Wrath* and elaborated upon in the appended paper *A Humble Acknowledgment of the Sins of the Ministery of Scotland*.[113] These tracts provided an intellectual framework in which the clergy could be challenged by the laity. So having had remarkable success in sowing Covenanting commitment, the clergy now found themselves having to meet the expectations of self-consciously godly men and women who demanded they practise what they preached. This was reinforced by the congregational call which had been promoted in 1649 at the expense of lay patronage. The right of patronage may have been taken from landholders in order to give the Kirk greater independence from lay influence, but the right of congregations to choose their ministers gave the laity, and especially ruling elders, an opportunity to scrutinise clerical conduct.[114]

By 1660 the generally anti-clerical climate was augmented by the Protesters' own brand of anti-clericalism.[115] Just as the Resolutioners had been castigated for backsliding so now the conformists were guilty of defection. From a Protester perspective the commitment of the clergy had been found wanting at their time of trial. In addition, the ministers who refused to conform, while certainly drawing on lay support, may actually have felt pressure to do so lest they lose the hearts and minds of their congregations. By contrast, the established clergy soon found their own authority subverted by Presbyterian conventicling. What is more, where congregations could not get access to their 'lawful pastor' calls were issued to other ministers residing in Edinburgh and

112 For the deposition of ministers between 1638 and 1651 see Peter G. B. McNeill and Hector L. MacQueen, eds, *Atlas of Scottish History*, (Edinburgh, 1996), 394.
113 [Guthrie and Johnston], *Causes*, 3-4, 7-8, 22-4, 34, 36, 67-8, 68-71, 75-88.
114 For more on this scrutiny, see Christopher R. Langley, '"Diligence in his ministrie": Languages of Clerical Sufficiency in Mid-Seventeenth Century Scotland', *Archiv fur Reformationsgeschichte*, 104 (2013), 272-96.
115 For aristocratic anti-clericalism, see Julia Buckroyd, 'Anti-clericalism in Scotland during the Restoration', in Macdougall, ed, *Church, Politics and Society*, 167-85.

Glasgow. That is, the congregational call was issued without the oversight of a presbytery and lacked co-ordinated clerical control until the 'societies' were erected in 1674. However, by that point the arguments against hearing 'curates' had been turned on the indulged ministers. Furthermore, it was not just the established clergy who endured violence, such as the minister of Auchinleck, Alexander Ramsay, who was wounded and robbed by a group of thugs.[116] Most notably, the indulged minister of Shotts, James Currie, had faced rioting when entering his charge.[117]

While acting in accordance with the past, the application of these principles in 1679 meant that only a handful of ministers in the Church of Scotland were deemed sufficient by militant laymen. The stance was summarised by the student and clerk Walter Smith in his condemnation of Presbyterian clericalism in the Restoration era:

> [...] while we had our Ministers and Ordinances, in somewhat both of Power and Plenty, tho' under the Enemy's constant Persecution, we did idolize them, made ministers our Rule, and gave them too much of Christ's Room in our Hearts: And now, when they are turned aside, and laid aside their Master's Work, and, by their sinful and shameful Silence, the Land's laid desolate, and no publick Testimony kept up, at least, by preaching, we are ready to be bitter against their Persons more than their Defections, and to make them more the Subject of our Discourse and Contempt, than of our Mourning and Humiliation before God, which speaks out this plainly, That amongst all our other spiritual Plagues, there is yet still a Spirit of Pride, Self-confidence and Ignorance, abounding amongst too many, contrair to the Scope of Gospel-principles.

This passage makes clear that the guiding role of the nonconforming clergy had its limits. It also lends credence to the observations on 'enthusiasm' by another David Hume – the eighteenth century philosopher and historian – who filed the later Covenanters alongside Quakers, Independents and Anabaptists because the depth of their religious devotion had seen them struggle free from the 'yoke of ecclesiastics'.[118] Indeed, in 1682 the United Societies emerged as a laic enterprise entirely free of clerical oversight (see Epilogue).

By 20 June the conservatives had taken control of the rising.[119] The arrival of substantial forces from Galloway had tipped the balance of power in their favour. At a 'great council' of 50 the following evening the officers divided when nominating a new

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[116] *RPCS*, III, 441, 442-5, 449, 452-3, 462, 475, 485-6, 535-6, 537-8, 608.
[117] *RPCS*, III, 402. See also *Fasti*, III, 277; Kirkton, *History*, 335-6.
[118] David Hume, *Essays: Moral, Political and Literary*, ed. Eugene F. Miller, revised edition, (Indianapolis: Liberty Classics, 1985), 73-9.
[119] The following account of the Bothwell Rising has been based on: Blackadder, *Memoirs*, 223-6; *Lauderdale Papers*, III, 171-3, 261-2; Law, *Memorialls*, 150-1; Hamilton, 'To the True Presbyterian Remnant', 194-5; Russell, 'Account', 463-9; Shargarton, 'Narrative', 474-83; Wodrow, *History*, III, 99-111.

president to replace Robert Hamilton. Such conciliar politics echoed the power struggles within the Committee of Estates and Commission of the Kirk which became a signal feature of the Covenanting regime. In the midst of heated discussion Hamilton indicated that his faction would leave because 'they expected that the Lord would not further prosper them if they should return to these sins which they had testified against'. 18 militant officers then abandoned the council. In their absence the conservatives elected a new president and consented to a supplication drawn up by the ministers. The supplication was to be delivered to the illegitimate son of Charles II, James Scott, Duke of Monmouth, who was appointed General of the royal forces and sent to Scotland with 'ample commission' to hear rebel grievances. In the interim, Alexander Gordon of Earlston, younger, and John King operated as intermediaries between the two factions and successfully restored conciliar unity. When the militants heard of the supplication they were concerned less with its contents than with the act of supplicating a 'malignant' state itself. Indeed, Hamilton found it 'stuffed, from end to end, with malignant loyalty, wholly subverting the state of our cause'. Unlike the conservatives who wished to negotiate concessions, the militants were looking for an apocalyptic confrontation with the Restoration regime: they *did* intend to overturn government in Kirk and state in pursuit of another revolution. They were, in effect, a godly vanguard.[120] Nevertheless, after long debate a compromise was reached whereby a new supplication was drafted by a committee representing both factions. At the meeting Hamilton stated he would only consent 'if they were willing to have the duke informed of our judg[e]ment of his fathers, and his own rebellion blasphemies and usurpations in matters of church and state'. Donald Cargill and Andrew Morton were then left to draft the supplication. Despite its modest tenor it was signed by Hamilton 'in naim of the Covenanted army'. He later argued that he had not read it and only subscribed on account of Cargill's involvement.

At midnight news reached the rebel camp that the government army was approaching. It was camped north of the River Clyde near Shotts and Cambusnethan while the rebels were situated to the south near Hamilton and Bothwell. The following morning (the sabbath) Monmouth led a scouting mission to Bothwell Bridge. After the opponents each fired a volley a conference was held between Monmouth and the rebels, with

[120] For revolutionary vanguardism, see Vladimir Lenin, *What Is To Be Done?*, trans and ed. S. V. Utechin and Patricia Utechin, (Oxford: Clarendon Press, 1963), 131-47.

Robert Hamilton representing the militants and David Hume the conservatives. Monmouth demanded that they lay down their arms and render themselves into his custody but Hamilton refused to yield. He believed they would 'hang nixt'. Both sides then prepared for battle. According to James Russell, the rebels were discouraged by the delegation as 'it was visibly seen that the Lord had deserted them for seeking peace with these wretches whom he had declared war against'. For Shargarton, the disorder was attributable to militant cowardice. After an exchange of fire the rebel companies at the bridge rejoined the body on the moor nearby. Not only did abandoning the bridge prove a strategic error but the rebels missed the opportunity to inflict serious damage as the government army crossed the river. The rebel officers also struggled to act in unison on the battlefield. They considered 'a desperate charge' but government cannon-fire spread confusion. Surrounded by turmoil, a party led by Thomas Weir of Greenrigg believed they were in retreat. As they took flight the rest joined in disarray. Most of the bloodshed occurred at this stage, with around 400 killed and 1,200 taken prisoner.

Occurring three weeks after the remarkable victory at Drumclog, the battle of Bothwell Bridge was emblematic of the Covenanting movement more generally. On the one hand it revealed the capacity of Covenanting ideology to mobilise men against government in Kirk and state; but on the other, it demonstrated that ideological commitment did not necessarily entail ideological uniformity. Sure enough, the subordination of military planning to ideological wrangling once again gifted adversaries a psychologically-damaging victory. But irrespective of the outcome – and arguably of greater significance – the Bothwell Rising underscored the primacy accorded to ideology by its participants. To be sure, Covenanting continued to support popular politics and armed resistance through the Revolution of 1688-91 to the Union of 1707 and beyond. In the meantime, the 'break at Bothwell' descended into further acrimony.

Martyrs and Trimmers

There was brief consideration of renewing the rising as the rebels made their escape southwards. The militant core had fled towards Barscobe in Kirkcudbrightshire but were instead forced to quarter near Earlston as vigilantes monitored the highways in the hope of capturing fleeing rebels. Alexander Gordon of Earlston then delivered a

message from MacLellan of Barscobe urging them to stay in arms but his Galloway contingent soon scrapped the idea. A message from John Welsh also requested they stick together but the gentry of Carrick threatened to abandon him if he did not break with the militants. After a series of skirmishes with government soldiers the Fifeshire men returned home, with some making arrangements to join the Scottish exile community in the Netherlands.[121]

By its own standards the Restoration regime was relatively restrained in its response to the Bothwell Rising, although this did not necessarily equate to leniency.[122] There was certainly nothing like the number of executions which followed the Pentland Rising, with only two men – the ministers John Kid and John King – hanged as an example. At their trial both argued they had been caught up in the rising after being rescued and were therefore present 'casually, not intentionally'. But despite assurances of life from Monmouth and their own promises to stop field conventicling both were hanged on 14 August after the king refused their application for a pardon. Their heads and hands were then affixed to the Netherbow Port beside those of James Guthrie.[123] While Kid and King had flinched under government scrutiny – possibly at the behest of their lawyers David Thoirs and William Monipenny – their scaffold testimonies were uncompromising ideological statements which upheld the controversial Acknowledgement of Sins and Engagement to Duties. The moribund Britannic dimension of Covenanting was also revived by Kid when he observed that the three kingdoms were 'married lands' in which there would eventually be 'a resurrection of his name, word, cause, covenants'.[124] Such statements blunted the usefulness of the execution as a stage-managed public spectacle promoting obedience.

In a move doubtless intended to send a message to nonconforming Presbyterians, the Privy Council announced the king's indemnity on the same day as the execution. It was aimed at the commons as all heritors and ministers involved in the rising were exempted but only granted after a bond renouncing Covenanting resistance had been taken. However, severe punishment awaited those who continued to abuse the established clergy, slander the regime or disperse seditious material because such actions were

[121] Russell, 'Account', 470-82.
[122] See Cowan, *Scottish Covenanters*, 99-100; Harris, *Restoration*, 332.
[123] Fountainhall, *Historical Notices*, I, 228-9; *Lauderdale Papers*, III, 176-9; Law, *Memorialls*, 151; Smith, 'A brief Rehearsal', 68-9; Wodrow, *History*, III, 132-6.
[124] *The Cloud of Witnesses for the Royal Prerogatives of Jesus Christ*, (Glasgow and London, 1862), 193-206.

deemed 'the forerunners of rebellion'.[125] Enforcement of the indemnity was then delegated to circuit courts which toured the Lowlands in October in order to discover both the rebels and murderers of Sharp. Critically, the clerks were ordered to keep porteous rolls of the rebels named in the proclamation of 26 June so they could be cited along with an account of their lands and moveables. The entire procedure was open to manipulation by neighbours, soldiers and clergymen who stood to benefit financially. As expected, few appeared willingly and the process was continued in their absence – a practice previously considered illegal in cases of forfeiture. Those loyal to the regime were then gifted lands or the moveables of the tenantry.[126] But while Charles II was generally satisfied with the response of his Scottish subjects to the Bothwell Rising, the protracted pursuit of those who had absented themselves from the king's host suggests that the loyalty of local elites could not be guaranteed. Their obstinacy was effectively made another source of income for the regime.[127]

Meanwhile, the prisoners captured at Bothwell Bridge were held in the yard of Greyfriars Kirk in Edinburgh. After a week they were offered their liberty provided they took the bond of peace. The bond was designed specifically for the prisoners at the same time as a general bond was tendered throughout the localities. As many did not believe the rising to be against the king's authority they signed it with this in mind and thus 'it did not bind them up from any such appearance, when occasion offered again'. However, around one-third refused the bond altogether. Debating its nature recalled the disputes which followed the Pentland Rising and the 'Highland Host'. 15 were initially singled out as 'ringleaders' and sentenced to die. The minister Edward Jamieson pleaded with the men to take the bond in order to save their lives. Only two refused but the rest regretted their capitulation. Afterwards the remaining prisoners divided as a group of about 200 signed a petition to take the bond having been influenced by a letter from the minister George Johnson. The blacksmith Robert Garnock and a few dozen others led a verbal protestation against those who wished to supplicate the Council, and as at

125 *RPCS*, VI, 302-4.
126 Ibid., 306-10; Wodrow, *History*, III, 118-19, 140-7.
127 *Lauderdale Papers*, III, 196; *RPCS*, VI, 263-4, 267, 311, 334-6, 347-8, 369-70, 372-3, 472, 473, 475-7, 486, 497, 515-18, 525-6, 529-30, 541-2, 542-3, 553, 563-4, 564-5, 571, 576-8, 579, 580-1, 593-4, 622-4; Wodrow, *History*, III, 117, 179-80. The process was also politically motivated in the cases of lawyer Archibald Hope of Rankeillor and provost of Ayr William Cunningham as both voted against the 'Court faction' in the Parliament of 1681 (Fountainhall, *Historical Notices*, I, 301-2, 336-7, 338).

Bothwell Bridge, refused to join in worship with their opponents. In this direction John King had provided ideological sustenance, noting that

> since the break of *Pentland*, since the honourable worthies suffered, some in the fields, and some on scaffolds, that was the beginning of a great rise of the gospel in *Scotland*, which many of you are the seals of, and all of you that are young men, which are witnesses to the same cause.

At the same time, the wrath of God had been provoked

> not only by the malignant party who have perjured themselves, but also by a great part of the ministers and professors of Scotland, in not adhering to the ends of these covenants, but have connived and complied with adversaries.

As Garnock's faction grew the Council began examining the prisoners, but wearying of the process, opted to banish them to the New World, and specifically, the plantations of Barbados. Setting sail on 27 November, the transport was soon shipwrecked off the Orkney coast. Of some 250 prisoners on board only a fifth survived. For Presbyterians the tragic incident demonstrated the difficulty of reading providence: 'a puzzling dispensation', John Blackadder observed that some refusers of the bond had survived while others had perished.[128] What moral lessons were the godly to draw from this divine message?

As the regime made an example of the rebels, the nonconforming clergy distanced themselves from the Bothwell Rising. As the purported champion of Protestant dissent in Britain the Duke of Monmouth was supplicated by the ministers. They stressed the rising had been unexpected and 'any extremities run to by heady and turbulent men' did not have their approval. Indeed, they abhorred 'all assassinations and murders made by private persons' as expressions of Jesuit or Anabaptist doctrine. Such 'disorderly practices' were deemed inconsistent with scripture and the Westminster Standards. There was no mention of covenants in general or the Covenants in particular. The petition had the desired effect and a proclamation on 4 July suspended the laws against house conventicles. However, they were not to be held within two miles of Edinburgh and one mile of St Andrews, Glasgow and Stirling because Charles did not wish his 'seat of government' and the universities 'pestered with irregularities'. By 14 July its scope was enlarged to allow ministers to administer the sacraments in spite of the consistent and vehement opposition of the established clergy. Ministers imprisoned in the Bass

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[128] *A Collection of Letters, Consisting of Ninety-three*, ed. John McMillan (Edinburgh, 1764), 235-9; Blackadder, *Memoirs*, 230-2; Fountainhall, *Historical Notices*, I, 246; Law, *Memorialls*, 151; *RPCS*, VI, 257-8, 265-6, 282-3, 306, 330-1; Wodrow, *History*, III, 123-32.

Rock and Edinburgh tolbooth were also liberated. Taken together, the policy was considered a third Indulgence. Consequently, the nonconforming clergy convened a 'very large meeting' in order to discuss its terms. The first unofficial General Assembly since 1677, Wodrow suggests that it was 'more numerous than any hath been since their judicatories were discharged by law'. The ministers proceeded to set ground rules for accepting it. In particular, they were to visit their former congregations whenever possible and continue to meet in quasi-presbyteries.[129]

The meetings of the nonconforming clergy attempted to restore order and reassert control. As well as tightening supervision of the younger preachers they also confronted the militants who had opposed the Indulgences. Most controversially – and reaffirming the subversive nature of these unofficial courts – they censured firebrand preacher Richard Cameron and excommunicated militant commander Robert Hamilton. Licensed to preach in 1677 by a group of ministers that had included John Welsh and Thomas Douglas, Cameron had shot to prominence as an outspoken critic of the indulged whose charisma ensured large audiences. After visiting Robert MacWard at the Scots Kirk in Rotterdam he was indefinitely ordained in August 1679.[130] That is, he was ordained without a particular charge or congregational call. Given the centrality of the congregational call to Presbyterian dissent, the vast majority believed this 'contrarie to all discipline in our church'. Indeed, Robert Law argued that it bore dangerous similarities to the practices of English prelacy. For MacWard, however, it was the clerical meetings which spelled danger. Simply put, they had no authority, and worse, were used for 'Patronizing the Indulgence'. As the non-indulged were deemed to have 'homologated' the Indulgences as well, MacWard had contracted Cameron to consolidate lay protest against the nonconforming clergy.[131]

Lay protest had already been expressed in the satirical tract *The Curate's Queries* (1679). Using a regular minister as a mouthpiece, it argued that the third Indulgence had been granted because the previous licenses had realised successfully 'that *Machiavillian* Principle, *Divide & impera*'. The Indulgences had also capitalised on the service of the

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[129] Fountainhall, *Historical Notices*, I, 229-30; *RPCS*, VI, 264-5, 278, 320-1, 326-7, 359-61; Wodrow, *History*, III, 147-52, 153, 155-6.
[130] See A. S. Wayne Pearce, 'Cameron, Richard, (*d.* 1680)', *ODNB*. See also Jardine, 'United Societies, 33-4.
[131] Hamilton, 'True Presbyterian Remnant', 187; Law, *Memorialls*, 152-4; Robert MacWard, *Epagōniemoi: Or, Earnest Contendings for the Faith*, (n.p., 1723), 305-6, 311, 319; Smith, 'A brief Rehearsal', 66, 69-70.

Resolutioners as the Royalists had done during 'the old and first Divisions' in the 1650s. Indeed, given their opposition to the Protesters, the author suggested the regime had been 'most ungrateful' by its failure to place Resolutioners in public office. Now, however, Resolutioners *and* Protesters 'cunningly manage Affairs' to promote clerical interests, and if confronted by opposition, cry out 'Let us study Union'. With the ministers distancing themselves from rebellion it allowed government forces to repress 'the dissenting protesting handful'. In addition to the anti-clerical dimension, the tract again exhibited the anti-aristocratic thrust of later Covenanting ideology. For example, the nobility and gentry were condemned implicitly for conforming to the Indulgence policy and for fighting the rebels at Bothwell Bridge. As the author noted, 'ye see how few Gentlemen of Quality adjoin with, or approve these in Arms at *Bothwell* [...] being taught more peaceable Principles than that of defensive Arms'. Furthermore, the Presbyterian ministers in Edinburgh were accused of aiming their preaching at a handful of noblewomen who 'know little what others suffer'. The ladies may not have heard regular ministers but neither did they attend field conventicles because above all else they were driven by the fear of losing their estates. It was also observed that they were being favoured over ruling elders for consultation purposes because 'their Purses are able to manage and carry on the Lord's Matters at Court, by Money and Policy'.[132] In short, the nobility, the gentry and the nonconforming clergy had each betrayed the Covenants by their self-interested engagement with the Restoration regime. It was against this backdrop that a distinctive 'Cameronian' or 'Cargillite' faction emerged in 1680 which claimed exclusive ownership of the Covenanting tradition.

Conclusion

The Bothwell Rising and the emergence of the 'Cameronian' or 'Cargillite' faction were each rooted in memories of Covenanting hegemony, and especially the 'rule of the saints' from 1649 to 1651. This period, perceived as an apparent golden age of godly government, provided a constitutional blueprint which offered an ideological alternative to the status quo represented by the Restoration regime. However, as the zenith of the Covenanted Reformation receded further into the past, so it became increasingly

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[132] *The Curate's Queries, And, The Malignant or Courtier's Answer thereto, according to their known Principles of Policy, their Methods, and Ends obtained thereby*, (n.p., [1679?]), 2-11 (italics in original).

distorted by a new generation of lay activists whose adaption and application of Covenanting ideas in a markedly different context had fundamentally altered the nature of the Covenanting movement. A cause once led by the political and clerical elite was now the preserve of those lower down the social ladder who were able to harness Covenanting as a vehicle through which to challenge established authority. Indeed, as this and other chapters have shown, Covenanting became remarkably subversive as its anti-aristocratic and anti-clerical potential was realised by militant conventiclers.

But by taking cues from a period that was consumed by ideological fragmentation and political factionalism, it was no surprise that the movement once again divided when a united course of action was most crucial. The ideological legacy of the 'the '49' was thus twofold: it provided a vehicle for popular protest in Restoration Scotland but also the basis for Presbyterian secession in the 1680s and beyond.

Epilogue

Lord! what should I say anent the Covenant, Prelaci, Presbytri, hearing or not hearing thes that conform, indulgences, feild meitings, magistrats – anent the Lords work and providences in thes lands, and since the year 1638, and anent the present tyms, snars, dangers, duties?[1]

The Cameronians *are strictly Religious, and ever act upon that Principle, making the War a part of their Religion, and converting State Policy into Points of Conscience. They Fight as they Pray, and Pray as they Fight, making every Battle a new exercise of their Faith.*[2]

The Cameronians were the culmination of subversive developments which had taken place within the Covenanting movement since the Mauchline Rising of 1648. They were also the embodiment of the shifts in Covenanting support which had followed the Restoration settlement of 1661-2. By exploring how the recent past was remembered and reimagined, and by scrutinising the relationship between policies and practices, this thesis has shown how Covenanting ideology was reshaped by Presbyterians to meet the exigencies of a political environment now hostile to the Covenanting cause. It has similarly revealed how its inherent tensions ensured that Covenanting was not the monolithic or uniform enterprise which its adherents yearned for.

In order to highlight these developments in microcosm, the Epilogue will first trace the life of Alexander Brodie of Brodie. A gentleman from Moray who played a leading role in the 'rule of the saints' from 1649 to 1651, Brodie lived to see much of the Restoration era – unlike his friend Sir Archibald Johnston of Wariston. The fragmentary diary left by Brodie allows us to penetrate the mental world of a Scottish Covenanter both before and after the restoration of Charles II in 1660. Particular consideration of the memories stored within will demonstrate how they intersect with, and diverge from, the arguments made in this thesis.

As will become clear, Brodie's inquiries into politics and religion during the Restoration era were saturated in self-doubt. The Covenants continued to preoccupy his mind but

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[1] Brodie, *Diary*, 405.
[2] John Ker of Kersland, *Memoirs*, 2 vols, (London, 1726), I, 12.

the confidence they once inspired had faded. This irresolution contrasted sharply with the certitude of the Cameronians in the 1680s. Their confrontational nature caused a controversy that was out of step with their numbers and which continues to inspire admiration or contempt among historians.[3] A survey of illuminating incidents involving this faction will form the backdrop to an assessment of the ideological framework in which they were conducted. The thesis will conclude by demonstrating how the Cameronians, and later, the United Societies, recast the Covenanting tradition in their own image – an image which has persisted to the present day.

Reflections of a Revolutionary

The life of Alexander Brodie of Brodie represents an ideal case study for historians looking to trace the development of Covenanting policies and practices from the British Civil Wars to the Restoration. A layman engaged in politics at both local and national levels, his perspective allows us to shift our attention away from the clergy. As suggested previously, the traditional preoccupation with the exploits of Presbyterian ministers has overshadowed the critical role played by the laity in maintaining the momentum of the Covenanting movement. Furthermore, his perspective, although very much of the landed classes, was not one shared by many of the titled nobility. It is also worth noting that, like his friend Wariston, as also Wariston's effective replacement as chief lay propagandist for the Covenants, James Stewart of Goodtrees, Brodie was a Presbyterian endowed with legal expertise. Finally, his view from the north provides a useful counterpoint to the generally Lowland-centric approach of this thesis.

Brodie was born on 25 July 1617, the eldest child of David Brodie of Brodie and his wife, Katherine, daughter of Thomas Dunbar of Grange, Dean of Moray. Having resided in England from 1628 to 1632 he returned to Scotland to study at the University of St Andrews and at King's College, Aberdeen, although he did not take a degree. On 28 October 1634 he married Elizabeth, eldest daughter of Sir Robert Innes of Innes and widow of John Urquhart of Craigston, tutor of Cromarty. Her death in 1640, when

[3] Cf. Mark Jardine, *Jardine's Book of Martyrs* <https://drmarkjardine.wordpress.com> and Chris Bambery, 'Terrorism and fanaticism: Were the early Calvinists Scotland's Daesh?', *The National*, 8 December 2015.

Brodie was just 23 years old, had a profound effect on him. He did not remarry. She left him two children, Grissel and James. He was served heir to his father on 19 May 1636.[4]

Brodie's early Presbyterian convictions involved him in the iconoclastic destruction of oil paintings depicting the Crucifixion and Day of Judgement inside Elgin Cathedral.[5] His Covenanting commitment was affirmed thereafter by involvement in the regime of the 1640s as shire commissioner for Elgin. He sat on a variety of committees from 1643 to 1646 which included the Committee of Estates, the committee of war for Elgin, Nairn and Inverness, the committee of excise and the committee for plantation of kirks.[6] He also served as a ruling elder in the Commission of the Kirk.[7] Consequently, he was an obvious target for Royalist retribution when in February 1645 the Marquess of Montrose and his army passed through Moray.[8] An opponent of the Britannic Engagement in 1648, Brodie's prominence in national politics increased markedly during the 'rule of the saints'. Along with his allies the Earl of Cassillis, George Winram of Liberton and Alexander Jaffray, he was commissioned to treat with Charles II at Breda.[9] That same year he was created an ordinary Lord of Session, becoming Lord Brodie on 26 June, although he took up the post reluctantly.[10] By the 1650s he was operating within the political nexus of the Covenanting leader the Marquess of Argyll.[11]

The first fragment of Brodie's diary, covering the years 1652 to 1656, exhibits many of the ideological developments explored in this thesis. In line with Chapter 1 are the distinguishing features of a radical platform which reorientated the Covenanting movement as an exclusive enterprise. There is, for example, the emphasis placed on the need for godly magistrates in pursuit of a godly commonwealth. This contrasted with the original motivations behind the National Covenant in 1638, which was framed ambiguously in order to promote inclusion, although certainly in accordance with the radical intent of the early revolutionaries which resonated through the Solemn League and Covenant to the Acts of Classes against Royalists and Engagers. In 1652 Brodie

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[4] Brodie, *Diary*, xv-xvii.
[5] John Spalding, *The History of the Troubles and Memorable Transactions in Scotland and England from MDCXXIV to MDCXLV*, ed. James Skene, 2 vols, (Edinburgh, 1828-9), I, 286.
[6] *RPS*, 1643/6/1, 91, 92; 1644/1/1, 5, 6, 17, 31, 225; 1645/1/2, 181; 1646/11/2, 409, 432; 1649/1/309.
[7] *RCGA*, I, 4, 302; II, 4, 300.
[8] Spalding, *History*, II, 297-8.
[9] *RPS*, 1649/1/215.
[10] *RPS*, 1649/5/141.
[11] Brodie, *Diary*, 136, 251. See also Macinnes, *British Confederate*, 21, 282-3.

wished 'that our Magistrates did more, and our ministers also, for reforming, purging, and taking away sin from among us'. Indeed, 'If magistrates did more among us, ministers would not need to do so much about external, superficial, formal satisfaction, and penalties and repentance, as we do'. Instead, the failure of Covenanted Scots to promote godliness above self-interest was 'The cause for which the Lord has swept away our rulers'.[12] In other words, the Cromwellian conquest was an expression of divine punishment for the inability of the Scots to maintain godly governance. Indeed, in conversation with English colonels in 1655, Brodie observed that 'the Lord had found us so unworthi to rule, that he had left us non[e] off our own to gouern, nay, or were fit to gouern, nay, som[e] out of the sence of this tho[u]ght themselus incapable off ani such trust quhil they liu[e]d'.[13]

The desire for godly governance was not limited to the legislative, executive or judicial branches of central government. It was equally evident in Brodie's approach to shire management. Fearing his own corruption, he looked 'for Grace to sanctify his name in the work and employments of the day', which, on this occasion, required him to valuate lands within Elgin. In the task he hoped, like God, to have no 'respect of persons'.[14] Such thoughts had already seen him consider the reform of sheriffships in order to restrain the 'unjust gain' of sheriffs and to 'improve their power and office most for God'.[15] From his perspective the rule of the godly was not – nay, could not – be partial or arbitrary. This ran counter to the Caroline and Cromwellian regimes, between which he drew a controversial parallel ('Our bands and complaints of arbitrari ruling ar[e] the same [as] that befor[e]').[16] These views were also indicative of the pressure for local government reform which was brought to bear during 'the '49'.

The demand for and expectations of godly government were accompanied by the emergence of the rhetoric concerning the 'sins of the land'. That is, belief in the corporate sin of Covenanted Scotland. In 1653 Brodie bemoaned 'The Land's sin and provocations, which brought on the wrath both upon Prince and People'. This included 'unrepented-of guiltiness in the King and his family' and 'much corruption, defection, uncleanness among us'. He also observed 'Impurity in our societies, fellowship and

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12 Brodie, *Diary*, 18
13 Ibid., 156.
14 Ibid., 93, 97-8.
15 Ibid., 20-1.
16 Ibid., 157.

administration of spiritual ordinances and discipline' as also the 'general corruption of all estates, and a tendency to defection, loos[e]ness and the favouring of iniquity'.[17] This belief was also woven into personal piety and family worship. When in 1655 Brodie instructed his family to undertake a solemn fast they not only acknowledged their own private failings but supplicated God for public concerns: 'That the Lord would turn away his anger from us, and from the land, and would not proceed to execut[e] his wrath that seem to be gon[e] out against us, and against his people'. They hoped he would 'have merci on the poor land, and on his Church in thes[e] lands, and forgive late and old provocations of al[l] ranks of people'. This perspective invigorated Brodie's zeal for moral discipline. During the fast he engaged himself to procure servants 'free of scandal', to avoid 'sinful projects and designs' such as increasing his estates and to 'set up joggs, stocks, and penalties' for the exemplary punishment of sinners.[18]

As discussed in Chapter 3, this view of corporate sin saw confessional purity promoted at the expense of national inclusion while personal covenanting developed as a mechanism through which ideological tensions could be relaxed. In conversation with the minister of Auldearn, Harry Forbes, Brodie discussed his views on stringent church fellowship, with particular focus 'on secluding the profane from prayer in familie or societie' and whether it was appropriate to baptise 'promiscuouslie the children of al[l]'.[19] At the same time, he regularly renewed his own personal covenant with God. Having read a paper by Wariston on 'Soul-covenanting' – itself inspired by the ideas of William Guthrie – Brodie 'renewed his acknowledgements and engagements to the Lord'. He found that 'there was no question of the interest and covenant-right to him, in regard to his frequent, renewed, reiterated promises, dedication and oblation of himself, and all that he is, to the Lord'.[20] That same year his son renewed 'the covenant betwixt the Lord and his soul'.[21] A day of humiliation was closed the following year by 'a solemn engagement of ourselves to God, and did come under a new, firm, inviolable Covenant with God, that we should be his, and he should be ours'.[22] And in the autumn of 1655 he 'did enter in Covenant solemnlie, and gav[e] in my nam[e], consent,

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[17] Ibid., 35-8.
[18] Ibid., 190-2.
[19] Ibid., 136. Forbes would resign his charge in 1663 following the Restoration settlement of 1661-2 (*Fasti*, VI, 436).
[20] Brodie, *Diary*, 46-7.
[21] Ibid., 60.
[22] Ibid., 112-16.

subscription, and acceptanc[e] of the Lord Jesus to be my head, lord, husband, guid[e], my al[l] in all'.[23] This reconciliation of confessional purity with the idea of a national church was associated particularly with the Protesters, allowing them to maintain their adherence to a Presbyterian Kirk despite the clear parallels between themselves and English Independents. Brodie managed to extricate himself from this difficulty by stating that he did 'expressly understand thereby the association of church officers [and] ordination by the hands of the Presbytery' despite agreeing 'to the constituting of members and officers, according to the Independent way'.[24]

As Chapter 1 has shown, these views emerged in response to the Britannic Engagement and most notably in the tracts of George Gillespie, whose discussion of 'sinful associations' provided the ideological basis for refusing conformity to the directives of state. This was exemplified by the Mauchline rebels in 1648 and the Western Association in 1650. It underwrote defiance of the Cromwellian conquest, although both Protesters and Resolutioners were prepared to engage pragmatically with the regime. It also justified the Protesters' refusal to reunite with the Resolutioners. As demonstrated in Chapter 2, these events formed a legacy of protest which conditioned resistance to the Restoration settlement. It also shaped opposition to the Indulgence policy as explored in Chapter 5

Brodie made clear the importance of 'sinful associations' to his own thinking in 1653. He reflected on Isaiah 8:2 (actually 8:11, *For the Lord spake thus to me with a strong hand, and instructed me that I should not walk in the way of this people*) hoping that he would find instruction 'either anent complying with English Sectaries or Scottish Malignants'.[25] In a later conversation with Samuel Rutherford he agreed that the Commission of the Kirk had sinned 'by consenting to the choice of wicked men' via the Public Resolutions. Indeed, he was 'dissatisfied with the bulk of public proceedings' as the 'scum of men were gotten up to places of government'.[26] This view and its tacit underwriting of popular resistance to Kirk and state made a subsequent contribution to the political thought of James Stewart of Goodtrees. Stewart converted the radical platform into Covenanting orthodoxy as he looked to vindicate the Pentland Rising of 1666. In

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[23] Ibid., 155.
[24] Ibid., 19. Although not a Protester himself, Brodie was aligned closely with that faction (see pp. 43, 44, 49-50).
[25] Ibid., 30-1.
[26] Ibid., 49.

Chapter 2 it was shown how he reimagined the promulgation of the National Covenant in order to argue that the Mauchline Rising, the Whiggamore Raid and the Pentland Rising were part of the same tradition. This assertion of continuity from 1638 (if not 1560) to 1666 was inaccurate, and ought to have been dated no earlier than 1648.

The similarity of Brodie's perspective on associations in the 1650s and Stewart's in the 1660s is matched by their similarly subversive political outlook. For example, the anti-monarchical potential of Covenanting was expressed by Brodie in 1655 when he heard that James Stuart, first Duke of Richmond, had died – an event he heralded 'as a special providenc[e] and work of God in removing the greatest person that was descended of the Royal familie'.[27] In 1656 he expressed its anti-aristocratic potential when discussing the 'miscar[r]ying' of the Earl of Moray, observing 'God's judg[e]ments against al[l] our old families' as also 'the unrepented sin of him and his fathers'. Consequently, he was 'sorri that I had to do with him, or anithing [that] coucerns him'.[28] Yet Brodie appears to have been unaware of the subversive nature of these utterances. In fact, when conversing with his sister, he argued that godliness 'did not exeem them from al[l] civil duties and subjection on earth'. Someone might have 'more grac[e] then I, and sit above me in heaven' but this did not mean they 'wer[e] not to goe befor[e] me, nay, nor be consider[e]d besid[e] me on earth'.[29] As far as Brodie was concerned, Covenanting did not challenge the social hierarchy. But as demonstrated in this thesis, the later Covenanting movement did just that, both inadvertently and intentionally.

Response to the Restoration

By the Restoration era Brodie's stance had shifted. There is no doubt that the return of Charles II in 1660 was a seismic event which had a substantial impact on his outlook and that of other Covenanting stalwarts. God's displeasure with the House of Stuart had apparently abated; Charles was now the instrument by which God had broken the English occupation. How were Covenanted Scots to respond? The second fragment of his diary, covering the years 1661 to 1663, considered this and other questions. His reflections and uncertainties contrast with the more straight-forwardly defiant laymen

[27] Ibid., 129.
[28] Ibid., 184-5.
[29] Ibid., 180.

who engaged in field conventicling, as seen in Chapter 4, and the militant conventiclers who initiated the Bothwell Rising of 1679, as seen in Chapter 6.

Brodie agonised over the upheavals which had consumed Britain and Ireland across the previous two decades. The confidence and assuredness which had accompanied the early years of the Covenanting movement had given way to confusion and fear. Had Covenanted Scots been fighting for the cause of God? Desperate for answers, he read Continental histories in order to make sense of the Covenanting past and the Restoration present. In this direction he drew parallels with two recent conflicts: the Dutch Revolt and the Thirty Years' War. As already noted, the Dutch had an influence on the Covenanting formulation of resistance. Of the Netherlands, he observed 'the blood, crueltie, confusions that they cam[e] thro[u]gh; the mixture of ends, counsels, and aims'. Indeed, the coalition of interests and disparate intentions were similar to that of the Covenanting movement: some joined 'for the lou[e] of ther[e] countre, liberti, to be ridd of the oppresion of foreign sogers; others with som[e] other end; and few out of lou[e] to God, truth, his word and warrand'. But although Spanish rule was ultimately defeated, Brodie was distressed by 'How much infirmitie and sin was mix[e]d with al[l] they did!' This qualified success again mirrored the Covenanting movement in the 1640s. But while God passed by the sins of the Dutch, 'It is not soe now' in Scotland. Even more worrying, the provinces of the Spanish Netherlands 'had a couenant at Gant' – most likely referring to the Ghent Pacification of 1576 – which was subsequently broken. Thus, 'What shall we say of our couenant, and leaug and couenant? More than just a rhetorical question, Brodie opted 'to stand still, and obserue what the way and works of the Lord doe tend unto'.[30] As this thesis has shown on a number of occasions, attempting to interpret the providence of God was a typical if tortuous past-time of Scottish Presbyterians in the seventeenth century. However, the following year his ally the Earl of Cassillis wrote to him chiding his discouragement and exhorting him 'to look beyond tym and present things'.[31]

When reading on the Thirty Years' War, Brodie made inquiry into the 'Reformation in Germanie'. Again he observed 'The mixtur[e]s of counsels, ends, affections, undertakings, the cloud now drawen ouer them'. Indeed, when turning to 1625 – when

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[30] Ibid., 228.
[31] Ibid., 262.

'the reform[e]d religion was born doun' and the Counter-Reformation advanced in Austria, Moravia, Silesia, Bohemia and the Palatinate – Brodie saw ominous similarities with the overturning of the Covenanted Reformation in 1661-2. First, 'godli ministers' had been expelled and replaced. Second, the established authorities had 'quit the truth'. Third, civil punishments such as banishment, death, forfeiture and confiscations had been inflicted on the godly. Fourth, religious radicals, in this case Anabaptists and Libertines, had divided on the issue of communion. Fifth, the power of the Holy Roman Emperor had prevailed. Indeed, the counsel offered to Ferdinand II informed him that he might lawfully break his oath 'to maintain priviledges of religion'.[32]

Inquiries such as these were not necessarily kept private. Despite the Independency and later Quakerism of Alexander Jaffray, Brodie maintained dialogue with his old colleague and friend. In a discussion in 1662 they debated the National Covenant. Both agreed that it had been promulgated 'by good men that had good ends, but could not forsee all inconveniences'. However, 'it was not scripture' nor the product of men 'divinely inspired'. In terms of its contents, certain aspects were 'moral, therefor[e] lawful' and others 'indifferent and in our power'. However, they believed some were 'unlawful, and we wer[e] bound to repent'. This was an admission of Covenanting fallibility which stood in stark contrast to the perspective of John Brown explored in Chapters 1 and 5, James Stewart of Goodtrees in Chapters 2 and 3 and Robert MacWard in Chapters 4 and 5. In fact, although he maintained that the Covenants ought not to be broken lightly, Brodie thought to swear again 'would stumble mani of us, se[e]ing quhat has ensew[e]d'.[33] He conceded that the politics of Covenanting had undermined the cause; the Covenants no longer inspired confidence in the nation at large. Their renewal at Lanark during the Pentland Rising of 1666 went on to underscore their exclusive, and indeed, divisive, nature.

In addition to his reflections *with* friends, Brodie also reflected on the stained reputations *of* friends – mostly notably those of Wariston and Rutherford. In 1661 Sir Robert Moray had 'cried out on Warristoun and the ministers' and claimed 'ther[e] opinions and ways wer[e] madd and dangerous'. It cut Brodie deeply that these

[32] Ibid., 245-6.
[33] Ibid., 266-7.

ideologues were perhaps 'phanatick and madd'.[34] Wariston's reputation never quite recovered despite his integration into the Presbyterian martyrology.[35] Rutherford favoured far better. As identified in Chapters 2 and 3, he had a formative influence on the political thought of James Stewart of Goodtrees, and as highlighted in Chapter 5, was recast as an orthodox divine by the nonconforming clergy. Such was the authority accorded to his scholarship, both supporters and opponents of the Indulgence policy looked to buttress their position with references to his treatises. This formed part of the process by which the recent past was converted into 'tradition'.

While consumed with self-doubt, Brodie continued to vindicate his role in the 'rule of the saints'. Indeed, he argued that the Engagers were no less culpable in the 'common calamiti' than those who were subsequently scapegoated in the Restoration settlement. On the one hand he 'would not deffend 49, and mani things don[e] befor[e], in car[r]ying on busines[s]' and conceded his share in these events despite considering himself less zealous than others. But in conversation with Archbishop Sharp in 1662 he asserted he could not be found seditious. Not only was his public conduct well known, but 'thes[e] of 49 wer[e] not great opposers against the King then the Parliament befor[e], which had transcended 49 by mani degrees, and therefor[e] should not be stigmatized mor[e] then other parties'.[36] Despite this plea, and as demonstrated in Chapters 1, 5 and 6, this was exactly what happened: the entire Covenanting enterprise was ascribed to a seditious few whose punishment prevented a large-scale inquiry into the war. An ambiguous stance towards monarchy contributed to their isolation. Former Engagers, meanwhile, were tasked with the government of Scotland. Thereafter, the spectre of Covenanting radicalism was invoked by Restoration officials in order to justify their approach towards Presbyterian dissent. The extent of this political partiality contrasted with the Restoration in England. Of the new government, Brodie observed 'They will trust thes[e] that hav[e] differed and bein contrair to them, and to the King'. But north of the border 'oh! the factions and passions of poor Scotland'.[37]

Where Brodie remained most consistent was in his opposition to unscriptural offices, ceremonies and holy days. It was these innovations in Scottish worship, especially those

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[34] Ibid., 223-4. See also pp. 313, 370.
[35] See [Stirling and Stewart], *Naphtali*, 209-15.
[36] Brodie, *Diary*, 257, 265.
[37] Ibid., 242.

imposed by the Caroline regime between 1633 and 1637, which triggered the protests which were later consolidated by the National Covenant in 1638. Although in 1661 Brodie found himself 'not auers[e] from a form of Liturgie' his opposition hardened in the midst of conversations with Robert Leighton, James Sharp, Andrew Fairfoul and James Hamilton on the eve of their respective consecrations as bishops of Dunblane, St Andrews, Glasgow and Galloway. On 27 November Brodie exhorted Leighton to use his position to ensure 'that the Ceremonies might not be bro[u]ght in upon us' but Leighton 'wish[e]d soe'. Indeed, he 'lykd Liturgie and som[e] of thes[e] things best'.[38] Two days later Brodie detected that Sharp, Fairfoul and Hamilton 'were inclin[e]d to press the Ceremonies' to which he replied 'we wer[e] weill befor[e] the year 1633'.[39] On 3 December he found Leighton satisfied with public worship in England – including 'al[l] the ceremonies of it' – and stated again his preference for a liturgy and 'set form to other prayer'.[40] As highlighted in Chapters 4 and 5, set forms challenged the extemporary prayer favoured by Presbyterians.

The consecration of the bishops which took place on 15 December led Brodie towards serious reflection. He read I Corinthians 12 'and could not find this offic[e]'. He declared the day to be one in which 'the nam[e] of God was taken in vain'. In effect, the consecration condemned 'al[l] that we hav[e] bein doing and endeauouring for reforming the hous[e] of God'. Indeed, it reproached 'our mother Kirk of Scotland, her ministers, ordinances, officers, as if we had non[e]'.[41] In other words, the restoration of episcopacy wrote off the Covenanted Reformation in its entirety, and thus, by extension, the fiscal, military and ideological commitment given over by so many people to the cause during the 1640s. Such a drastic volte-face led Brodie to wonder how the bishops could be believed when they preached or swore oaths in future. As suggested throughout this thesis, the Scottish episcopate never quite managed to shut down this questioning of their authority.

Nevertheless, Brodie's experience of worship while lobbying in England had qualified his opposition. While expressing his dislike of formality he did not refrain from involvement because it had 'the form of a publick worship', it contained 'good things'

[38] Ibid., 225, 229-30.
[39] Ibid., 230.
[40] Ibid., 231.
[41] Ibid., 232, 233.

and it was better than no worship at all. He also agreed with the likes of Robert Leighton and Gilbert Burnet when he stated that extemporary prayer had been 'much disgress[e]d' and 'misapplied' in the recent past. But above all, Brodie believed that a complete withdrawal from public worship would serve as an encouragement to 'ungodli men'. Indeed, in a characterisation of the era oft-repeated by nonconforming Presbyterians, he perceived 'much contempt of God' and the 'casting off of all worship'.[42] This response hints at the complexities of his nonconformity after 1663. He also contrasts with the leading Resolutioners Robert Douglas and George Hutcheson, whom Brodie found 'more steadfast than he'. In 1662 they informed him they had declined to meet the bishops, continued to oppose ceremonies and refused to attend the re-established presbyteries. Brodie was impressed by their conduct at 'the tym of the[i]r trial'.[43] But unfortunately for both, and as charted in Chapter 5, their conduct during the Indulgence controversy saw their commitment called to account. Similar questions of (non)conformity exercised the mind of the aged laird when writing in the 1670s.

Conformity and Nonconformity

Brodie was concerned deeply about the implications of Presbyterian nonconformity in the early 1660s. Following the pronouncement of the 'Act of Glasgow' in 1662 all ministers within the synod of Moray had acknowledged the authority of the bishop, Murdoch McKenzie, with the exception of James and Thomas Urquhart.[44] In late October he found James Urquhart inclined to 'quit his charg[e]' rather than comply with episcopacy.[45] While his resolution led Brodie to suspect his own 'loos[e]nes[s]' – a lament expressed several times during the 1670s – the following year he tried to persuade Urquhart to return. Urquhart again refused because he believed the church courts were 'but the Bishop's delegat[e]s'. This idea was loaded with dangerous potential; it seemed to imply 'that thos[e] whom the Bishops admit[t]ed wer[e] not

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[42] Ibid., 254.
[43] Ibid., 254, 267, 268, 270, 272.
[44] Ibid., 278. James Urquhart attended Marischal College, Aberdeen, before studying divinity at the University of St Andrews. He was ordained to Kinloss in 1659, deprived in 1663 and restored in 1690 (*Fasti*, VI, 410, 424-5). Thomas Urquhart graduated from King's College, Aberdeen, in 1651. He was ordained to Dipple in 1656 and translated to Essil in 1658. As early as 1660 he was expressing his distrust of James Sharp. Like his namesake, he was eventually deprived in 1663 (*Fasti*, VI, 402, 404).
[45] Brodie, *Diary*, 279, 285.

ministers, and consequentli the Sacraments and Ordinances which they minister[e]d noe Ordinances'. The consequence of such a view, considered Brodie, would be chaos.[46]

His thoughts on conformity were no clearer a decade on. In fact, the final fragments of his diary, covering the periods 1671 to 1673 and 1676 to 1680, illuminate the interstices between conformity and nonconformity in Restoration Scotland.

Unlike many of the nonconforming Presbyterians who attended the conventicles analysed in Chapter 4, Brodie believed the Episcopalian Kirk to be a true church and the established clergy to be lawful pastors. This is first revealed in 1672 when the minister Thomas Ross conducted religious exercises in Brodie's home. While Ross implored him to keep his family away from the local church, Brodie desired 'to keep up the form of publick worship, albeit we had little mor[e] then the form'.[47] Although he certainly questioned the ability of the new incumbents, he still saw value in his attendance. Indeed, that same year he noted that the minister of Kinloss, George Innes, 'had sound things and useful, and praid wel'. In his diary he asked aloud: 'May not I hear him? Yet he conforms to this corrupt government'.[48] Similar sentiments were expressed in 1673. While his family travelled to a conventicle at Penick where they had 'livli preaching', Brodie remained at home and was 'tied to attend the dead ministri of others, yet lawful ministers'. They were condemned as having 'fail[e]d in the exercis[e] of the[i]r office' but Brodie attended 'to prevent confusions and disorder'. Indeed, while he waited desperately for ministers 'not of the letter onli, but of the Spirit' he still thought any who had faith and proficiency to be lawful, 'even that entered by bishops'.[49] This stance became especially important when his daughter-in-law gave birth that year. The question of infant baptism led Brodie to once again take issue with the idea that the established clergy were unlawful: 'The consequence of this opinion does at once unchurch all the churches of thes[e] 3 nations'.[50] The same mantra was repeated in 1676: 'I cannot hold it unlawfull to hear thes[e] who conform'.[51] Episcopacy may have been a

[46] Ibid., 287.
[47] Ibid., 328.
[48] Ibid., 332-3. For Innes, see *Fasti*, VI, 425.
[49] Brodie, *Diary*, 337, 339.
[50] Ibid., 346-7.
[51] Ibid., 355.

'corruption' but it could yet 'consist with a tru[e] Church, and with salvation, as in other Reform[e]d Churches'.[52]

The confusion and disorder which frightened Brodie was exacerbated by his experiences during the 1650s. Although he did not intend to 'countenanc[e] the defection' he also wished to eschew 'the evel of separation'. Indeed, he noted there had been 'errour on the other hand' by the severe censuring undertaken by Independents and 'other sects'.[53] This contrasted with the views he had expressed previously on church fellowship. But there was a clear continuity too. Just as Covenanted Scots had sought to avoid associating with Scottish 'malignants' on the one hand and English sectaries on the other, so now Brodie sought a path between defection and division in the Restoration era.

In conjunction with these views was Brodie's concern about the Presbyterian Kirk formerly established. He was noticeably circumspect when Thomas Ross suggested they 'had maiter of joy in that noe church had bein lyk us, a Nation give up to God in a Covenant'. Brodie observed that

> Other churches that had not an, or so an express covenant, wer[e] nothing short of us, and exceeded us in zeal, lov[e], fervenci, suffering for Christ, which ar[e] the most material parts of religion: other church[e]s have affoorded mor[e] martyrs, witneses[s], and had indured mor[e] then we, as, Asia, Germany, England, Franc[e], Low Countries, &c; and ther was a flash of affection, but much mixtur[e] in our covenant ingadgments.[54]

What was more, while he preferred presbytery 'rightlie administer[e]d' he argued that 'Greater confusions hav[e] not bein at ani tym, then our divisions produced by our assemblies'. This was a damning indictment of the Covenanted Reformation which was difficult to deny. What was more, he agreed with contemporary critics that 'we took on us the directing of al[l] ciuil things in the gouernment' and was unsure how to respond when Alexander Douglas of Spynie stated there had been 'more rigiditi and crulti by Presbyteri'.[55] Such discussions undermined the supposedly *jure divino* nature of presbyterianism which had been championed in the 1640s. As Brodie stated in 1678, although presbytery was 'of the governments best', it was still liable, through the corruption of men, 'to be abus[e]d to divisions, factions, schisms, ruptures, as we have

52 Ibid., 363.
53 Ibid., 362-3.
54 Ibid., 329-30.
55 Ibid., 374, 380.

sein'.[56] This view accorded with the concerns of John Baird and Robert Fleming which were explored in Chapter 5. Like Brodie, both ministers chided Scottish Presbyterians for their becoming synonymous with schism.[57]

Despite these anxieties, Brodie was generally supportive of Presbyterian nonconformity, although his initial expressions of support were undoubtedly hesitant. He certainly admired nonconforming Presbyterians' commitment to the Covenanting cause, but concerns remained about the nature of their dissent. For example, after hearing of 'poor men' in Inverness being fined for their withdrawal from public worship, Brodie remarked: 'Whateuer be ther[e] errour or darknes[s], they have mor[e] affection, simpliciti, and honesti than I'.[58] Later that year, when in the company of James Fraser of Brae and (son of George) Robert Gillespie, he again upbraided his own conduct when comparing himself to the 'honest people'. While 'shaken as to former principl[e]s' he decried his coming far short 'of others in zeal' and censuring 'them that goe ani thing beyond myself'.[59] Yet in the intervening years Brodie did move towards a nonconforming position, noting on 26 March 1676 how he had been 'depriv[e]d of publick worship'. A decision had been made, but it provided him with little comfort; he still queried whether 'my staying at hom[e] is alloud by Thee'.[60] Indeed, the psychological burden experienced by Brodie and others when abandoning public worship should not to be underestimated.

More positive affirmations of his support followed later in the year. On 28 May he asserted that it was 'not only lawfull, but a duti not to abandon thes[e] honest Ministers that hav[e] stuck and cleaven to the reformation, and chosen to suffer for that truth of gouernment, and against Prelacie, as it is constitut[e] amongst us'.[61] But he remained conflicted; every action provoked an internal reaction. With James Urquhart sidelined by sickness in the summer, he again noted how the sabbath had become 'the occasion of much burden'. On the one hand he was prevented from joining in public worship because of the 'scandal and corruption' of the established clergy, but on the other hand he felt himself unwilling to join with nonconformists who disclaimed the Episcopalian

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56 Ibid., 407.
57 Brodie had been reading Fleming's *The Fulfilling of the Scripture* (1669) at the time.
58 Brodie, *Diary*, 313.
59 Ibid., 320.
60 Ibid., 352.
61 Ibid., 355.

Kirk.[62] Brodie effectively hedged his bets: he withdrew 'som[e]tym from the one, an som[e]tym from the other; disclaiming neither, joining absolutely with neither'.[63] Yet the pressure exerted by nonconforming Presbyterians did make itself felt. On 25 June he noted how his offending of 'honest men' had put a stop to his celebrating the Lord's Supper with conformists. But unlike the conventicling communicants observed in Chapter 4, his fear of separatism prevented his attendance at a private communion service held in the Mearns by the deprived minister of St Cyrus, David Campbell. As such, he had not received the sacrament since 25 August 1669 – almost seven years earlier.[64]

For all his hesitation, as a patron of house conventicles Brodie did support dissent in practice. He also found himself under the spotlight of the Restoration regime for his close relationship with the deprived ministers James Urquhart and Thomas Hog.[65] He was well aware of the difficulties this would generate, inquiring the previous year whether he should avoid hearing Urquhart because 'the storm is lyk to fall out on me chiefly'. Indeed, local officials 'lay the blame upon me of ani meetings that are heir'.[66] Such thoughts saw him avoid field conventicles altogether, but he did not condemn those who attended.[67] He did, however, condemn the Indulgence policy. In dialogue with Hog he stated he 'would not bui the indulgenc[e] to the not conform ministers with an indulgenc[e] to papists', a view reiterated the following day: 'it appears to have been a deep popish design to procur[e] indulgenc[e] to presbyterians, that they might mak[e] way for toleration of poperie'.[68] As noted in Chapter 5, this perception was widespread despite its dubious veracity. Brodie later heard that the Indulgences were 'restrained as to Papists' but extended to those who would 'abjur[e] the Covenant'.[69] This opposition was reinforced by criticisms of Erastianism and the civil offices of the episcopate.[70]

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[62] Ibid., 358-9.
[63] Ibid., 363.
[64] Ibid., 359-60.
[65] Ibid., 377, 378, 379, 380-1, 382, 386, 387, 388, 389, 390, 393.
[66] Ibid., 356.
[67] Ibid., 374-5.
[68] Ibid., 326.
[69] Ibid., 337.
[70] Ibid., 357-8, 376, 408-9.

Opposition to the Indulgences notwithstanding, Brodie's political and religious thought was far removed from the militancy of the conventiclers explored in Chapters 4 and 6. Indeed, when George Mackenzie, Lord Tarbet (later first Earl of Cromarty) informed him that some 'stir[re]d up men to arms, and against the King's authoriti' – most likely referring to Robert Hamilton and the militants from Fife – Brodie professed himself 'against all risings and tumults'.[71] While banal statements of peace and loyalty are to be expected when conversing with a Lord of Session, they presaged his horrified reaction to the murder of Archbishop Sharp and the subsequent Bothwell Rising in 1679. Of Sharp's murder, he grieved that 'ani professing reall grace should fall in such an act'. In fact, if it had been possible, he would have rescued the primate himself because the murder 'would do mor[e] harm to religion than ever his life had don[e] or could hav[e] don[e]'.[72] Consequently, he wished the faction behind it might 'emit som[e] testimoni against it'. The assassins did indeed release a statement shortly afterwards, as observed in Chapter 6; but far from denouncing the murder, the Rutherglen Declaration proved to be another expression of Covenanting defiance which served as a call to arms.

Brodie's diary reveals how the Bothwell Rising of 1679 raised both ideological and practical problems among those landholders who continued to support, or at least remained sympathetic to, the Covenanting cause. When on 13 June he heard that the king's host was to rendezvous at Stirling in order to suppress the uprising, Brodie noted his 'great perplexiti, confusion, and doubt, se[e]ing the danger on the one hand or the other'. Not only was he, his family and his 'outward concerns' at stake, but there were 'other things in danger more deir and precious than thes[e]' – most likely referring to the precepts of grace and salvation.[73] On this account he wrestled with the question of marching against the rebels. In short, he 'did not allow their rising' because he believed it to be rash, irrational and wanting in its direction from God. Not unreasonably, he saw little chance of a rebel victory against 'the armies of the three Kingdoms'. Thus, on 19 June, Brodie sent a troop of foot south, although he did not send any horse. He also requested to be excused personally. But soon after (and perhaps to be expected) he was fretting over the decision. That same day he noted to Spynie how 'disturb[e]d' he felt by the provision of manpower, and remarked the following day that his mind was

[71] Ibid., 391.
[72] Ibid., 412.
[73] Ibid., 413.

'confus[e]d and broken'. That local allies such as John Hay of Park had sent none exacerbated his sense of regret. Although he continued to see 'failings and infirmiti' among the rebels, he doubted whether God countenanced his 'strengthening the[i]r hads that were goeing out against the handful'. By 21 June, however, James Sutherland, second Lord Duffus, took any additional decision-making out of his hands by seizing the horses and arms of the shire.[74] Brodie was still grieving in September about his contribution to the king's host.[75]

Brodie's response to the Restoration in general, and reaction to the Bothwell Rising in particular, demonstrates that he did not endorse the forms of popular resistance which had come to characterise the later Covenanting movement. While the younger militants drew inspiration from the recent past, and especially 'the '49', one of the few remaining revolutionaries saw no such continuity. By embodying the subversive nature of Covenanting the militants had alienated a former radical. At the same time, his response lends credence to the idea that they had pushed for an armed uprising in order to separate the zealous from the lukewarm in pursuit of another revolution. As a godly vanguard the militants forced the hands of those who had generally opted to sit on the fence rather than take affirmative action. Given the series of revolutions and counter-revolutions which Brodie had witnessed in his lifetime, it is not entirely surprising that he acted in this way. But as Chapter 6 observed, it led the militants to argue that the aristocracy were 'sitting at ease' whilst others promoted the Covenants. It also encouraged their self-fashioning as the 'suffering remnant' who carried the cause. As it was, the Cameronian faction went on to claim exclusive ownership of the Covenanting tradition in the wake of the 'break at Bothwell'.

Cargillites and Cameronians

Having been censured in 1679 by an unofficial assembly of the nonconforming clergy, Richard Cameron, alongside the Bothwell rebels Donald Cargill and Thomas Douglas, became the last remaining clerics whom militant conventiclers would join in worship. Correspondingly, they now refused fellowship with around 300 Presbyterian ministers

[74] Ibid., 414. See also *RPCS*, VI, 215, 221.
[75] Brodie, *Diary*, 417.

and probationers. Blame for this development was laid squarely at the Protester exiles, and especially John Brown, whose polemical *History of the Indulgence* 'did shake the people much that were ignorant'. Indeed, Robert Law – now indulged at Kilpatrick in Dunbartonshire[76] – complained that the exiles had undermined the ministry 'by blasting their reputations' whilst their doctrine against the indulged had proven to be a 'stumbling-block in the way of many thousands of the people'.[77] A letter issued by Robert MacWard in 1680 did caution against separatism and anti-clericalism but by then he was unable to retrieve the situation.[78] Somewhat distastefully, his death at Rotterdam in 1681 was met favourably by Law, who was in no doubt for MacWard's deleterious impact on religious politics. To be sure, MacWard had spent a career in near-constant opposition to ecclesiastical authority, beginning with 'the heightening of the difference 'twixt the public resolvers and remonstrators'.[79]

The consolidation of the militants into a distinctive faction began in earnest in 1680, although the 'Cargillite' or 'Cameronian' appellation belies the lay-driven nature of this development. By March, Cameron was reporting that a network of 'friends' had been established in the districts of Dalry, Kells, Glencairn, the Glenkens, Balmagie and Carmichael.[80] Two public fasts then followed in the spring – one at Darmead Muir in Cambusnethan and the other at Auchengilloch in Evandale.[81] However, it was in June that the faction truly announced itself on the national stage.

The first incident at Queensferry in West Lothian was entirely unplanned. In the months of May and June, Cargill had been operating on either side of the Firth of Forth with the militant stalwart and Bothwell rebel Henry Hall.[82] However, the minister of Bo'ness, James Hamilton, and the minister of Caridden, John Park, informed the deputy governor of nearby Blackness Castle, Captain Robert Middleton, of their whereabouts. Tracking the fugitives to a house in Queensferry, the governor exchanged civilities

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[76] *RPCS*, VI, 327.
[77] Law, *Memorialls*, 193-5.
[78] Wodrow, *History*, III, 204-5.
[79] Law, *Memorialls*, 196-7. MacWard's colleague and friend Brown had passed away two years prior.
[80] *A Collection of Letters*, 245.
[81] Jardine, 'United Societies', 37.
[82] Henry Hall, whose land of Haugh-Head lay within the conventicling hotspot of Eckford in Teviotdale, was a Protester in the 1650s. Refusing conformity after 1660, Hall fled to the north of England around 1665. Having been captured on route to join the Pentland Rising of 1666, he retired to Northumberland upon his liberation. He returned to Scotland again in 1679 and fought in the battle of Drumclog. In the wake of the Bothwell Rising he fled to the Netherlands (Wodrow, *History*, III, 205).

before declaring them his prisoners. A struggle then ensued between Middleton and Hall, allowing Cargill to escape. Hall did manage to free himself thanks to the assistance of local women, but he was eventually seized by Lieutenant-General Thomas Dalzell and later died on the march to Edinburgh.[83] In the aftermath, a number of locals were fined for their non-assistance to government forces. They included the laird John Dundas of Manner, the bailie John Hutton and the town clerk William Puntoun, alongside a female contingent consisting of Margaret Wauchope, Katherine Robertson and Isobel Kidstoune. Wauchope was charged with being accessory to the rescue of Cargill while Robertson was 'scourged' through the town as a precursor to her imprisonment.[84] Meanwhile, an armourer in Glasgow, John Scott, was examined regarding the suspect delivery of swords to Bo'ness.[85] Most alarming of all, though, was the discovery of a seditious paper on Hall. Rather than suppress it, however, the regime opted to publish it under the title of 'the Fanaticks New Covenant' with the intention of inspiring derision towards Presbyterians.[86]

The draft paper, otherwise known as the Queensferry Paper, was unsubscribed. Indeed, the Cameronians, and later, the United Societies, were hesitant to endorse it, with *An Informatory Vindication* (1687) expressly disowning it. However, its contents and nature are worth considering, as historians have been too eager to dismiss its value on account of so-called 'extremism'.[87] A seven-point manifesto consolidated by a bond of mutual association, the Paper made a series of pronouncements on the ministry and magistracy of Scotland.[88] In the ecclesiastical sphere, it proposed to establish the 'true reformed religion' while freeing the Kirk from prelacy and Erastianism, both of which were held to have oppressed the 'consciences, civil rights and liberties' of the people. It owned the doctrine of the Reformed churches, and especially the Church of Scotland, as 'the only true doctrine of God'. This included worship without 'corruptions', presbyterian government by ministers and elders in church courts and church government fully separated from civil government. The oft-repeated claim for the *jure divino* status of presbyterianism was therefore reasserted. In addition, it made clear that signatories

[83] Wodrow, *History*, III, 205-7.
[84] *RPCS*, VI, 463-4, 522, 553.
[85] Ibid., 457.
[86] *A True and Exact Copy of a Treasonable and Bloody-Paper called, the Fanaticks New-Covenant*, (Edinburgh, 1680).
[87] Cowan, *Scottish Covenanters*, 105; Harris, *Restoration*, 198-9; Jackson, *Restoration Scotland*, 42, 67.
[88] See Wodrow, *History*, III, 207-11.

continued to acknowledge a gospel ministry as an ordinance of God. Thus, on first appearance, the Paper appeared to do no more than rehearse the tenets of dissent which were widely endorsed by Presbyterians. But they were attended by a series of subversive innovations. Of the church courts, it stated they were to be governed in line with the word of God only and not in a 'carnal manner' by plurality of votes or through a single person. This not only constituted a rejection of the bishops' singular jurisdiction but called into question the entire presbyterian system as operated in Scotland, irrespective of episcopal oversight. There is little doubt that the Resolutioner-Protester controversy shaped this approach, where the 'backsliding' majority had used the hierarchical court structure to outmanoeuvre the 'honest' minority. It may also have been conditioned by the covert church structure erected by the nonconforming clergy, who had sought to regulate conventicling while promoting fellowship with the indulged. Where this left the symbolic General Assembly remained to be seen.

Equally suspect was the Paper's treatment of the ministry. It charged signatories to carefully monitor clerical conduct with respect to 'conversation and holiness'. Indeed, careless inquiry was designated 'a great sin' which had been committed by both ministers and people. What was more, while upholding the ministry in theory, the Paper rejected out of hand 'the greatest part' of the ministers in Scotland. Although signatories would not assume to themselves the 'authority to give our definitive and authoritative sentence of deposition' they would reject their preaching and ordinances until declared free of defection by those who were 'clean' (effectively Cargill and Cameron). In sum, faith had clearly been lost in the capability of the Kirk to reform itself – a view which resurfaced in 1690 when the Societies rejected the Revolution settlement.

Even more combative was the Paper's observations on civil government. Arguing that the statesmen of Scotland had for 'a long time' stood in opposition to 'the throne of the Lord', they believed that God had declared war on them 'for ever' and commanded the godly to 'root them out'. Indeed, as the government of Scottish kings was regularly one of 'absoluteness and tyranny' they sought to avert the wrath of God by disowning the House of Stuart. Crucially, they believed the obligations of their ancestors did not bind them. Echoing the likes of Rutherford and Stewart of Goodtrees, the Paper asserted that when a government ceased to be 'best for the commonwealth' the subjects were 'free to choose another'. Their Covenanting commitment did not bind them either, as

its conditional nature – they maintained the king only insofar as he maintained 'the true established and covenanted religion' – had been ignored by Charles II. As he had renounced the Covenants, so they renounced their allegiance. In his stead, they endeavoured to 'set up over ourselves, and over what God shall give us power of, government and governors according to the word of God' as outlined in Exodus 18:21. Once men had been chosen they would rule 'by that civil and judicial law given by God to his people of Israel'. While Alexander Shields would oppose the prescription of 'a form of government, stinted to the judicial law', these views are revealing of two key developments.[89] First, it took Stewart's theory of popular constitutionalism to its logical conclusion, and second, it shifted Covenanting resistance from a posture of defence to offence – a shift that can be traced in practice to the battle of Drumclog in 1679, if not earlier. But although the Queensferry Paper was the first to openly disown the king, it was followed shortly afterwards by the promulgation of the Sanquhar Declaration in June 1680.

Following his narrow escape from Queensferry, Cargill fled to join Richard Cameron in the south. After a series of meetings were held in order to debate the contents of a new declaration, an armed delegation of 20 men entered the small burgh of Sanquhar in Dumfriesshire on 22 June – the anniversary of the Bothwell Rising. Cameron's brother, Michael, read the agreed declaration and affixed it to the mercat cross.[90] While drawing on the tradition of 'testifying' political and religious principles before God, the event closely imitated the public spectacle which had surrounded the Rutherglen Declaration the previous year. Just as Stewart of Goodtrees had reimagined the Scottish Reformation in the image of the Pentland Rising, so now the Cameronians consolidated the issuing of declarations as a traditional feature of the Covenanting cause. A further three would be issued between 1682 and 1685 – each in response to immediate political events.[91]

The Sanquhar Declaration styled the Cameronians provocatively as 'the representative of the true presbyterian kirk, and covenanted nation of Scotland' who followed, or so they thought, 'our predecessors of truly worthy memory'.[92] The centrepiece of the

[89] Ibid., 209-10.
[90] Burnet, *HMOT*, II, 301-2; Wodrow, *History*, III, 212.
[91] See [Renwick, Shields et al], *An Informatory Vindication*, 91-108.
[92] For the Sanquhar Declaration, see Wodrow, *History*, III, 213-15.

declaration was the renunciation of Charles II – now simply 'Charles Stuart' – and 'the men of his practices'. Stuart was held to have forfeited his title to the Scottish Crown by his perjury, broken covenant, usurpation of Christ's prerogatives (i.e. the royal supremacy in ecclesiastical affairs) and breach of the *leges regnandi* in civil affairs. The choice of language anticipated that used by the Scottish Convention of Estates in 1689 when it declared James VII had 'forefaulted the right of the croune'.[93] In fact, as the Duke of York, James had also been on the receiving end of a public put-down at Sanquhar. As a 'professed papist' who was 'repugnant to our principles', the Cameronians resented his recent reception at Edinburgh and protested his looming succession.

Unable to effect regime change, the Cameronians had put Stewart's idea of a godly secession into practice. Their exclusive nature was then reinforced with a bond of mutual association which was subscribed by a core of 30 men in the wake of Sanquhar.[94] But by 30 June word had reached the Privy Council in Edinburgh. A letter was duly written to Lauderdale informing him of a 'treasonous declaration' while Dalzell was charged to apprehend the traitors. A proclamation was also issued against those 'directly or indirectly' involved, revealing the humble background of the faction.[95] Matters then came to a head on 20 July when the Cameronians were surrounded by government troops on Ayr's Moss in the parish of Auchinleck in Ayrshire. The ensuing skirmish recalled previous engagements which had taken place on the moors of Mauchline, the hills of Pentland and the marshes of Drumclog. The guerrilla force consisted of 23 horse and 40 foot in total – half the size of the government party. An initial charge did kill several soldiers but the unforgiving terrain saw the Cameronian horse surrounded. The foot also found themselves trapped on the moss, proving fatal. After battling for an hour, Cameron, his brother and seven others were dead, while three others subsequently died from their wounds.[96] There was also a propaganda coup for the regime on account of the capture of conspirator and Bothwell rebel David Hackston of Rathillet; he was executed in spectacularly grotesque fashion the following year.[97]

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[93] See *RPS*, 1689/3/94.
[94] Wodrow, *History*, III, 218.
[95] *RPCS*, VI, 481-5.
[96] Law, *Memorialls*, 155; Wodrow, *History*, III, 219-21.
[97] *Cloud of Witnesses*, 247-60; *RPCS*, VI, 507, 511; Wodrow, *History*, III, 221-3.

With no small degree of fortune, Cargill and other members of the faction had not been with Cameron at Ayr's Moss. But rather than avoid another potentially lethal encounter with government forces, their provocative claim to represent the true Church of Scotland was given a vocal airing at a field conventicle held in September at Torwood in Stirlingshire.[98] There, in a controversial move, Cargill excommunicated Charles II, the Duke of York, the Duke of Monmouth, the Duke of Lauderdale, the Duke of Rothes, the King's Advocate Sir George Mackenzie of Rosehaugh and Lieutenant-General Thomas Dalzell of the Binns in the interest of confessional purity. The sentence was grounded in a lecture on Ezekiel 21:25-7 and then justified by recourse to I Corinthians 5 – especially verse 13, *put away from among yourselves that wicked person*.[99] However, the lecture was no less subversive than the decision to pass an authoritative ecclesiastical sentence. In a passage saturated in apocalyptic expectation and anti-aristocratic sentiment, Cargill informed the gathering that God 'will take away Kings, he will take away Nobles, he will take away Princes, and he will lay waste many fair buildings'. Yet the godly would not be passive as they had orders 'to disrobe the profane'. Indeed, verse 27, *overturn, overturn, overturn* – which Cargill applied to the 'three States, or to these three Sorts in the Land, The Nobles, Kings, Priests and People' – appeared to be a clarion call for revolution.[100] The self-styled godly remnant were certainly not passive in their promotion of the cause in the year which followed.

The capacity of Covenanting ideology to generate opposition to established authority was once again demonstrated in 1681. On 26 January Isobel Alison from Perth and Marion Harvey from Bo'ness were hanged for conversing with Bothwell rebels and adhering to the Queensferry Paper, Sanquhar Declaration and Torwood Excommunication. On 11 March Christopher Miller from Gargunnock, William Gougar from Bo'ness and Robert Sangster from Stirlingshire were hanged for their 'treasonable principles' and endorsement of the Queensferry Paper. On 13 July two weavers and a labourer from Kinneuchar in Fife were hanged for denying the king's authority, calling him a tyrant and believing it lawful to kill him. In October, six young men were indicted for treason after denying Charles II to be their 'lawfull sovereigne' and calling him a tyrant and covenant-breaker. Quite remarkably, one of the men, Patrick Forman, was

[98] Law, *Memorialls*, 161; Wodrow, *History*, III, 224-5.
[99] Donald Cargill, *Torwood Excommunication*, (n.p., 1741), 3, 8, 13-16.
[100] Ibid., 4-6.

found carrying a knife with the inscription: 'This is to cut the throats of Tyrants'. Another man, George Lapsley was deemed only a little wiser when he owned the king 'in so far as he owned the Covenant, which he swore at his coronation in Scoon'. However, the regime also caught up with Cargill. After a narrow escape in the midst of a public fast held at the conventicling hotspot of Loudoun Hill on 5 May, Cargill was apprehended by the laird James Irvine of Bonshaw. Following protracted interrogation the fugitive minister was found guilty of treason and declining the king's authority while four others – the theology students James Boig and Walter Smith, servant in Throsk William Thomson and seaman from Bo'ness William Cuthil – were found guilty of owning the Sanquhar Declaration and disowning the king. They were all hanged on 27 July, with the heads of Cargill, Boig and Smith joining their forebears on the Netherbow Port.[101] After two decades of dissent, protest and resistance, the Covenanting militants were now entirely without clerical direction. Indeed, they continued to refuse olive branches from the nonconforming clergy, with a meeting at Cocket Hill in Annandale declaring 'they have not clearness to invite any minister to preach among them'.[102] Instead, a confederation of lay prayer societies was established at a 'General Meeting' on 15 December 1681 in Logan House, Lesmahagow.[103] The ground had been laid for the formation of the United Societies in 1682.[104]

While the Societies issued a further three declarations between 1682 and 1685 – the Lanark Declaration (1682), the Apologetical Declaration Against Intelligencers (1684) and the second Sanquhar Declaration (1685) – two treatises were published in 1687 which provided much fuller accounts of the Societies' platform: *An Informatory Vindication* and *A Hind let loose*. Although both were responding to immediate political events they remain reliable guides to their intellectual dynamics. The latter inserted the struggle into the wider history of the Church of Scotland in order to demonstrate that they were doing no more than upholding an unchanged 'testimony'. However, just as John Brown and James Stewart had reshaped the Scottish Reformation in order to meet present exigencies, so now the Societies recast this past in their own image. As a result, a number of ideological shifts are detectable. The former, meanwhile, was a succinct

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[101] *Cloud of Witnesses*, 299-336; Fountainhall, *Historical Notices*, I, 281, 284, 302, 305, 331-3; Wodrow, *History*, III, 275-87.
[102] Blackadder, *Memoirs*, 244.
[103] Shields, *Faithful Contendings Displayed*, 9-15.
[104] See Jardine, 'United Societies', 42-51.

statement of religious and political principles designed to confront misrepresentations of their views at home and abroad. Critically, both treatises were respectively the product of two young clerics recruited by the Societies – James Renwick and Alexander Shields. Renwick had been indefinitely ordained at Groningen in the Netherlands on 10 May 1683 and ministered to the Societies until his capture and execution in February 1688,[105] while Shields was, as we have seen, licensed by the Scottish Presbyterians at Founders' Hall in London. Shields expressed his adherence to the Lanark Declaration in November 1684 and was brought into the Societies' fold after a daring escape from the Bass Rock prison in November 1686.[106]

The Societies' treatises are well-known to historians. However, analysis of their contents has been sorely lacking, and as justice cannot be done to them here, close study of these texts presents an exciting opportunity for future research. For present purposes, the thesis will conclude by surveying how they each consolidated the Covenanting cause as a seemingly unchanging and uncontested tradition.

Now approaching a half-century since the initial promulgation of the National Covenant, *An Informatory Vindication* acted on one level as a compendium of the documents and events which had contributed to the development of the Covenanting movement across this period. Unsurprisingly, it began with the Old and New Testaments as 'the only Rule of Faith and Manners, and whatsoever is founded thereupon'. It was then argued that on this foundation were built the Westminster Standards, the National Covenant, the Solemn League and Covenant, the Acknowledgement of Sins and Engagement to Duties, *The Causes of the Lord's Wrath against Scotland* (1653), church offices, presbyterian government and all acts and proceedings of the General Assembly – 'Especially from the Year 1638 to 1649 *Inclusive*'.[107] In addition to this archive of material, the actions of the previous generation had left an ideological legacy to which they adhered; that is, they upheld 'all the faithful Contendings' for the promotion and defence of the Covenanted Reformation. This included their opposition to the Public Resolutions, the Cromwellian regime and the '*Unhappy Restoration of* Charles *the Second*'.[108] However, precedence was given to 'these

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105 See D. F. Wright, 'Renwick, James [*alias* James Bruce] (1662-1688)', *ODNB*.
106 Jinkins, 'Sheilds, Alexander', *ODNB*.
107 [Renwick, Shields et al], *An Informatory Vindication*, 30-1.
108 Ibid., 32.

Latter Times' and especially their support of the declarations issued at Rutherglen, Sanquhar and Lanark. With no need or desire to compromise with conservatives after the Bothwell Rising in 1679, the militants now laid claim to the Covenanting tradition as their own.

Shields took a similar approach in *A Hind let loose*. In the preface he insisted that there was 'nothing here but what is confirmed by Authors of greatest note & repute in our Church, both ancient & modern, namely, *Buchanan*, *Knox*, *Calderwood*, *Acts of General Assemblies*, *Cawses of Wrath*, *Lex Rex*, *Apologetical* Relation, *Naphtali*, *Jus Populi*, *History of the Indulgence*, *Banders disbanded*, *Rectius Instruendum*, and some other Authors much respected'.[109] Listing the material on which his position was based actually mirrored one of the texts he cited – John Brown's *The History of the Indulgence* (1678). In an early passage Brown had urged:

> Let the *Second Book of Discipline* be viewed; Let the CXI *Propositions* be considered; Let the *Propositions for Government* be looked upon; Let our *first* or *Second Confession of Faith*, or the *late Confession*, drawn up at *West-Minster* be pondered; Let the writings of our worthies *Mr Rutherfoord*, and *Mr Gillespy* be read; Yea, let all our publick proceedings, and the whole tenor of the publick actings of our Church be remembered.[110]

In other words, the authors were appealing to a tradition which they themselves had shaped in order to vindicate their proposals. However, where Brown had focused on the Scottish Reformation, the Westminster Assembly and respected divines, Renwick and Shields had cited texts which did not command the same level of support among Scottish Presbyterians let alone the nation at large. In fact, many of the texts were manifestly divisive. Nevertheless, the corpus of material was combined to create a Covenanting canon, with the Covenanting tradition effectively the historic application of the principles contained within. Indeed, in the case of resistance, Renwick and Shields made clear how their ideas and action were integrated. As the Societies upheld 'the Duty of defending the Gospel and ourselves by Arms, and the *Lawfulness of Defensive War against the Usurpers of our Ecclesiastical and Civil Liberties*' so they approved 'all these appearances in a Martial manner against *the publick Enemies of this Church and Kingdom at Pentland, Drumclog, Bothwell, and Airs Moss*'. In like manner, they adhered to those

[109] [Shields], *A Hind let loose*, preface. The title of Shields' treatise completed verse 21 of Genesis 49 as used by James Stirling and James Stewart of Goodtrees (*Naphtali is a hind let loose*). Meanwhile, Robert MacWard's *The Banders disbanded* (1681) railed against giving bonds to the Restoration regime and *Rectius Instruendum* (1684) constituted an attack on the Episcopalian Kirk by former conformist Thomas Forrester.
[110] [Brown], *History of the Indulgence*, 5-6.

testimonies sealed by martyrdom on fields, scaffolds and seas, and by banishment, imprisonment and torture.[111] The development of Covenanting – at once radical, militant, subversive and exclusive – was now recast by the Societies as the enduring nature of an immemorial ideology. Hereafter the Covenanting tradition would be popularly associated with the Restoration era rather than the age in which the Covenants were actually promulgated.

Covenanting Legacies

Covenanting ideology continued to be shaped and reshaped in the years which followed. When the United Societies renewed the Covenants at Lesmahagow during the brief interregnum between the reigns of James VII and William I they made a series of additions to the Acknowledgement of Sins and Engagement to Duties 'because these Late unhappy times of defection have produced many other sins, than could be Confessed in that Acknowledgment, Anno 1649'.[112] In the context of the British succession crisis and proposals for Anglo-Scottish union, *The Smoaking Flax Unquenchable* (1706) took inspiration from the Cameronian 'casting off Tyrranie' in 1680 by urging the creation of a Covenanted Scottish republic.[113] Meanwhile, Alexander Shields, reconciled with the Church of Scotland in 1690, exported rights of resistance to the Darien colony in his capacity as a missionary in 1700.[114] So despite the determined efforts of Charles II and Scottish statesmen in the Restoration era, the Covenants did not die with the generation who swore them. In fact, the tradition continued to be tapped in the eighteenth, nineteenth and twentieth centuries.[115]

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[111] [Renwick, Shields et al], *An Informatory Vindication*, 32-3.

[112] *The National Covenant and Solemn League & Covenant, With the Acknowledgement of Sins and Engagement to Duties, As they were Renewed at Lesmahago*, (n.p., 1689), 34.

[113] *The Smoaking Flax Unquenchable, Where the Union Betwixt the two Kingdoms is Dissected, Anatomized, Confuted and Annuled*, (n.p., 1706), 11. See also Jeffrey Stephen, *Scottish Presbyterians and the Act of Union 1707*, (Edinburgh, 2007), 207-17.

[114] *The Darien Papers*, ed. John H. Burton, (Edinburgh, 1849), 249.

[115] John Brims, 'The Covenanting Tradition and Scottish Radicalism in the 1790s', in Terry Brotherstone, ed, *Covenant, Charter and Party: Traditions of Revolt and Protest in Modern Scottish History*, (Aberdeen, 1989), 50-62; Edward J. Cowan, 'The Covenanting Tradition in Scottish History', in Cowan and Finlay, eds, *Scottish History*, 121-46; Richard J. Finlay, 'Keeping the Covenant: Scottish National Identity', in T. M. Devine and John R. Young, *Eighteenth Century Scotland: New Perspectives*, (East Linton: Tuckwell, 1999), 121-33; Christopher Harvie, 'The Covenanting Tradition', in Graham S. Walker and Tom Gallagher, eds, *Sermons and Battle Hymns: Protestant Popular Culture in Modern Scotland*, (Edinburgh, 1990), 8-23; Colin Kidd, 'Conditional Britons: the Scots Covenanting Tradition and the Eighteenth-century British State', *EHR*,

While memory of the Covenants has faded from Scottish public consciousness in recent years, the Covenanting past arguably remains just as relevant today. Indeed, many of the themes which permeate this thesis – popular politics, rights of resistance, alternative visions of government – are remarkably resonant in current affairs. During the debate for Scottish independence which culminated in the referendum of 18 September 2014, an upsurge in popular political engagement was marked by an impressive turnout at the polls.[116] While most political commentators viewed the phenomenon favourably, this did not stop the British press characterising supporters of the 'Yes' movement as a subversive influence in Scottish society.[117] The debate also opened up a space where protest could be directed against the 'austerity' politics of a Conservative-led government. At the same time, Covenanting constitutionalism was invoked by the leaders of the Conservative, Labour and Liberal Democrat parties in 'The Vow' – an ambiguous promise to Scots for further devolution.[118] More broadly, the independence debate, as also the Brexit referendum, have once again brought questions of representative government and federative arrangement to the fore. In this and other contexts, both nationally and internationally, a Scottish Covenanting perspective has the potential to illuminate.

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117 (2002), 1147-1176; Ian Levitt, 'Britain, the Scottish Covenant Movement and Devolution', *Scottish Affairs*, 22 (1998), 33-57; Valerie Wallace, 'Presbyterian Moral Economy: The Covenanting Tradition and Popular Protest in Lowland Scotland, 1707-*c.* 1746', *SHR*, 89 (2010), 54-72.

[116] *Scottish Independence Referendum* < http://scotlandreferendum.info>

[117] See George Monbiot, 'How the media shafted the people of Scotland', *The Guardian*, 16 September 2014.

[118] 'The Vow', *Daily Record*, 16 September 2014.

Appendix 1.1: First Indulgence

27 July 1669[1]

Minister	**Former Parish**	**Indulged Parish**
Ralph Rodger	Glasgow	Kilwinning
George Hutcheson	Edinburgh	Irvine
William Vilant	Ferrie	Cambusnethan
Robert Miller	Ochiltree	Ochiltree
John Park	Stranraer	Stranraer
William Maitland	Whithorn	Beith
John Oliphant	Stonehouse	Stonehouse
John Bell	Ardrossan	Ardrossan
John Cant[2]	Kells	Kells
John McMichen	Dalry	Dalry

3 August 1669[3]

John Scott	Oxnam	Oxnam
William Hamilton	Glassford	Avondale
Robert Mitchell	Luss	Luss
John Gemmill	Symington	Symington
Patrick Campbell	Inveraray	Inveraray
Robert Duncanson	Dalavinch[4]	Kilchrenan
John Cameron[5]	Kilfinan	Locheid

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[1] *RPCS*, III, 47.
[2] Listed as John Grant in the Privy Council registers.
[3] *RPCS*, III, 62.
[4] Listed as 'Lochansyd' in the Privy Council registers. The Rescissory Act of 1661 occasioned the union of Dalavinch and Kilchrenan. See *Fasti*, IV, 91.

2 September 1669[6]

Minister	Former Parish	Indulged Parish
Robert Douglas	Edinburgh	Pencaitland
Matthew Ramsay	Kirkpatrick	Paisley
Alexander Hamilton	Dalmeny	Dalmeny
Andrew Dalrymple	Affleck	Dalgain
James Fletcher	Nenthorn	Nenthorn
Andrew McClean	Craignish	Kilchattan
Donald Morison	Kilmaglish	Ardnamurchan

30 September 1669[7]

John Stirling	Edinburgh	Hownam
Robert Mowat	Temple	Heriot
James Hamilton	Eaglesham	Eaglesham
Robert Hunter	Corstorphine	Dunning
John Forrest	Tulliallan	Tillicoultry

9 December 1669[8]

James Veitch	Mauchline	Mauchline
Alexander Blair	Galston	Galston
John Primrose	Queensferry	Queensferry
David Brown	Craigie	Craigie

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[5] Listed as Andrew Cameron in the Privy Council registers.
[6] *RPCS*, III, 70.
[7] Ibid., 77.
[8] Ibid., 104. These appointments were to fill vacant kirks.

Minister	Former Parish	Indulged Parish
John Crawford	Lamington & Wandel[9]	Lamington & Wandel

16 December 1669[10]

John Baird	Innerwick	Paisley

1 January 1670[11]

William Tullidaff	Dunboig	Kilbirnie

27 January 1670[12]

Alexander Wedderburn	Forgan[13]	Kilmarnock

3 March 1670[14]

John Lauder	Dalziel	Dalziel
George Ramsay	Kilmaurs	Kilmaurs
John Spalding	Dreghorn	Dreghorn
Thomas Black	Leslie	Newtyle
Andrew McClean[15]	Craignish	Kilarrow & Kilchoman
John Duncanson[16]	Kilmartin	Kilchattan

[9] Blank in the Privy Council registers. For the former parish, see *Fasti*, I, 265.
[10] *RPCS*, III, 104. This appointment was to replace an infirm incumbent.
[11] Wodrow, *History*, II, 134.
[12] *RPCS*, III, 104. This appointment was to replace an infirm incumbent.
[13] Blank in the Privy Council registers. For the former parish, see *Fasti*, V, 203.
[14] *RPCS*, III, 149. These appointments were to fill vacant kirks.
[15] McLean was indulged at Kilchattan on 2 September 1669.
[16] Listed as Andrew Duncanson in the Privy Council registers.

Appendix 1.2: Second Indulgence

3 September 1672[1]

Glasgow

Minister(s)	Parish	Previous Incumbent	Present Indulged
Donald Cargill	Eaglesham	Andrew Walker[2]	James Hamilton
William Eccles & Anthony Shaw	Paisley	James Stirling[3]	John Baird[4]
Andrew Miller & James Wallace	Neilston	Alexander Kinnear[5]	-
Patrick Simson & William Thomson	Kilmacolm	John Irvine[6]	-
John Stirling & James Walkinshaw	Kilbarchan	David Pierson[7]	James Walkinshaw
James Hutcheson & Alexander Jamieson	Killellen	George Birnie[8]	-

Irvine

Minister(s)	Parish	Previous Incumbent	Present Indulged
John Burnet & George Campbell	Newmills	William Hume[9]	-
Thomas Wylie & William Sheill	Fenwick	James Ogilvie[10]	-
William Castelaw, Andrew Hutcheson & Andrew Morton	Stewarton	Alexander Ogilvie[11]	-

[1] *RPCS*, III, 586-8.
[2] Died in 1669.
[3] Stirling was in the second charge. He was deprived in 1662.
[4] Baird was in the first charge.
[5] Translated in 1670.
[6] Translated in 1674
[7] Translated in 1670.
[8] Deprived by the Archbishop of Glasgow in 1670.
[9] Died in 1666.
[10] Deserted his post in 1671.
[11] Deserted his post in 1669.

Minister(s)	Parish	Previous Incumbent	Present Indulged
Gabriel Cunningham & William Mein	Dunlop	William Torrie	-
John Wallace & Alexander Gordon	Largs	Peter Turnbull	-
Robert Boyd & Gilbert Hamilton	Kilbride	Andrew Lothian[12]	-
Archibald Porteous & John Rae	Cumbrae	Alexander Sangster[13]	-
Robert Fleming	Kilwinning	James Fergusson[14]	Ralph Rodger
John Law	Irvine	Alexander Nesbitt[15]	George Hutcheson
James Rowat[16] & William Hay	Kilmarnock	James Carnegie[17]	Alexander Wedderburn
John Park	Kilmaurs	James Petrie	George Ramsay
James Donaldson	Dreghorn	Alexander Gregorie[18] & William Mair[19]	John Spalding
William Crichton	Beith	Andrew Walker[20]	William Maitland
Patrick Anderson	Kilbirnie	Francis Baillie[21]	William Tullidaff
James Bell	Ardrossan	-	John Bell

Ayr

Minister(s)	Parish	Previous Incumbent	Present Indulged
William Fullerton	Coylton	John Rose[22]	-
Hugh Campbell & Hugh Crawford	Riccarton	Andrew Wilson[23]	-

12 In-post until 1670.
13 Translated in 1676.
14 Died in 1667.
15 Died in 1669.
16 Rowat was in the second charge. He was deprived in 1663.
17 Translated in 1669.
18 Translated before 1671.
19 In-post c. 1667-8.
20 Translated in 1667.
21 In-post c. 1665.
22 Deprived in 1662.
23 In-post c. 1668.

Minister(s)	Parish	Previous Incumbent	Present Indulged
John Osburne & John Hutcheson	Dundonald	George Wilson[24]	-
Robert Archibald	Mauchline	William Dalgarno[25]	James Veitch
Patrick Peacock	Ochiltree	-	Robert Miller
Adam Alison	Galston	-	Alexander Blair
Robert Maxwell	Craigie	-	David Brown
John Campbell	Dalgain	-	Andrew Dalrymple
Francis Irwing	Symington	James White[26]	John Gemmill

Kirkcudbright

Minister(s)	Parish	Previous Incumbent	Present Indulged
John Semple & William Erskine	Carsphairn	Thomas Colden[27]	-
George Wauch	Kells	Robert Steel[28]	John Cant
Thomas Thomson	Dalry	George Henry[29]	John McMichen
James Laurie & Thomas Warner	Balmaclellan	John Row[30]	-

Hamilton

Minister(s)	Parish	Previous Incumbent	Present Indulged
James Hamilton & Robert Young	Avondale	Hugh Archibald[31]	William Hamilton[32]
William Hamilton & James Naismith	Glassford	James Findlay[33]	-

[24] In-post c. 1667.
[25] Translated in 1669.
[26] Translated in 1669.
[27] In-post c. 1672.
[28] Demitted his post in 1669.
[29] Translated in 1665.
[30] Translated in 1672.
[31] Deprived in 1662.
[32] Translated in 1672.
[33] Translated in 1672.

Minister(s)	Parish	Previous Incumbent	Present Indulged
James Currie & Alexander Bartrum	Shotts	John Shaw[34]	-
Thomas Kirkcaldy & John Carmichael	Dalserf	Ninian Paterson[35]	-
Matthew McKell	Stonehouse	-	John Oliphant
Robert Law	Cambusnethan	James Hamilton[36]	William Vilant
Thomas Melville	Dalziel	Walter Birnie[37]	John Lauder

Lanark

Minister(s)	Parish	Previous Incumbent	Present Indulged
Alexander Livingston & Peter Kid	Carluke	John Birnie[38]	-
John Hamilton & William Somerville	Carmichael	Peter Pierson[39]	-
Anthony Murray & Robert Lockhart	Coulter	Patrick Trent[40]	-
William Baillie	Lamington	John Hamilton[41]	John Crawford
James Brotherstone	Lesmahagow	Thomas Laurie[42]	-
James Kirkton & John Greig	Carstairs	John Lindsay[43]	-

Linlithgow

Minister(s)	Parish	Previous Incumbent	Present Indulged
John Knox & William Weir	West Calder	John Somerville[44]	-

[34] Died in 1670.
[35] Translated in 1671
[36] Bishop of Galloway from 1661.
[37] Assistant at Campsie from 1679.
[38] Translated in 1671.
[39] In-post at Carsphairn by 1684.
[40] Translated in 1671.
[41] Deprived from Inverkip in 1662 but admitted to Lamington from 1664.
[42] Deprived in 1662 but still the regular incumbent.
[43] Died in 1672.
[44] Translated in 1672.

Minister(s)	Parish	Previous Incumbent	Present Indulged
Robert Hunter & John Inglis	Bo'ness	James Waugh[45]	-
Robert Elliot, Jr.	Linton	Robert Elliot, Sr.[46]	-
Hugh Scott	Oxnam	-	John Scott
William Ker	Hownam	Thomas Abernethy[47]	John Stirling

Argyll

Minister(s)	Parish	Previous Incumbent	Present Indulged
John Cunison & Alexander McClain	Killean	David Simson[48]	-
John Cameron	Kilfinnan	Aeneas McClaine[49]	-
Duncan Campbell & Edward Keith	Campbelltown	Dugald Darroch[50]	John Cameron[51]
Alexander McClean	Kilchattan	John McLachlan[52]	John Duncanson
Duncan Campbell	Knapdale	Dugald Campbell[53]	-
David Simson	South Kintyre	Duncan Omey[54]	-

[45] Demitted his post in 1670
[46] Deprived in 1662 but permitted to remain in-post.
[47] A former Jesuit. In-post c. 1669.
[48] Deprived in 1662.
[49] In-post until 1673.
[50] Died c. 1664-5.
[51] Translated to Kilfinan but returned to Campbelltown in 1674.
[52] Died in 1660.
[53] Died in 1673.
[54] Demitted post in 1640 but still minister in 1641.

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