

Factionalism in the Kirk during the Cromwellian Invasion and Occupation of
Scotland, 1650 to 1660: The Protester-Resolutioner Controversy.

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Abstract

This Thesis is an examination into the origin and development of the Protester-Resolutioner controversy, the internecine feud which divided the hitherto unified Covenanted movement during the Cromwellian invasion and occupation of Scotland, 1650-60. During the English invasion of Scotland in 1650, incipient divisions within the kirk erupted as the moderate and radical Covenanters divided over the reception of Charles II as king and the passing of the Public Resolutions, which allowed "malignant" royalists into the army and state. When the 1651 General Assembly approved the Resolutions, the schism was institutionalized and the kirk divided into two factions: the Resolutioners, who supported the king and government, and the Protesters, who disavowed the authority of both. After the English conquest in late 1651, these divisions were internalized as both factions engaged in numerous (albeit unsuccessful) attempts to gain ascendancy in the kirk. In 1654, the Protester Patrick Gillespie attempted to break the resultant stalemate when he sought and obtained an ordinance from the English government establishing a system of "triers", which superseded the authority of the kirk's presbyterian courts. In doing this, Gillespie broke the factions' official policy of non-cooperation with the English and ushered in a period during which both factions courted the favour of the Cromwellian regime in an attempt to gain an advantage over their rival. From this point on, the fortunes of the factions became linked inextricably with the ebb and flow of English politics, the Protesters allying themselves with the radical officers of the English army and the Resolutioners with the conservative forces of parliament. The benefits of such alliances, however, proved transitory, serving only to intensify the factions' animosity. By the eve of the Restoration in 1660, the schism had not been remedied and the divided kirk proved an easy prey to its adversaries. This Thesis, in addition to providing the first detailed account of this controversy, will also seek to bridge an important gap in the history of the Covenanted movement by tracing the development and divergence of the Protesters' and Resolutioners' thought on certain key issues, including: the Covenants; the nature of presbyterian church government; the relationship between church and state; religious toleration; and the nature of true godliness. The way in which the factions handled these issues, all of which had their origins in the 1630s and 1640s, was to have a profound effect on the ideology of the presbyterian ministers and the way in which they interacted with the government during the period following the Restoration.

Declaration

I, Kyle David Holfelder, do hereby certify that this thesis has been composed by myself and that the work contained herein is wholly my own.

Signature: *Kyle D. Holfelder*

Date: 31/12/98

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Conventions and Abbreviations

<i>APS</i>	<i>The Acts of the Parliaments of Scotland.</i>
Baillie, <i>Letters and Journals</i>	D. Laing (ed.), <i>The Letters and Journals of Robert Baillie</i> (3 vols., Edinburgh, 1841-2).
Balfour, <i>Historical Works</i>	Sir J. Balfour, <i>Historical Works</i> (4 vols., Edinburgh, 1824-5).
Brodie, <i>Diary</i>	D. Laing (ed.), <i>The Diary of Alexander Brodie of Brodie, 1652-1680</i> (Spalding Club, 1863).
<i>Consultations</i>	W. Stephen (ed.), <i>Register of the Consultations Ministers of Edinburgh</i> (2 vols., Scottish History Society, 1921-30).
Cromwell, <i>Writings and Speeches</i>	W.C. Abbott, (ed.), <i>The Writings and Speeches of Oliver Cromwell</i> (4 vols., Oxford, 1937-47).
<i>CSPD</i>	<i>Calendar of State Papers, Domestic Series 1651-1660.</i>
<i>DNB</i>	<i>Dictionary of National Biography.</i>
Dow, <i>Cromwellian Scotland</i>	F.D. Dow, <i>Cromwellian Scotland, 1651-1660</i> (Edinburgh, 1979).
EUL	Edinburgh University Library.
<i>FES</i>	Hew Scott (ed.), <i>Fasti Ecclesiae Scoticae</i> (9 vols., Edinburgh, 1915-50).
Firth, <i>Scotland and Commonwealth</i>	C.H. Firth, <i>Scotland and Commonwealth</i> (Scottish History Society, 1895).
Firth, <i>Scotland and Protectorate</i>	C.H. Firth, <i>Scotland and Protectorate</i> (Scottish History Society, 1899).
HMC	Historical Manuscripts Commission.
Jaffray, <i>Diary</i>	J. Barclay (ed.), <i>Diary of Alexander Jaffray</i> (Aberdeen, 1856).

- Lamont, *Diary* G.R. Kinloch (ed.), *The Diary of Mr John Lamont of Newton, 1649-1671* (Maitland Club, 1830).
- Livingstone, *Brief Relation* T. Houston (ed.), *A Brief Historical Relation of the Life of Mr. John Livingstone* (Edinburgh, 1848).
- Nicoll, *Diary* J. Nicoll, *A Diary of Public Transactions and other Occurrences, Chiefly in Scotland, from January 1650 to June 1667*, ed. D. Laing (Bannatyne Club, 1836).
- NLS National Library of Scotland.
- Peterkin, *Records* A. Peterkin (ed.), *Records of the Kirk of Scotland* (Edinburgh, 1838).
- RCGA A.F. Mitchell and J. Christie (eds.), *The Records of the Commissions of the General Assemblies of the Church of Scotland* (3 vols., Scottish History Society, 1892-1909).
- Row, *Life of Blair* T. McCrie (ed.), *The Life of Mr. Robert Blair minister of St. Andrews...with Supplement...by...his Son-In-Law, Mr. William Row* (Wodrow Society, 1848).
- SRO Scottish Record Office.
- Stevenson, *Revolution and Counter-Revolution* D. Stevenson, *Revolution and Counter-Revolution in Scotland, 1644-1651* (London, 1977).
- Terry, *Cromwellian Union* C.S. Terry (ed.), *The Cromwellian Union* (Scottish History Society, 1902).
- Thurloe, *State Papers* T. Birch (ed.), *A Collection of the State Papers of John Thurloe* (7 vols., London, 1742).
- Wariston, *Diary 1650-4* D. Hay Fleming (ed.), *Diary of Sir Archibald Johnston of Wariston, 1650-4* (Scottish History Society, 1919).
- Wariston, *Diary 1655-60* J.D. Ogilvie (ed.), *Diary of Sir Archibald Johnston of Wariston, 1655-60* (Scottish History Society, 1940).

Wodrow, *History*

R. Wodrow, *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution*, ed. R. Burns (4 vols., Glasgow, 1828-30).

Introduction

Historiographic Background

The Scottish historian James Beattie commented, in the preface to his 1842 *History of the Church of Scotland during the Commonwealth*, that the history of the kirk during the interregnum in Scotland had long been regarded as a desideratum by presbyterian historians.¹ He attributed the dearth of historical investigation into this period to two main causes: the fact that there was something very repulsive to Scottish presbyterians about the *prima facie* aspect of the 1650s regarding the kirk's division and the lack of ecclesiastical records and other sources needed to create a reliable narrative. Both of these reasons are entirely valid. During the late seventeenth and early eighteenth centuries, Scots presbyterians of all persuasions laboured to draw a veil over what they regarded as the most unseemly period in the kirk's history; a time when good men differed and the internecine feud between the Protesters, who rejected the legality of the 1651 and 1652 General Assemblies and the Resolutioners, who upheld the Assemblies' authority, rent asunder the hitherto unified national kirk. James Kirkton, himself a former Protester, was one of the first chroniclers of the Covenanting period to purposely gloss over the unedifying spectacle of Protester-Resolutioner controversy, when, in his *Secret and True History*, he summarized the divisions of the 1650s in a few, highly defensive and brief passages.² This trend continued in the early eighteenth century, when the eminent presbyterian historian Robert Wodrow, although in possession of a wealth of original manuscripts from the 1650s, passed over the bulk of the period in a few paragraphs in the introduction to his monumental, *History of the Sufferings of the Church of Scotland*.³

During the remainder of the eighteenth century and through into the early nineteenth century, the period continued to sink further into obscurity until, in 1842,

¹J. Beattie, *History of the Church of Scotland during the Commonwealth* (Edinburgh, 1842), ii.

²J. Kirkton, *The Secret and True History of the Church of Scotland*, ed. C.K. Sharpe (Edinburgh, 1817), 53-6; Although this work was not published during the seventeenth century, it was circulated widely in manuscript form.

³R. Wodrow, *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution* i, ed. R. Burns (4 vols., Glasgow, 1828-30), 2-4.

James Beattie published the first history of the kirk during the 1650s. Beattie, however, laboured under a great many disadvantages. Seemingly unaware of the manuscripts pertaining to the Protester-Resolutioner controversy contained in the Wodrow collection and without recourse to other ecclesiastical records, Beattie was forced to rely primarily on the few printed primary materials which were then in print; principally, John Lamont's *Diary*⁴, Sir James Balfour's *Historical Works*⁵ and an early, uncritical edition of Robert Baillie's *Letters and Journals*⁶. By his own admission, if he had not located a volume in the Faculty of Advocates containing twelve of the controversial pamphlets produced during the polemical war between the Protesters and Resolutioners, his task would have been wellnigh impossible. Relying, as he did, on such a paucity of material, it is not surprising that Beattie likened his progress in preparing his history to going through "the dark and perplexing mazes of a labyrinth".⁷ As could be expected in such circumstances, the end result was far from satisfactory and Beattie was forced to pad his history with matters not related directly to the kirk's controversy, including a sketch of Oliver Cromwell's life and various observations on the parallels between the kirk of the 1650s and the 1840s. Beattie's history never went through a second printing and it soon fell into the very obscurity from which it had attempted to rescue its subject.

With the emergence of the Free Church in the middle of the nineteenth century, there was a renewed interest in the Covenanting period as the Evangelicals sought for historical precedent to justify their dissent. This interest, however, was largely unacademic in nature and found expression in the plethora of hagiographical biographies, martyrological compilations and uncritical, sentimental histories which poured from Scottish presses in the middle to late nineteenth century. In the vast majority of these works, all reference to the division of the kirk during the 1650s was carefully expunged and Protesters and Resolutioners alike were portrayed as faithful defenders of the Covenants and Scottish religious liberty. During this time, however,

⁴G.R. Kinloch (ed.), *The Diary of Mr John Lamont of Newton, 1649-1671* (Maitland Club, 1830).

⁵Sir J. Balfour, *Historical Works* (4 vols., Edinburgh, 1824-5).

⁶R. Aiken (ed.), *Letters and Journals written by the deceased Mr. Robert Baillie...* (2 vols., Edinburgh, 1775).

⁷Beattie, *History*, ii.

the difficulties concerning the inaccessibility of much of the material pertaining to the 1650s were being solved, as various Scottish historical societies and a number of private scholars began publishing important manuscripts and ecclesiastical records from the Covenanting period. Importantly, many of these productions were rich with material from the 1650s. Amongst those published were; the autobiographies and lives of Robert Blair⁸ and John Livingstone⁹; the diaries of Alexander Brodie of Brodie¹⁰, John Nicoll¹¹ and Alexander Jaffray¹²; David Laing's critical edition of Robert Baillie's *Letters and Journals*¹³ and the *Records of the Commissions of the General Assembly, 1646-53*.¹⁴

While the publication of such important primary documents may have provided historians with the material they needed to furnish an adequate ecclesiastical history of the interregnum in Scotland, it could not remove the stigma attached to the period. In 1903, J. Willcock, in his *Life and Times of Archibald Campbell...Marquess of Argyll*, summed up the attitude of his generation of historians towards the Protester-Resolutioner controversy rather aptly when he stated,

Had the causes that divided the parties been of great moral or spiritual importance some dignity would have been imparted to the controversy; but they were comparatively trivial, and the fact that good and able men were to be found on both sides fails to redeem the history of the dispute from a certain measure of squalor.¹⁵

Despite this prevailing aversion, the Scottish History Society continued to commission and publish some of the most significant manuscripts relating to the kirk of the 1650s. In 1919, D. Hay Fleming's edition of the *Diary of Sir Archibald Johnston of Wariston*

⁸T. McCrie (ed.), *The Life of Mr. Robert Blair minister of St. Andrews...* (Wodrow Society, 1848).

⁹T. Houston (ed.), *A Brief Historical Relation of the Life of Mr. John Livingstone* (Edinburgh, 1848).

¹⁰D. Laing (ed.), *The Diary of Alexander Brodie of Brodie, 1652-1680* (Spalding Club, 1863).

¹¹J. Nicoll, *A Diary of Public Transactions and other Occurrences, Chiefly in Scotland, from January 1650 to June 1667*, ed. D. Laing (Bannatyne Club, 1836).

¹²J. Barclay (ed.), *Diary of Alexander Jaffray* (Aberdeen, 1856).

¹³D. Laing (ed.), *The Letters and Journals of Robert Baillie* (3 vols., Bannatyne Club, 1841-2).

¹⁴A.F. Mitchell and J. Christie (eds.), *The Records of the Commissions of the General Assembly* (3 vols., Scottish History Society, 1892-1909).

¹⁵J. Willcock, *The Great Marquess: Life and Times of Archibald...Marquess of Argyll* (Edinburgh, 1903), 272.

covering the years 1650-4 appeared in print.¹⁶ This was followed by the publication of the two volumes of the *Consultations of the Ministers of Edinburgh, 1652-60*, which appeared in 1921 and 1930, respectively.¹⁷ Also in 1930, the Edinburgh Bibliographic Society published J.D. Ogilvie's comprehensive bibliography of the controversial pamphlets issued in the polemical war between the Protesters and the Resolutioners. Ogilvie himself was dismayed by the lack of historical investigation into the 1650s and remarked in the introduction to this work,

It will be seen how abundant the material is for a full history of those ten years in Scotland between 1650 and 1660, the story of which has hitherto been so meagerly told. Besides the Pamphlets themselves, Letters and Journals, Diaries, Minutes of meetings all lie open to the student or historian who will undertake so worthy a task.¹⁸

Soon thereafter, the Scottish History Society commissioned Ogilvie to continue the editing of Johnston of Wariston's diaries, and, in 1939-40, they published the third and final volume of Wariston's diary covering the years 1655-60.¹⁹ With the advent of the Second World War, however, interest in the Covenanting period in general declined sharply and with the exception of few specialist articles, the majority of which dealt primarily with the "concept of the Covenant", no further works of note, on, or pertaining to the period, appeared for over three decades.

This tide of neglect began to change in 1968, when, I.B. Cowan published "The Covenanters: A Revision Article" in the *Scottish Historical Review*.²⁰ In this piece, Cowan detailed the insufficiencies of previous secondary histories on the Covenanting movement and called for fresh historical investigation into the political, social, economic and religious aspects of the period. One of the first scholars to respond to Cowan's call was David Stevenson, who, in 1973 and 1977 respectively, published the

¹⁶D. Hay Fleming (ed.), *Diary of Sir Archibald Johnston of Wariston, 1650-4* (Scottish History Society, 1919).

¹⁷W. Stephen (ed.), *The Register of the Consultations of the Ministers of Edinburgh* (2 vols., Scottish History Society, 1921-30).

¹⁸J.D. Ogilvie, "A Bibliography of the Resolutioner-Protester Controversy, 1650-1659", *Edinburgh Bibliographical Society Publications* xiv (1930), 58.

¹⁹J.D. Ogilvie, *Diary of Sir Archibald Johnston of Wariston, 1655-60* (Scottish History Society, 1940).

²⁰I.B. Cowan, "The Covenanters: A Revision Article" *Scottish Historical Review* xlvii (1968), 35-52.

first detailed political narratives of the years 1637 to 1651.²¹ In 1976, Cowan heeded his own summons and produced *The Scottish Covenanters, 1660-1688*²²; an important reappraisal which succeeded in rescuing the later Covenanting period from the hagiographical morass created by writers of previous generations. This revival of scholarly interest in the Covenanting period persisted and in subsequent years, numerous monographs and articles continued to appear. W.R. Foster²³, Maurice Lee²⁴, Peter Donald²⁵ and Allan MacInnes²⁶ published critical investigations into the origins of the Covenanting movement; Walter Makey undertook a constructive examination into the social dimensions of the movement during the years 1637 to 1651²⁷ and Julia Buckroyd analyzed the evolution of ecclesiastical policy in Scotland between 1660 and 1681.²⁸ However, while these and other studies have provided a corrective to the bias of earlier histories and stimulated new debate on and scholarly investigation into the period of the Covenants, to date, no history of the Covenanting movement in Scotland during the 1650s has been produced.

Sources and Approach

One reason for the scholarly neglect of the 1650s, is that the majority of contemporary early modern Scottish historians have tended to view the period as little more than a parenthetical break in the annals of the Covenants; an interlude when the aspirations of the kirk and its ministers were set aside until the return of the king in 1660. This, however, is not the case. Far from being a time of stagnation, the interregnum in Scotland was a period when virtually every theological and ideological tenet which the Covenanters had embraced during the 1640s was tested in the fires of

²¹D. Stevenson, *The Scottish Revolution, 1637-1644: The Triumph of the Covenanters* (Newton Abbot, 1973) and *Revolution and Counter-Revolution in Scotland, 1644-1651* (London, 1977).

²²I.B. Cowan, *The Scottish Covenanters, 1660-1688* (London, 1976).

²³W.R. Foster, *The Church before the Covenants* (Edinburgh, 1975).

²⁴M. Lee, *The Road to Revolution: Scotland Under Charles I, 1625-37* (Chicago, 1985).

²⁵P. Donald, *An Uncounselled King: Charles I and the Scottish Troubles, 1637-41* (Cambridge, 1991).

²⁶A.I. MacInnes, *Charles I and the Making of the Covenant Movement, 1625-41* (Edinburgh, 1991).

²⁷W.H. Makey, *The Church of the Covenant, 1637-51: Revolution and Social Change in Scotland* (Edinburgh, 1979).

²⁸J. Buckroyd, *Church and State in Scotland, 1660-1681* (Edinburgh, 1980).

ecclesiastical division and foreign invasion and occupation, with often surprising and, for the ministers, alarming results. Amongst the fundamental issues called into question were: the nature of presbyterian church government; the proper relationship between church and state; the role of the civil magistrate in a godly society; the nature of true spirituality; religious toleration; and the meaning and intention of the Covenants themselves. The differing ways in which the moderate and radical ministers understood these issues and the divergent conclusions which they ultimately reached, were to have a profound effect, not only on the course of the kirk's internecine warfare during the 1650s, but also on the manner in which it reacted to the re-establishment of episcopacy in the years following the Restoration. In fact, it would not be an exaggeration to maintain that a correct understanding of this transitional period is essential in understanding the Covenanting movement as a whole. The principal aim of this thesis, therefore, is to provide the first adequate examination of the divisions which plagued the kirk during the Protester-Resolutioner controversy of the 1650s. Since all such ideological and theological investigation should be grounded in a correct historical context, the temptation to approach this study from a thematic perspective has been resisted in favour of furnishing a reliable narrative of the period. While the theoretical components of the Protester-Resolutioner controversy will be discussed, care has been taken to ensure that this takes place in the context of the controversy's development, allowing, wherever possible, the narrative to speak for itself. It is believed that such an approach, while not failing to shed light on the constituent elements of the kirk's division, will provide a solid foundation for future research and stimulate new lines of inquiry into the period of the Covenants.

Since Professor Stevenson's "radical-moderate" terminology and two-party model are both used extensively in this thesis, a word of explanation is necessary in order to avoid confusion. As is often the case in historical writing, such designations can be extremely relative. This, indeed, is the case with the early Covenanting movement. Throughout this period, scholars, with justification, have employed the terms "radical" and "moderate" in varying manners, adjusting their usage in relation to the differing aspects of the period being treating. In a purely ecclesiastical context, such appellations are relatively straightforward, pertaining directly to the aforementioned

division in the kirk. When these terms are used in a political and ideological context, however, their meaning, particularly as it relates to the kirk, can become somewhat confusing. In a sense, all the ministers and statesmen who actively supported the Marquis of Argyll's faction during the Covenanting revolution can be termed "radicals", or as A.I. MacInnes designates them, "the radical mainstream", as distinct from the "conservative element" led by the Duke of Hamilton.²⁹ In a similar manner, J.R. Young has used the designation "radical Covenanters" to describe the Anti-Engagers (ministers and statesmen alike) who led the kirk regime in the years 1648-51.³⁰ It should be noted, however, that while such "political" designations remain valid for the majority of the 1640s, they largely lose their meaning in the tumultuous period following the execution of Charles I. It was at this juncture that there began within the "radical" kirk regime what David Stevenson has termed "a great moderate and royalist revival", led by Argyll and backed by the majority of statesmen.³¹ This reorientation among the political wing of the Covenanting movement was, in turn, followed by the division of the kirk, with the moderate ministers supporting Argyll and the forces of the new moderatism, and the radical ministers supporting the rump of remaining political radicals. It is at this point, with the badly divided kirk regime heatedly debating the reception of Charles II, that this thesis opens.

Another source which has been integral in the preparation of this thesis is F.D. Dow's *Cromwellian Scotland, 1651-1660*.³² Although Dow's work is primarily a political and military history of Scotland during the English occupation and deals with the ecclesiastical situation only in so far as it relates directly to the English regime, it has nevertheless provided essential historical background material concerning the period; without which, the preparation of this thesis would have been virtually impossible. In many respects, *Cromwellian Scotland* and this present study are

²⁹A.I. MacInnes, "The Scottish Constitution, 1638-1651: The Rise and Fall of Oligarchic Centralism", in J. Morrill (ed.), *The Scottish National Covenant in its British Context* (Edinburgh, 1990), 106-33.

³⁰J.R. Young, *The Scottish Parliament, 1639-1661: A Political and Constitutional Analysis* (Edinburgh, 1996).

³¹D. Stevenson, "Deposition of Ministers in the Church of Scotland Under the Covenanters, 1638-1651", *Church History* xliv (1975), 332.

³²F.D. Dow, *Cromwellian Scotland, 1651-1660* (Edinburgh, 1979).

companion volumes and should be read concurrently for a comprehensive picture of Scotland during the 1650s. Other works which have been useful include, F.N. McCoy's biography of Robert Baillie³³, Julia Buckroyd's political biography of James Sharp³⁴ and John Coffey's recently published intellectual biography of the radical presbyterians' chief theorist, Samuel Rutherford.³⁵ Coffey's examination of Rutherford's thought, although confined largely to the 1640s, has been particularly instrumental in stimulating my investigations into the origins of the political and religious theory which underpinned the Protesters' relationship with both the English and the Resolutioners.

Despite the assistance and direction gained from these and other secondary works, the majority of this thesis is, of necessity, based on my original research into both printed and manuscript primary sources. Of the printed materials which deal with the ecclesiastical situation in Scotland during the 1650s, three in particular, all of which cover the entire decade, have been of immense use. These are, the two volumes of Wariston's *Diary* which cover the years 1650-60, William Row's supplement to Robert Blair's *Autobiography* and the third volume of David Laing's edition of Robert Baillie's *Letters and Journals*. These works have proved essential in piecing together the frequently murky chronology of the controversy and in supplying crucial indications of where to search for further information. In addition, the often synoptic accounts which these works contain, written by a Protester, a Centrist and a Resolutioner respectively, have provided me with vital insight into the varying perspectives of the kirk's three main parties on key events during the various stages of the controversy. Of these works, Wariston's diaries have proved the most difficult (and subsequently, the most rewarding) to utilize. Unlike Baillie and Row, who usually give a straightforward (if biased) account of events, Wariston's private musings are complex and, in many cases, abstruse. Although his diaries are replete with references to the kirk's controversy they are often scattered, couched in seemingly

³³F.N. McCoy, *Robert Baillie and the Second Scots Reformation* (Berkeley, 1974).

³⁴J. Buckroyd, *The Life of James Sharp, Archbishop of St. Andrews, 1618-1679: A Political Biography* (Edinburgh, 1987).

³⁵J. Coffey, *Politics, Religion and the British Revolutions: The mind of Samuel Rutherford* (Cambridge, 1997).

disparate contexts and evidenced only in a comment here or an allusion there. These difficulties are exacerbated by the fact that Wariston's views on such important issues as the nature of a godly magistracy, the Covenants, religious toleration and erastianism, were in a turbulent state of flux throughout the 1650s. This has necessitated a careful internal examination of his writings, in conjunction with an analysis of other Protester-related documents, in order to ascertain his views on a subject at any given time.

Of the printed sources which cover more limited periods of time, two have been especially valuable. *The Records of the Commissions of the General Assembly* have been indispensable in examining the ecclesiastical politics which came into play between the moderate and radical wings of the kirk prior to and immediately following the 1651 General Assembly. The two volumes of the *Consultations of the Ministers of Edinburgh* have been extensively employed in researching the course of the controversy between the Protesters and Resolutioners from 1652-59, years, which unlike 1650-1, often have a paucity of printed and manuscript primary attestation. In addition to containing a number of key Protesting testimonies against the English and a lengthy series of papers outlining the progress of the factions' pivotal 1655 union negotiations, these volumes include a voluminous amount of correspondence between the Edinburgh ministers and James Sharp, the Resolutioners' chief negotiator at London, which shed considerable light on the factions' interaction with the civilian and military wings of the Cromwellian Court during the years 1657 and 1659. Other printed works which have been of service in examining more limited components of the controversy include: the *Historical Works* of Sir James Balfour; the *Diary* of Alexander Jaffray; Oliver Cromwell's *Writings and Speeches*³⁶; the *State Papers* of John Thurloe³⁷; John Lamont's *Diary*; John Livingstone's autobiographical *Brief Historical Relation*; the *Diary* of Alexander Brodie; Alexander Peterkin's *Records of the Kirk of Scotland*³⁸; C.S. Terry's *Cromwellian Union*³⁹ and C.H. Firth's *Scotland*

³⁶W.C. Abbott, (ed.), *The Writings and Speeches of Oliver Cromwell* (4 vols., Oxford, 1937-47).

³⁷T. Birch (ed.), *A Collection of the State Papers of John Thurloe* (7 vols., London, 1742).

³⁸A. Peterkin (ed.), *Records of the Kirk of Scotland* (Edinburgh, 1838).

³⁹C.S. Terry (ed.), *The Cromwellian Union* (Scottish History Society, 1902).

and Commonwealth and Scotland and Protectorate.⁴⁰ In order to gain more insight into the theological and ideological principles which underpinned and motivated many of the factions' proceedings, I have also consulted a number of seminal presbyterian treatises from the 1640s, including, among others, *Lex Rex*⁴¹ and *The Due Right of Presbyteries*⁴² by Samuel Rutherford and George Gillespie's *Assertion of the Government of the Church of Scotland and Wholesome Severity Reconciled with Christian Liberty*.⁴³

In addition to the sources mentioned above, I have also employed nearly forty contemporary pamphlets, twenty-five of which were part of the bitter polemical war which was waged between the Protesters and Resolutioners from 1651 to 1659. These controversial pamphlets, although biased, and, in many cases, extraordinarily verbose, provide historical background to the controversy and give critical insight into the beliefs and motivations of the combatants. This is particularly true of the last two pamphlets in the polemical war, James Guthrie's *Protesters no Subverters and Presbyterie no Papacie*⁴⁴ and George Hutcheson and James Wood's *Review And Examination*⁴⁵, in which the factions dredged up virtually all the points they held in contention, together with the writings of earlier presbyterian theorists and engaged in a heated exchange on the nature of presbyterian church government. As well as these printed works I have also utilized a wide range of hitherto neglected and unknown manuscripts sources. By far the richest cache of manuscripts pertaining to the controversy of the 1650s is to be found in the National Library of Scotland's Wodrow collection. In addition to containing a copious amount of highly informative ministerial correspondence, Wodrow's folios, quartos and octavos are filled with various

⁴⁰C.H. Firth, *Scotland and Commonwealth* (Scottish History Society, 1895) and *Scotland and Protectorate* (Scottish History Society, 1899).

⁴¹S. Rutherford, *Lex Rex, or the Law and the Prince* (Edinburgh, 1843 edition).

⁴²S. Rutherford, *The Due Right of Presbyteries, or a Peaceable Plea for the government of the Church of Scotland...* (London, 1644).

⁴³G. Gillespie, *An Assertion of the Government of the Church of Scotland, in the Points of Ruling Elders, and of the Authority of Presbyteries and Synods* (Edinburgh, 1641) and *Wholesome Severity Reconciled with Christian Liberty...* (London, 1645).

⁴⁴J. Guthrie, *Protesters no Subverters and Presbyterie no Papacie; Or, A Vindication of the Protesting Brethren, and of the Government of the Kirk of Scotland...* (Edinburgh, 1658).

⁴⁵G. Hutcheson and J. Wood, *A Review And Examination Of a Pamphlet lately published, Bearing the Title of Protesters No Subverters...* (Edinburgh, 1659).

synodical records, unpublished polemical papers and treatises and a multitude of other materials which shed substantial light on aspects of the controversy which no printed sources cover. The Wodrow manuscripts are particularly valuable in that, unlike the majority of printed works, such as Baillie's *Letters and Journals* and the *Consultations*, they contain a rich reservoir of papers, letters and other records pertaining to the Protesting party. This has proved a corrective to the often one-sided accounts of the controversy given in the few secondary works which relate to the period. One case in point is Wodrow's transcription of the minutes of the Protester-controlled synod of Glasgow-Ayr, covering the years 1654-5. Hitherto, the only known account of the synod's schism and the Protesters' highly controversial campaign to "purge and plant" particular kirks of "scandalous" ministers, has been Baillie's extremely biased summary. The Protesting synod's minutes, however, and the papers which they contain, have enabled me to construct a fuller and more balanced account of what was arguably one of the most contentious local conflicts of the entire controversy.

Besides the Wodrow collection, I have also consulted a number of unpublished papers from the manuscript collection of Robert Baillie's *Letters and Journals*, transcriptions of which are contained in the National Library of Scotland's Advocates' collection. These contain various important documents, including the official documents pertaining to the 1654 union negotiations between the rival Protester and Resolutioner synods of Glasgow-Ayr. My examination of the synodical and presbyterial minutes contained in the Church of Scotland Records held in the Scottish Record Office, has proved to be of more limited use. This is due to the fact that, with the exception of the synod of Glasgow-Ayr and its respective presbyteries, virtually all of Scotland's church courts were under the control of the Resolutioners. Indeed, many synods, particularly those north of the Tay, had no Protesting presence at all. The only exception to this rule is the synods of Dumfries and Galloway, both of which stayed largely neutral throughout the controversy. Those records which have been useful, cover the proceedings of divided presbyteries, such as Linlithgow and Deer. However, while these divisions have been noted in the thesis, I have deemed the inclusion of an in-depth account of their anatomy to be unnecessary; particularly since,

unlike the division of the Glasgow-Ayr synod, they had little or no direct bearing on the course of the larger national controversy. In addition to the Church of Scotland records, I have also utilized the Records of Parliament for 1650-51, also held in the Scottish Record Office. These have proved particularly vital in understanding the divisions between the ministers' radical and moderate counterparts in the Committee of Estates and Parliament from February to December 1650 and in tracing the downfall of the kirk regime in early 1651. Other sources consulted, include a few miscellaneous manuscripts in the possession of Edinburgh University Library and Worcester College Library, Oxford, all of which are referenced in the bibliography.

The subject of this thesis falls naturally into five phases: (1) The kirk during the period of the king's arrival in Scotland and the subsequent English invasion. (2) The period prior to and following the kirk's schism during the 1651 General Assembly. (3) The kirk under the Commonwealth. (4) The kirk under the Protectorate. And (5) the kirk during the last years of the interregnum. In the first chapter I explore the development of the divisions which arose between the radical and moderate wings of kirk and state over the king's reception and the admittance of malignants into the army and state. The second chapter examines, the events which led to the revocation of the Act of Classes and the fall of the kirk regime, the beginnings of the theological and ideological conflict between the factions, the kirk's schism and the English conquest of Scotland. In these two chapters, particular attention is paid to the ecclesiastical politics at play between the factions and to the interaction of kirk and state; a correct understanding of which is essential in understanding the course of the controversy during the period under examination and in the years which followed. The third chapter investigates the manner in which the Protesters and Resolutioners struggled to come to terms with both the English occupation of Scotland and their new relationship to one another. Chapter four explores the ways in which the factions courted the favour of the English and their various attempts to secure a religious settlement which would give them the ascendancy over their rivals. This chapter also examines the divisions which arose in the Protestant party over the issue of the kirk's cooperation with the English government and the development of their views on what constituted an acceptable degree of governmental involvement in the kirk's affairs. Finally,

chapter five looks in some detail at a period when the internecine warfare between the factions reached new heights, as the ministers engaged in a theological and ideological battle over the true nature of presbyterianism on the eve of its proscription and their ruin.

Besides providing a clear account of the ecclesiastical situation in Scotland during the 1650s, these chapters contain a substantial amount of material relevant to the Covenanted movement as a whole. Indeed, the fundamental issues over which the factions disagreed - the nature of presbyterian church government; erastianism; religious toleration; the perpetuity of the Covenants; the role of the civil magistrate in a godly society and the nature of true religion - all had their origins in the late 1630s and 1640s; and, as I argue in the conclusion, were to have a profound influence on the way in which the ministers reacted to the re-establishment of episcopacy. In the past, the ecclesiastical history of Scotland during the 1650s has been regarded by historians as both a desideratum and an interlude of little consequence. It is hoped that this thesis will go some way in restoring the period to its proper place in the annals of the Covenanted movement.

Chapter 1

A Covenanted King February - November 1650

The Treaty of Breda

On 23 June 1650, the Scottish commissioners were holding a last minute conference with Charles on board his ship at Speymouth. After months of difficult and tedious negotiations at Breda, the young prince was finally on the threshold of reclaiming his kingdom. There was, however, one condition which Charles had yet to fulfil before he would be allowed to set foot on Scottish soil - a condition which he was loath to perform - he would have to swear and subscribe both Covenants, pledging to establish presbyterianism in all three of his kingdoms. Although he was hesitant, and wished to sign with reservations, the commissioners were implacable and demanded his full capitulation. At length, realizing that a refusal would exclude any realistic possibility of regaining his throne in the near future, he grudgingly accepted this stipulation and agreed to sign. Two of the radical commissioners present, the minister John Livingstone and the parliamentary representative Alexander Jaffray, had grave reservations about the sincerity of the royal signatory and tried to persuade Charles to postpone the signing until his conscience was satisfied with the terms. Charles, however, realizing the precariousness of his position and his urgent need for Scottish support, refused their advice, signed, and became Scotland's "Covenanted King". In retrospect, Livingstone lamented that Charles had accepted the Covenants "without any evidence of a real change upon his heart; and without forsaking former principles, counsels, and company."¹ Jaffray, likewise observed that the commissioners had sinned in allowing Charles to "sign and swear a covenant, which we knew, from clear and demonstrable reasons, that he hated in his heart."²

Thus far, this account of the dissembling king and the distrustful Covenanters will

¹T. Houston (ed.), *A Brief Historical Relation of the Life of Mr. John Livingstone* (Edinburgh, 1848), 131.

²J. Barclay (ed.), *Diary of Alexander Jaffray* (Aberdeen, 1856), 55.

be familiar to students of seventeenth century British history.³ However, the king and his "malignant" entourage were not the only party involved in the treaty of Breda guilty of dissimulation. While it has long been known that the radical commissioners present at the treaty negotiations violated their consciences in allowing Charles to perjure himself, and their colleagues in the Commission of the General Assembly and the Committee of Estates shared their views, it has not been recognized that their scruples went beyond mere reservations about the king's sincerity. There is in fact, evidence which suggests that members of the radical party in kirk and state, masked their true intentions from their moderate brethren, and were positively seeking to prevent Charles's reception on any terms. An examination of the events leading up to the king's reception in June 1650 reveals that in the months prior to his landing at Garmouth, the radicals in the Commission and Estates had done everything in their power to prevent the treaty from taking place, and failing this, to encourage the treaty's ultimate failure.

Hitherto, virtually nothing has been known about the activities of the radical and moderate wings of the kirk regime from the time of the Breda negotiations until the promulgation of the Western Remonstrance. However, a careful examination of the official records of the Commission and the Estates, together with various letters, documents and contemporary accounts, sheds new light on the composition of the internal divisions existing within the regime at this time. The following sections will seek to provide the first investigation into the activities of the contending parties and the nature of their divisions during this period - divisions which ultimately erupted into the open schism of the Protester-Resolutioner controversy.

On 13 February 1650, the Committee of Estates requested the Commission of the Kirk to form a joint committee for the purpose of considering the king's offer for a

³For a comprehensive outline of the negotiations culminating in Charles's arrival in Scotland see S.R. Gardiner (ed.), *Letters and Papers illustrating the Relations between Charles the Second and Scotland in 1650* (Scottish History Society, 1894); The most detailed contemporary account is Livingstone's, *Brief Relation*, 114-131; For the background to this chapter, including the Breda negotiations, see D. Stevenson, *Revolution and Counter-Revolution in Scotland, 1644-1651* (London, 1977), chapter 4.

new treaty.⁴ In the resulting meetings, it soon became evident that a serious division of opinion existed within both kirk and state. The Marquis of Argyll and the majority of the moderate nobles in the Estates were in favour of reaching an agreement with the king. Having grown fearful of the theocratic domination of the government by the ministers who, since the Whiggamore raid, were "now asspyring to so grate a height and triumphe", they desired a return to normalcy and longed that "the government might run in the old channel"; i.e. controlled by the nobility and the king.⁵ The moderates argued that if the king would give satisfaction concerning religion and the Covenants they were bound to maintain his interests and "assist him to the last drop of ther blood".⁶ Although Argyll professed that he placed the interests of religion before those of the king, the radicals were by no means convinced of his sincerity. Perceiving that this was a design to diminish the kirk's influence, the parliamentary radicals the Earl of Cassillis, Archibald Johnston of Wariston, Sir John Cheisly and John Swinton argued vehemently against any agreement with the king.⁷

The division within the delegation from the Estates was paralleled in the Commission. The leading moderate ministers Robert Douglas, Robert Blair, James Wood and the former radical David Dickson supported Argyll's policy against the opposition of the chief radicals, James Guthrie, Patrick Gillespie, George Hutcheson and James Durham. The radicals contended that no commission should be sent to the king until he had first manifested some signs of sincere and substantial repentance. To proceed with the treaty, they argued, while the king was still pursuing malignant designs, would allow him to conceal his true intentions with "faire promisses" while he pursued his own interests. The radicals even took the step of instigating their "godly" congregations to flood the Estates with petitions demanding that no treaty take place. Contemporary accounts of these meetings reveal that the debates between the radical and moderate elements in the kirk and state were so violent that for a time the

⁴A.F. Mitchell and J. Christie (eds.), *The Records of the Commissions of the General Assembly* ii, (3 vols., Scottish History Society, 1892-1909), 355.

⁵J. Kirkton, *The Secret and True History of the Church of Scotland*, ed. C.K. Sharpe (Edinburgh, 1817), 50; Sir J. Balfour, *Historical Works* iii (4 vols., Edinburgh, 1824-5), 420.

⁶*Ibid* iii, 416.

⁷*Ibid* iii, 437-8; Stevenson, *Revolution and Counter-Revolution*, 156.

issue remained at a standstill.⁸

The matter was decided in the Estates, on 21 February. An Englishman present at the meeting observed that the proceedings were so tempestuous that he could only compare them "to those in England in the reign of Holles and Stapleton".⁹ Argyll, the Earl of Loudoun and their moderate associates advocated sending for the king without further delay, while Cassillis and Wariston, together with a contingent of radical ministers whom they had invited, vehemently argued for repeating the previous year's demands, including the condition that the king recognize the legitimacy of the Scottish government before any treaty could take place. Despite the ferocity of the radicals' resistance in the debates which followed, it soon became clear that they lacked the numerical strength to thwart their adversaries' designs. Even the production of incriminatory correspondence between the Marquess of Montrose and the king, concerning the invasion of Scotland, failed to dissuade the moderates from their determined course. The matter was brought to a vote, despite the futile attempts of the radicals to delay the decision until the next parliamentary session. In the vote, the radicals' motion was defeated by 31 to 19 and the moderates' proposal to proceed with the treaty was adopted.

The radicals however, regrouped quickly and attempted a flanking manoeuvre in the subsequent debate over the instructions for the commissioners which were to be sent to the king. During this debate, they argued that the instructions should "be much heigher then aney thing formerlie" in order to ensure that the king would be entirely dependent upon the guidance of the parliament and kirk and free from malignant influences. Following a fierce disputation where there was "scarce a word but underwent a dispute", Argyll's party, having secured their primary objective and realizing that they needed bipartisan support for the treaty, conceded to the radicals' wishes in the matter. After a series of further negotiations, the radicals also achieved concessions limiting the commissioners' authority and stipulating that any treaty they

⁸D. Laing (ed.), *The Letters and Journals of Robert Baillie* iii, (3 vols., Edinburgh, 1841-2), 114; Balfour, *Historical Works* iii, 438.

⁹Quoted in S.R. Gardiner, *History of the Commonwealth and Protectorate, 1649-1656* i (4 vols., London, 1903), 192.

concluded with the king would be subject to parliamentary ratification.¹⁰ The final compromise reached in the affair was concerning the proportion of each party's representation on the commission. The Estates decided to appoint three representatives from each wing of the kirk party. The Earl of Lothian, George Winrame of Libberton and Sir John Smith formed the moderate contingent; Cassillis, Jaffray and Alexander Brodie were chosen to represent the radicals. The ministerial radicals however, used their influence on the kirk's Commission to secure a disproportionate number of their party for the kirk's detachment to the king. John Livingstone and George Hutcheson, with Cassillis and Brodie doubling as ruling elders, were chosen to represent the radicals, while James Wood was selected as the lone clerical moderate.¹¹

Throughout the preceding meetings, the radicals had to keep their resistance to the treaty within the accepted parameters of opposition. It was imperative that they present themselves as loyal subjects who were merely placing Christ's interests before those of the king. Although it is probably true that many of the radicals would have preferred an alliance with the English Commonwealth, they had to conceal such sentiments lest they be accused of having sectarian and anti-monarchical sympathies.¹² Similarly, they could not admit that they feared losing their political influence, any more than Argyll could admit that he was seeking to undermine their authority. They had at least to appear to be facilitating the king's reception, or risk political suicide. If at any time the radicals had gone beyond their plausible arguments about the dangers of malignancy and the king's insincerity, they would have isolated themselves within the Estates and Commission and forfeited any ability to influence events in their favour.

By the time of the controversy over the treaty of Breda, the radicals were well acquainted with this type of political manoeuvring. Throughout the 1640s, they had employed similar methods in pursuing their reform-minded agenda. Their disproportionate influence on the kirk's Commission, their ability to organize effective

¹⁰Ibid i, 192-3; J. Nickolls (ed.), *Original Letters and Papers of State addressed to Oliver Cromwell* (1743), 3-4; E. Walker, *Historical Discourses upon Several Occasions* (1705), 157; SRO PA 11/9, Register of the Committee of Estates, 4 December 1649-26 February 1650, f.65v.

¹¹RCGA ii, 367; Livingstone, *Brief Relation*, 115-16; SRO PA 11\9, f.66v.

¹²Balfour, *Historical Works* iii, 416-17.

support for their initiatives, the prestige of their ministers and their ability to use compromise to circumvent the will of the majority, had all contributed to their domination of the kirk's policy. Yet despite this impressive arsenal of strategic ammunition, their most powerful weapon was a fear which had shadowed the Covenanted movement from its inception - the fear of division. It was this fear which caused the numerically superior moderates consistently to give way before them. However the moderates and radicals might disagree on particular issues, unity, or at least its semblance, was considered essential to the movement's integrity.¹³

With these things in mind, the radicals' eventual acquiescence with the moderates' intention to hold a treaty with the king should not be interpreted as their tacit acceptance of Charles's eventual return. They were, in fact, preparing for a number of eventualities. Inherent in the concessions they had secured, was the possibility that the treaty would prove a failure. While there was an element of sincerity in the radicals' protestation that their aim in securing such concessions was the protection of the land's "covenanted religion", their primary objective was to make the terms of the treaty so harsh that Charles would refuse to accept them. They thus designed to bring the negotiations at Breda to the same end as those at the Hague the previous year, when, as Alexander Jaffray wistfully noted, "it pleased the Lord to bring us safely off without any snare or entanglement."¹⁴ In the event that Charles did accede to their demands, and the treaty was concluded, these concessions insured that any damage to their power would be negligible. In insisting that Charles be under full parliamentary control, and that the treaty be subject to that body's ratification, their own control of the situation was not far from their mind. They radicals knew full well that the Estates would not act independently of the "advice" of the kirk's Commission. They were also aware, that if Charles accepted their terms, it would affirm the legitimacy of Scotland's present theocratic government and thus, considerably enhance their authority.

By adopting this dual strategy, the radicals were able to conciliate two potentially

¹³For an excellent examination of the radical's activities in the Commission during the 1640s see D. Stevenson, "The General Assembly and the Commission of the Kirk, 1638-51", *Records of the Scottish Church History Society* xix (1975), 59-79.

¹⁴Jaffray, *Diary*, 54-5.

divisive opinions within their own party concerning the king's reception and the attendant dangers of malignancy. The majority opinion emphasized the dangers inherent in a treaty which "might prove a design for promoting a malignant interest".¹⁵ These radicals feared that if Charles was received into the country, malignants would rally to his standard. Based on this they advocated that every possible attempt be made to prevent the success of the treaty. Wariston, who was originally of this opinion, even went so far as to write Charles warning him that "his dissembled incoming to the Covenant would sooner ruyne him [than] his fayther's 12 years opposition ruyned him."¹⁶ Those of the minority persuasion, while recognizing the validity of such a fear, believed it more dangerous to thwart the will of Scottish people. They reasoned that since "many in the kingdom would be ready to receive the king upon any terms" it would be "safest to have the king" and keep him under their control rather than risk the malignants acquiring so powerful a weapon.¹⁷

The radicals, however, were not the only party guilty of dissembling their true intentions, the moderates also had to conceal their true sentiments about the treaty and the king's reception. Although many of the moderates had strong royalist sympathies and were wholeheartedly in favour of the king's return, they had to appear cautious, lest their enthusiasm be construed as malignancy. Indeed, the moderate minister Robert Baillie reported that at this time the radicals expended "a great deale of zeale....against all who did smell in any excesse of favour towards the King."¹⁸ It was therefore necessary, in order to assure bipartisan support for the treaty, for both the Commission and the Estates to strike a balanced posture between the extremes of malignancy and Independency. Subsequently, the tenor of their "official" position towards the king and the treaty was one of extremely cautious and measured approbation. Anyone who went beyond this approach was looked upon with suspicion by the other party.

The treaty at Breda opened with the radicals in a position of strength. Despite their failure to prevent the negotiations, they had, through their influence on the

¹⁵Livingstone, *Brief Relation*, 116.

¹⁶D.H. Fleming (ed.), *Diary of Sir Archibald Johnston of Wariston, 1650-4* (Scottish History Society, 1919), 131-2.

¹⁷Livingstone, *Brief Relation*, 116.

¹⁸Baillie, *Letters and Journals* iii, 114.

Commission, succeeded in securing an overall majority of five commissioners to the moderates' four, thus, effectively positioning themselves to influence the direction and outcome of the negotiations. Although their numerical advantage was reduced to a parity by the stipulation that the ministers did not have the right to vote - this was more than offset by the fact that the moderate state commissioners dared not act against the "advice" of the ministerial contingent. As the treaty progressed, however, it became apparent that the radical delegation was no match for the political acumen and expertise of Lothian and his moderate colleagues. The radicals made a senseless mistake in naively allowing Cassillis to be chosen president of the delegation; as president he could only vote in the event of a deadlock.¹⁹ This blunder gave the moderates a permanent majority and allowed Lothian, Libberton and Sir John Smith to pursue their royalist agenda more effectively. However, this mistake alone was not enough to undermine the radicals' control of the situation. Their fatal miscalculation proved to be their choice of commissioners - particularly the mild-mannered John Livingstone.

Livingstone had been loath to accept his commission to attend the king at Breda and was only dissuaded from returning home and disobeying the kirk's orders by the concerted efforts of Guthrie, Gillespie and Dickson. He feared especially that the moderate state commissioners would be willing to conclude the treaty on virtually any terms - even terms which would facilitate the interests of the malignant party. Before Livingstone left for Holland, he confided to his radical associates that he would rather "be drowned in the waters by the way" than be party to such a treaty.²⁰ During his stay on the continent, he and his fellow radicals had their worst fears confirmed as they witnessed the king's evident ungodliness - his intercourse with malignant counsellors and friends, his adherence to episcopal forms of service and his penchant for "balling and dancing till near day."²¹

In the treaty, Livingstone and his radical colleagues proved no match for the subtle statesmanship of the moderates. When Livingstone suggested to his fellow

¹⁹D. Laing (ed.), *The Diary of Alexander Brodie of Brodie, 1652-1680* (Spalding Club, 1863), xxxi; Livingstone, *Brief Relation*, 117-18.

²⁰Ibid, 117.

²¹Ibid, 120.

commissioners that the king should not sign the covenants at this point because of his manifest insincerity, the moderates adroitly played upon the radicals' fears by warning of the public dissatisfaction and "scandal" which would result if they rejected the king's offer to subscribe the Covenants. Borne down by the arguments of Lothian and Libberton, and loath to create a public scandal or incite Charles to seek help amongst malignants, Livingstone and his fellow radicals reluctantly yielded and consented to allow the proceedings to continue. With the treaty's progression, the radicals' ministerial influence was further undermined as the strong-minded moderate James Wood took the initiative and dominated the kirk delegation. Events were soon to prove that Wood was not only eager to conclude the treaty, but was in favour of receiving the king on virtually any terms. The radical ministers confined their disapproval of the proceedings to their bedchambers where, after the day's business, Livingstone reported that he and Hutcheson would often "confess one to the other, that we were glad when the treaty was like to break up, and sad when there was appearance of closing it."²² In retrospect, Livingstone lamented his "softness and silliness of disposition" and observed how dangerous it was "for a man of a simple disposition to be yoked with those who, by wit, authority, and boldness, can overmaster him."²³ Similarly, Jaffray confessed that against his better judgement, he was "overcome with the example and advice of others."²⁴

The treaty concluded with the sorry spectacle of four radical commissioners refusing to board the ships which were to bring Charles and his entourage back to Scotland. Eventually, Brodie, Jaffray and Hutcheson grudgingly consented to embark. Livingstone, however, had to be lured aboard under the pretence of discussing some final business. Once on board, he was taken below deck and the ship immediately sailed.²⁵ As they sailed for Scotland with Charles and his "profane Malignant company", Livingstone, who felt himself little more than a prisoner, recorded that he believed they were taking "the plague of God to Scotland."²⁶ In subsequent years,

²²Ibid, 120-1.

²³Ibid, 117, 130.

²⁴Jaffray, *Diary*, 55.

²⁵Livingstone, *Brief Relation*, 126-8; T. McCrie (ed.), *The Life of Mr. Robert Blair...with Supplement...by...William Row* (Edinburgh, 1848), 229.

²⁶Livingstone, *Brief Relation*, 127.

virtually all the radicals would come to acknowledge the truth in the words of this reluctant prophet, and with Wariston, view these negotiations as "the fountayne of all our evil."²⁷

While the radical commissioners were enduring the company of Charles in Holland, a series of important developments were taking place in Scotland. On 16 April, Montrose had landed in Scotland and embarked on an attempt to overthrow the kirk regime.²⁸ During the period of this malignant threat, those radicals who advocated a guarded reception of the king, seemed to be in the ascendancy. However, with Montrose's defeat at Carbisdale on 27 April and the discovery of letters and papers which implicated the king in his "malignant designs", the radicals of opposite opinion were emboldened to make another attempt at frustrating Charles's reception. Based on the information in these documents, Wariston, Cheisly, Swinton, Sir James Hope and others accused the king of treachery and called for the dissolution of the treaty and recall of the commissioners. When Argyll and the moderate majority in the Estates defeated this motion, the radicals, rather uncharacteristically, dropped the entire matter.²⁹ Although the official minutes of the Estates and the Commission reveal little about this affair, information from other contemporary accounts indicate that shortly after this proposal to dissolve the treaty was defeated, leading radicals and moderates entered into a rather unusual conspiracy of silence concerning the king's malignant activities.

Although there was sufficient evidence in the captured documents to convict many of Montrose's co-conspirators³⁰, leading members of both parties apparently agreed to suppress incriminating information concerning the king's involvement in the matter and withhold it from the plurality of the parliament and kirk. That there was such a "conspiracy of silence" is evidenced further by the fact that when Livingstone and Hutcheson arrived in Edinburgh to report to the General Assembly on the proceeding

²⁷Wariston, *Diary 1650-4*, 63.

²⁸For accounts of Montrose's activities at this time see E.J. Cowan, *Montrose: For Covenant and King* (London, 1977), 276-301, and M. Napier (ed.), *Memorials of Montrose and his Times* (2 vols., Maitland Club, 1848-50).

²⁹G. Burnet, *History of My Own Time* i, ed. O. Airy (2 vols., Oxford, 1897-1900), 92; J. Beattie, *History of the Church of Scotland during the Commonwealth* (Edinburgh, 1842), 84.

³⁰Balfour, *Historical Works* iv, 22-37.

of the treaty, they were directed by leading members of the Commission to forbear mentioning "anything that might tend to make the king or his way odious, in the entry of his government."³¹ Their compliance with this directive meant that the majority of ministers were kept ignorant of the king's malignant proclivities and his behaviour at Breda until Livingstone broke his silence and circulated his "Relation" of the proceedings in manuscript form almost a year later.³² When this information was made public, the plurality of radicals accused the moderates of covering up Livingstone and Hutcheson's report. They also maintained that if the facts of the king's conduct had been presented to the fully convened General Assembly and not "sinfully concealed" by the moderates, the treaty would not have been ratified.³³ In reality however, the leading radicals were just as culpable in this matter as the moderates. It is, for example, inconceivable that Wariston, Cheisly and other key radical members of the Commission had no knowledge or part in repressing this information. At least some of their number must have been present at the meeting in which the cover-up took place. It is equally unbelievable that the radicals Livingstone and Hutcheson would have related this information only to the moderates. All the evidence points to the fact that these men purposely withheld this information from the rank and file of their party.

Despite the general effectiveness of this cover-up, information still leaked out. When several members of the 1650 General Assembly, who had been advised of the king's activities, submitted private protests to the Commission before the treaty's ratification, they too were directed to keep silent. These ministers, although voting for the treaty's ratification, qualified their approbation to be only an approving of the diligence of the Breda commissioners. In addition to this leak, it appears that rumours were circulating concerning the suppression of the Montrose correspondence and the Breda proceedings. These reports fuelled the fears of the radicals who already deeply distrusted the king. One radical who was present at the 1650 Assembly reported that many of these ministers wanted to protest, but because of the glowing terms in which

³¹Livingstone, *Brief Relation*, 131-2.

³²Wariston, *Diary 1650-4*, 63.

³³*The Nullity of the Pretended Assembly at Saint Andrews and Dundee....together with a Review and Examination of the Vindication of the said Pretended Assembly* (Leith, 1652) 20-1.

the treaty was being officially represented they could find no substantial grounds upon which to justify their dissent.³⁴

These facts raise the question of why the leading radicals would agree to conceal information which could have possibly undermined the treaty? The most likely explanation is that they arrived at some type of reciprocal agreement with the leading moderates. It appears that in return for their silence, the radicals were allowed a free hand in drafting a new, second set of instructions dispatched to the commissioners at Breda in reply to an earlier, more qualified agreement reached between the king and the commissioners on 1 May.³⁵ The moderate minister Robert Baillie bitterly relates that these new instructions were so rigid that the majority of ministers and statesmen expected them to cause the breakdown of the treaty.³⁶ Beyond doubt, the radicals intended these instructions to either end the treaty or failing that, to strengthen their control of the king. Baillie, however, fails to ask the vital question of why the moderate majority would allow the potential undermining of a treaty which they were eager to conclude? The answer seems to lie in the fact that the moderates were as eager to suppress damaging information about the king, as the radicals were to prevent his reception. Indeed, there was a concerted effort on all fronts to contain any compromising information about the king. Indeed, before Montrose was brought before parliament, he was warned "to be spairing in speaking to the King's disadvantage".³⁷ The moderates probably considered such a deal with the radicals to be an acceptable risk. They knew that with the defeat of Montrose, Charles's options were limited and there was a good chance he would agree to the terms despite their harshness. They obviously considered this risk a preferable alternative to a public scandal involving their "malignant" king. The radicals, on the other hand, were still

³⁴Ibid, 20-1.

³⁵T. Thomson and C. Innes (eds.), *The Acts of the Parliaments of Scotland* vi, ii, (12 vols., Edinburgh, 1814-75), 562-4; *RCGA* ii, 399-404; SRO PA 7/7/10, Minutes of the Committee of Dispatches, 16 May-5 June 1650; Balfour, *Historical Works* iv, 12.

³⁶Baillie, *Letters and Journals* iii, 114; John King, the dean of Tuam, related in a letter to the Marquis of Ormond that "his majestie was so disgusted [with the new instructions] that he resolved to have landed in Denmarke, and to lay aside all thoughts of comeing into Scotland upon such tearmes; but, overcome with the intreatyes of his servants who layd before him the present sad condition of his affaires he yeilded...": Gardiner, *Charles the Second and Scotland in 1650*, 141-2.

³⁷D. Laing (ed.), *Correspondence of Sir Robert Kerr, first Earl of Ancram, and his son William, third Earl of Lothian* ii, (2 vols., Edinburgh, 1875), 262.

steering a narrow course between the Scylla of the moderate majority and the Charybdis of popular opinion. They could not afford to be marginalized and viewed as a faction seeking to prevent the king's reception. Although they hoped that the new instructions would prevent Charles's reception, they realized that they could not openly reject the king without seriously damaging their authority. They opted instead to further their agenda and guard against undesirable exigencies through their customary practice of backroom compromise.³⁸

Once it was known that the king was on his way to Scotland, his reception took on an air of inevitability. Despite their "great fears of the issue of the treaty"³⁹, the leading radicals were forced to fall back on their contingency plan of controlling the king via the Estates and Commission. Much to the regret of many radicals, both parties hurriedly ratified the treaty, leaving Livingstone to reflect despondently that the guilt was "not of the commissioners only, but of the whole kingdom, of the State, yea, of the Church, who knew the terms whereupon the State was to admit him to his government."⁴⁰

Cromwellian Invasion

On 22 July 1650 the English army crossed the Tweed and invaded Scotland. Cromwell, the consummate tactician, had not only marshalled his forces for the impending military conflict, but was in the process of waging an artful and effective polemical war against the kirk party. Despite the guise of unity which the Covenanters affected, he was well aware of the nature of their divisions and exploited them to his advantage.⁴¹ His chief strategy was to exacerbate the controversy already existing between the contending parties of the kirk party by drawing attention to their hypocrisy in receiving a malignant king. In a series of letters written to the Scots, he

³⁸That Wariston was involved deeply in this covert deal with the moderates, is evidenced by a number of entries in his later diaries: Wariston, *Diary 1650-4*, 194 and J.D. Ogilvie (ed.), *Diary of Sir Archibald Johnston of Wariston, 1655-60* (Scottish History Society, 1940), 15, 23, 50-1.

³⁹Livingstone, *Brief Relation*, 116.

⁴⁰Ibid, 131.

⁴¹Laing, *Ancram and Lothian Correspondence* ii, 276.

pointed out that by recalling the malignant son, they had in effect given their approbation to the despotic and erastian rule of his father and were betraying the very covenanted principles for which they had laboured and fought since 1638. He further contended that Charles's subscription of the Covenants was mere pretence; he was a malignant at heart and would seize upon the opportunity (now afforded him by the kirk party) to impose an erastian and malignant government upon the nation.⁴²

In a letter dated 3 August from his camp at Musselburgh, Cromwell pointedly charged the Commission of the General Assembly with hiding the truth of Charles's insincerity from the Scottish people. He also accused them of pursuing their present course of deception for political and worldly purposes. He inquired of them whether it was "spiritual" or a "covenant with God" to enter into a confederacy with malignants? Was it not rather a "covenant made with hell and death?"⁴³ Although the kirk dismissed these charges as "ridiculus and blasphemous" and termed Cromwell's letters "nothing bot a rapsodey of bosting and hyperbolicke nonsense"⁴⁴, they nevertheless plucked a deep note chord in the psyche of the Covenanters. Despite the united and vigorous reply⁴⁵ which they gave to these accusations, it soon became apparent that Cromwell had not sown his rhetorical seed in vain; he was, in fact, soon to realize an abundant harvest.

For many of the radicals, Cromwell's assessment of their situation had a disturbing ring of truth. His charges fuelled their fears of Charles's malignancy and insincerity to a fever pitch. They began to see the spectre of a malignant conspiracy everywhere: in the army, the Estates, the populace and even the kirk. The already serious divisions within the kirk party were aggravated as the radicals' suspicions of their moderate brethren increased exponentially. The moderates, on the other hand, began to suspect many of the radicals of secretly harbouring sectarian sympathies. In the anxious weeks preceding the disastrous battle of Dunbar, such suspicions and fears reduced the kirk regime to a condition of near panic. Wariston's hurried and disjointed jottings, such

⁴²Beattie, *History*, 103; For the various declarations, proclamations and letters directed to the Scots see W.C. Abbott (ed.), *The Writings and Speeches of Oliver Cromwell* ii (4 vols., Oxford, 1937-47), 261-332 (and authorities there cited).

⁴³Ibid ii, 302-3; *RCGA* iii, 13-15.

⁴⁴Balfour, *Historical Works* iv, 89; Wariston, *Diary* 1650-4, 10.

⁴⁵The Commission's reply, written by the radical James Guthrie is in *RCGA* iii, 19-23.

as "Al in confusion; no counsel amongst us" and "every day multiplies our distractions and confusions", bear pathetic witness to the jealousies, rivalries and suspicions which divided the Covenanters' counsel at this time.⁴⁶

In the midst of this confusion, the radicals took the opportunity to seize the initiative. Their most pressing concern was the composition of the army - they wanted to ensure that all malignants were purged from its ranks. While they genuinely believed a smaller "spiritual" force would be more effective than a large "mixed" one, their primary objective was to guard against a malignant coup and ensure that the army was within their sphere of control. On 28 July, Wariston proposed in the Estates that a sub-committee be formed to "consult" with senior army officers and to decide policy on the purging of the Scottish forces. His motion was carried despite vehement opposition from the moderate leader of the Scots army, General David Leslie.⁴⁷ Lothian sought to counter this move and increase support for the king by calling for Charles' immediate reception by the army. Wariston records in his diary, that after much debate and with great difficulty, the radicals succeeded in having this motion delayed. Lothian, however, warned that unless the king was restrained, he would come to the army of his own accord.⁴⁸

Much to the consternation of the radicals, this is precisely what happened. Responding to an invitation from the Earl of Eglinton and various senior officers, Charles arrived in the army camp at Leith the next day amidst the jubilation of the soldiery. As if by design, former Engagers and those who had participated in Montrose's campaigns began to converge upon Leith. Emboldened by the presence of the king, these "malignants" made it known that they intended to fight on their own principles and in defence of their own party's interests. Wariston and Brodie responded quickly and insisted that Charles immediately remove himself from the camp. After unsuccessfully warning the king that his presence would breed "carnal confidence", discourage the godly from fighting and incur the wrath of God, they threatened to

⁴⁶Wariston, *Diary 1650-4*, 8.

⁴⁷Ibid, 5; SRO PA 7/24, Parliamentary and State Papers, 1581-1651, f.7r.

⁴⁸Wariston, *Diary 1650-4*, 5.

advertise the recently printed account of his dealings with the Roman pontiff.⁴⁹ Realizing that he still needed the support of the radicals and fearing lest information of his "romish" intrigues weaken his support in the army, Charles reluctantly agreed to remove to Dunfermline.⁵⁰

On 2 August, two days after the king's ignominious retreat from Leith, both the Estates and the sub-committee for Purging the Army were convened. Over the next three days, dissensions over military strategy and the purging of former Engagers and malignants continued unabated. As the discussions progressed, it became clear that the moderates in the Estates were intent on enlisting all fencible persons in the defence of the kingdom - an idea which was anathema to the majority of radicals. On 3 August, the moderates in the Estates advanced a plan of marching into England via Carlisle in order to draw Cromwell out of Scotland. The radicals, however, well aware of Charles's plans to join with English royalists, argued that such a course would facilitate a sinful conjunction between "Scots Ingagers and English Malignants". It was only with "great difficulty" that Wariston and other radicals were able to delay a motion for the appointment of a committee "with full power to send into England". They argued that the approval of the kirk was necessary before such a step could be taken - approval which they believed would not be forthcoming.⁵¹

This setback aside, the moderates continued to press for the inclusion of former Engagers and an alliance with English royalists. Heated discussions over the next few days caused Wariston to observe that "every day they [the moderates] would returne to their vomit, so oft speud out, by joyning with and imploying, yea cheifly relying on, Malignants and Ingagers."⁵² He and the other radicals argued that employing malignants in the army would be a violation of the fifth article of the Solemn League and Covenant and a repudiation of many of the kirk's acts and declarations including

⁴⁹*The King of Scotland's Negotiations at Rome for the Assistance against the Commonwealth of England* (Edinburgh, 1650).

⁵⁰Wariston, *Diary 1650-4*, 6; Balfour, *Historical Works* iv, 86; Burnet, *History of My Own Time* i, 94; Walker, *Historical Discourses*, 163; G.F. Warner (ed.), *The Nicholas Papers* i (3 vols., Camden Society, 1886-97), 188, 193-4; SRO PA 7/24, f.7v; Gardiner, *Commonwealth and Protectorate* i, 268; Beattie, *History*, 100.

⁵¹Balfour, *Historical Works* iv, 89; Wariston, *Diary 1650-4*, 7-9; Laing, *Ancrum and Lothian Correspondence* ii, 276-7.

⁵²Wariston, *Diary 1650-4*, 9.

the Acts of Classes.⁵³ Had not the failed Engagement demonstrated the results of sinful conjunction with malignants? Had not Colonel Strachan's victories at Balvenie and Carbisdale proven that a godly troop could easily defeat a numerically superior malignant force? What about the biblical examples of Jehoshaphat, Asa and Amaziah all overcoming superior hosts through their reliance on the Lord? Wariston even expressed his belief in the Estates that though "the enemy [were] 10,000 stronger, and wee as many weaker" the Lord would still give them victory. Despite these and other arguments, the more pragmatic moderates remained skeptical and argued that the exigencies of the situation demanded that everything be done to guard against the sectarian threat.⁵⁴

On 5 August, the Commission of the kirk appointed a committee of four moderates and four radicals to consider these troublesome matters and give their advice to the Estates. In spite of resistance from Dickson, Douglas and other moderates, the radicals were able to secure what amounted to a censure of the moderates' activities. The Estates were rebuked for their "strong inclination and great bensall in not a few, to fetch in and imploy the Malignant party" an action, it was maintained, "which would alter the state of our cause, and endanger if not destroy the work of God." They were further castigated for: failing to remove malignant persons from the king's household; failing to prepare a declaration for the king to sign humbling himself for his and his father's manifold sins; allowing the king to commission the raising of malignant forces in England; obstructing the purging of the army; and prosecuting the Lord's work in a faithless manner.⁵⁵ Simply stated, the moderates in the Estates were warned in no uncertain terms that it was time to repent and get their affairs in order. Realizing that they were at a distinct disadvantage, and

⁵³These were the Act of Classes of 8 January 1646, which had been directed against those who had supported Montrose: *APS* vi, i, 503-5, and the Act of Classes of 23 January 1649, which was directed primarily against those who had supported the Engagement: *APS* vi, ii, 143-7.

⁵⁴Wariston, *Diary 1650-4*, 9-11; Gardiner, *Commonwealth and Protectorate* i, 213 and note; For a contemporary explanation of the radical Covenanter's views on joining in confederacies with malignants see G. Gillespie, *A Treatise of Miscellany Questions* (Edinburgh, 1649), chapter xiv; For accounts of the Covenanter's recent victory at Carbisdale see G. Wishart, *The Memoirs of James Marquis of Montrose, 1639-1650*, ed. A.D. Murdoch and H.F.M. Simpson (London, 1893), 305-9; Balfour, *Historical Works* iv, 9-12.

⁵⁵*RCGA* iii, 15-17.

that the radicals had the laws of kirk and state on their side, the moderates had no option but to beat a grudging retreat. The next day, the Estates officially humbled themselves before the Commission "for their sinnes and guiltinesse" and "especiallie for their not walking answerable to their Covenant and Solemne Acknowledgment." They concurred with all the kirk's censures and agreed to draft a declaration in which Charles would attest to "the sincerity and reality of his joyning in the Cause and Covenant, and of his resolutions in the future."⁵⁶

Meanwhile, the radicals were carrying on their campaign for the further purgation of the army. Since 23 May, the ministerial radicals on the kirk's Commission had been pushing for further military purging.⁵⁷ Although they had succeeded in having the defunct sub-committee for Purging the Army re-established on 21 June after a series of heated arguments in the Estates, to date, it had remained largely inactive.⁵⁸ Now, however, fearing the growing number of malignants in the army, the radicals decided it was time for action. The committee itself was composed of five members from each estate and was dominated by the radicals. In addition, three of the five nobles, three of the five gentry and four of the five burgesses were also members of the Commission of the General Assembly.⁵⁹ As the committee began its duties, its leading radical members - Cheisly, Hope, Wariston, Brodie, Jaffray and Sir James Stewart and the influential radical Colonels, Archibald Strachan and Gilbert Ker, were aided in their efforts by Patrick Gillespie and the rank and file of the radical ministry. Sir James Balfour relates that:

The ministers in all places preched incessantly for this purging, sheuing, if that committe did not proceid, the consequences that wold follow wold certanly proue lamentable and destructiue, and wold vndoubtedly multiplie Gods judgments vpone the land and army.⁶⁰

⁵⁶Ibid iii, 18.

⁵⁷RCGA ii, 411-12.

⁵⁸APS vi, ii, 577, 586-7, 594.

⁵⁹J.R. Young, *The Scottish Parliament, 1639-1661: A Political and Constitutional Analysis* (Edinburgh, 1996), 255.

⁶⁰Balfour, *Historical Works* iv, 89; The eminent radical divine Samuel Rutherford wrote to Colonel Ker around this time in support of the purges, encouraging him to labour for a "clean army" so "that the shout of a King who hath many crowns may be among you; and that ye may fight in faith, and prevail with God first.": Samuel Rutherford, *Letters of Samuel Rutherford*, ed. A. Bonar (London, 1891), 650.

Despite opposition from Argyll, General Leslie and the moderate ministers Douglas and Dickson, the radical majority prevailed and in the next few days the committee purged about eighty officers from the army.⁶¹

Ultimately, the divisions between the parties were so violent and opposition to the purging of the army so extreme, that the Estates dissolved the sub-committee on 5 August. Wariston and Cheisly were charged with "hindering generall officers" in their duty and it was decided to allow the senior army officers to decide policy. On the same day, Wariston received two letters from his wife informing him that due to "surmises, and misreports", the tide of popular opinion was turning against the radicals. The Scottish populace, she warned, believed these purges were "hindering battel and weakening [the] army". Amid such "continual complaints" the radicals, temporarily satisfied with their success and safe in the assurance that both the Acts of Classes and their proclamation for purging the army still carried the force of law, decided to wait for a more opportune time to pursue their policy in this matter. Instead, they concentrated their efforts on the more immediate concern of the king's declaration.⁶²

The West Kirk and Dunfermline Declarations

On 7 August, a joint committee of the Estates and the Commission met to draft the king's declaration and discuss the purging of his household. The Estates were represented by Lothian, Wariston and Robert Barclay, provost of Irvine, and the Commission by Douglas, Dickson, Guthrie, Gillespie, Hugh M`Kail and Robert Ker.⁶³ The military was represented only inasmuch as the three state representatives were concurrently on the committee of the army. A majority in both bodies recognized that Charles needed to act quickly in order to allay a growing fear amongst the radicals in kirk, state and army that he was awaiting an opportunity to revert to malignancy.

⁶¹Balfour, *Historical Works* iv, 89.

⁶²Wariston, *Diary 1650-4*, 10-12; J. Nicoll, *A Diary of Public Transactions and other Occurrences, Chiefly in Scotland, from January 1650 to June 1667*, ed. D. Laing (Bannatyne Club, 1836), 23.

⁶³Wariston, *Diary 1650-4*, 12-13; *RCGA* iii, 19.

The situation in the army was particularly critical as radical officers and their regiments, incited by Cromwell's polemic, were considering refusing to fight until Charles gave satisfaction concerning his intentions.⁶⁴

The draft of the declaration which the committee had decided upon, required Charles to repent of: his father's opposition to the work of the reformation and the Solemn League and Covenant; his mother's idolatry; his own opposition to the "the worke of God"; his treaty with the Irish papists and his commissioning of Montrose. He was further required to declare: that he had sworn the Covenants in good faith and not with "any sinister intention and crooked designe for attaining of his owne ends"; that he would "have no enemies but the enemies of the Covenant, and no friends but the friends of the Covenant" and that he now detested and abhorred all popery, idolatry, superstition, prelacy, error, heresy, schism and profaneness. He was also to ensure that: no malignants or enemies of the Covenants would be employed in places of power or trust and that upon regaining his English Crown he would establish presbytery in his three kingdoms. In addition to all this, Charles was required to pledge that he would submit to the authority and be guided by the counsel of both parliament and kirk. The language of this declaration was sharp and vigorous, the condemnations plentiful and the tenor humiliating. It is small wonder that Charles was loath to sign it.⁶⁵

Although the contending parties were in general agreement as to the necessity of this declaration, there were fundamental differences in their reasons and motivations in requiring it. The moderates viewed this measure as necessary to refute Cromwell's charges, stave off crippling divisions in kirk and state and keep the army intact and united for the impending battle. However repugnant they might have found the idea of such a declaration, they realized that failure to satisfy the radicals' demands would lead to an unmitigated military disaster. Although they were galled by the extreme nature of the radicals' requirements they had no choice but to allow them a free hand in drafting the document. The radicals, on the other hand, while sharing their brethren's fears of division, welcomed the declaration as a means of strengthening

⁶⁴Wariston, *Diary 1650-4*, 17-19; Walker, *Historical Discourses*, 167-9.

⁶⁵RCGA iii, 33-40; Balfour, *Historical Works* iv, 92-5.

their own control over the king, kirk and state.

The negotiations opened on 9 August, with a private meeting between the king and the moderate Robert Douglas, a man sympathetic to Charles's plight. After hearing the scruples which the king had concerning certain stipulations in the declaration, Douglas refrained from pressing him to sign and duly reported back to the commissioners. After a fruitless attempt to try to persuade them to relax their demands, Douglas refused to participate in any further negotiations. His decision to withdraw was welcomed by the radicals who deemed him "too favourable" to the king's position. The moderates quickly replaced him with the more pliable James Hamilton.⁶⁶ This was the signal for the full delegation to descend upon the king. Over the next two days, Wariston and the other commissioners met with Charles and pressed him with "many arguments" to sign the declaration. Wariston warned him that "his refusal or delay confirmed the adversaries objections, that he had com in but upon politik interests and for his awen ends to the Covenant". He was further cautioned that his refusal to sign: increased the disunity in the Scottish ranks; strengthened Cromwell's argument that they were joining in a malignant cause, and kept the Scots from acting decisively. After pressing him with these and similar arguments, the commissioners resorted to pragmatic appeals for him to consider his own interests. They maintained that, if the Scottish army was defeated, "his refusal would beare much of the blayme". Conversely, if they were victorious, none would attribute it to the king but to God defending his covenanted people. In either eventuality, "non would think it lawful or necessar to ingage the blood of God's people for invading any in Ingland, to restore him to his power and honor who refuses to restore God to His."⁶⁷

Charles remained implacable despite these vigorous attempts to persuade him to sign the declaration. Although he was ready to acknowledge the truth of many of their contentions, he adamantly refused to sign anything which admitted his father's guilt or denounced his mother's idolatry. The radicals, however, were obdurate on this point and informed him that "his standing or falling depended on this". When Charles

⁶⁶R. Wodrow, *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution* i, ed. R. Burns (4 vols., Glasgow, 1828-30), 47.

⁶⁷Wariston, *Diary 1650-4*, 13-15.

informed them on Saturday 10 August, that he was delaying his answer until the following Monday, the radicals responded by playing their trump card. They warned him in no uncertain terms that if he continued in his refusal they would separate God's interests from his, no longer support his cause, and make the details of their proceedings and his refusal publicly known. This, they informed him, would most likely encourage the army to make peace with Cromwell on his terms. Having concluded their argument on this ominous note, they withdrew to await Charles's decision.⁶⁸

On Monday 12 August, Charles sent Loudoun to the commissioners with his refusal.⁶⁹ Although it is not clear whether or not Charles took the radicals' threats seriously, events were presently to prove that they were in earnest. The next morning, 13 August, the Commission met at Leith to discuss possible courses of action. The radicals' proposal that an act be passed qualifying their commitment to the king was debated for three hours. Despite the vehement objections of the moderates, Douglas, Dickson, Hamilton, Andrew Ker and Thomas Kirkcaldy, the radicals remained obstinate in their demands for satisfaction. Perceiving trouble ahead, Douglas, in his capacity as moderator, dissolved the meeting until the afternoon.⁷⁰ The radicals, however, were not to be put off so easily. Upon hearing of the meeting's dissolution, Wariston and the other leading radicals sent Cheisly to round up all the available radical ministers, elders and army officers.⁷¹ After consultation with their brethren, the officers declared that "they would not fight at all" until the Commission agreed upon an act disclaiming the king's malignant interests.⁷² Their threat was given added force by the fact that the previous day, at the instigation of Patrick Gillespie, the radical western lairds and ministers, upon hearing of the king's refusal, had passed a vote in the Glasgow Council to revive the Western Association.⁷³ Baillie reports that Gillespie and other radical westerners then succeeded in persuading some of the

⁶⁸Ibid, 15; Laing, *Ancram and Lothian Correspondence* ii, 286-8.

⁶⁹Wariston, *Diary 1650-4*, 17.

⁷⁰Wodrow, *History* i, 47.

⁷¹Wariston, *Diary 1650-4*, 17.

⁷²Wodrow, *History* i, 47.

⁷³J.D. Marwick (ed.), *Extracts from the Records of the Burgh of Glasgow, 1630-1662* (Scottish Burgh Records Society, 1881), 192.

"chiefe gentlemen and ministers of the sheriffdomes of Ayr, Clydesdale, Barenfrew, and Galloway" to agree to raise a force of horse and foot.⁷⁴ This action was tantamount to a public declaration that the radicals were preparing for the impending division of the army.

Late that afternoon, the contending parties converged upon the West Kirk of Edinburgh. The radicals had used the intervening period to ensure that they would have a majority at this session. Despite vehement moderate opposition, a preliminary vote revealed that of the twenty-three ministers present at this meeting, eighteen were for "satisfying the officers", and of the nine elders, six "were violent for it."⁷⁵ The moderates, realizing that they had been outmanoeuvred and fearing the division of the army, decided to settle the matter in a private conference with their brethren.⁷⁶ After entering their "solemn protestation", the moderates agreed to support an act disclaiming the king's interest except as it was subordinate to the Covenants, on the condition, that it only be privately used to satisfy the radical officers' scruples.⁷⁷ With this stipulation, the act was passed by the assembled Commission and immediately forwarded to the Estates and General Leslie.⁷⁸ The more politic parliamentary moderates, realizing the necessity of such a declaration, quickly relayed their assent to the Commission.⁷⁹ The declaration maintained in part,

that this Kirke and Kingdome doe not own nor espouse any Malignant partie or quarrell or interest, but that they fight meerly vpon their former grounds and principles, and in defence of the Cause of God and of the Kingdome, as they have done these 12 years past. And therefore, as they do disclame all the sinne and guilt of the King and of his house, so they will not owne him nor his interest, otherwayes then with a subordination to God, and so farre as he ownes and prosecutes the Cause of God, and disclames his and his fathers opposition to the Worke of God and to the Covenant...⁸⁰

The radicals also sought to restate the basis of their quarrel with Cromwell when they

⁷⁴Baillie, *Letters and Journals* iii, 111.

⁷⁵Wodrow, *History* i, 47-8.

⁷⁶Wariston, *Diary 1650-4*, 17.

⁷⁷Wodrow, *History* i, 48.

⁷⁸Cf. Row, *Life of Blair*, 236; Wariston, *Diary 1650-4*, 17; Wodrow, *History* i, 47-8.

⁷⁹*RCGA* iii, 27.

⁸⁰Balfour, *Historical Works* iv, 95-6; *RCGA* iii, 26.

expressed their intention to,

with convenient speed take in consideration the papers lately sent vnto them from Oliver Cromwell, and vindicat themselves from all the falsehoods contained therein, especially in those things wherein the quarrell betuixt ws and that partie is misstated, as if we owned the late Kings proceedings, and were resolved to prosecute and maintaine his present Majesties interest, before and without acknowledgment of the sinnes of his hous and former wayes, and satisfaction to Gods people in both Kingdomes.⁸¹

Despite the agreement that this declaration was only to be shown to the army officers, the radicals had it put into print that very evening.⁸² The next morning Wariston had it distributed throughout the camp of the English army in order to "cleare us from their mistaiting of the question between us and them."⁸³ Although Douglas protested against the radicals' breach of trust, claiming that neither he, as moderator, nor the Commission's clerk Andrew Ker had authorized the publishing of the declaration, the damage had already been done.⁸⁴ Interestingly, the moderate General, David Leslie, claiming that he was acting on the authority of the Estates and Commission, seized the opportunity to quell the rising tide of discontent in the army's ranks and also sent a copy of the declaration to Cromwell, informing him in a separate letter of the Scots intention to engage his forces in battle.⁸⁵ However, despite the confident tone of Leslie's letter, it quickly became apparent that the West Kirk declaration (as it became known) had not ameliorated the fears of the radical officers. The day after the declaration was passed, Wariston reported that he "was troubled to heare that som officers wer not fully satisfyed with what the Kirk had doone, bot had som motions amongst them that would breake us in peices." Upon finding out that these men had been engaged in an ongoing correspondence with Cromwell, Wariston endeavored to persuade them that only evil could come from such an association.⁸⁶ Indeed, it soon came to light through an English diurnal that the radical Colonels Ker

⁸¹Ibid iii, 26; Balfour, *Historical Works* iv, 96.

⁸²Wodrow, *History* i, 48; It was printed as a broadside, headed, *West Kirk the 13 day of August*, 1650 (Edinburgh, 1650).

⁸³Wariston, *Diary 1650-4*, 18; Row, *Life of Blair*, 236.

⁸⁴Wodrow, *History* i, 48.

⁸⁵T. Carlyle (ed.), *Oliver Cromwell's Letters and Speeches* iii (5 vols., London, 1871), 21.

⁸⁶Wariston, *Diary 1650-4*, 18.

and Strachan had engaged in a number of meetings with Cromwell and his officers in which they had freely discussed their scruples about acting on behalf of a malignant king.⁸⁷ Indeed, the apprehension of these radical officers was so pronounced, that for a time Cromwell harboured serious hopes of achieving some type of accommodation with their party.⁸⁸

On 14 August, the misgivings of the radical officers were pushed to the breaking point by the reception of Cromwell's "rapsodik aunsuer" to the kirk's declaration. In this scathing reply Cromwell sought to expose the inherent contradictions in the kirk party's position. Were the Scots so easily deceived by "a few formal and feigned submissions", he asked, as to allow themselves to be used by the king to accomplish "his most evil and desperate designs?" How could they claim to be fighting on behalf of "the cause of God" when the only ones taking comfort in their alliance with Charles were malignant royalists? Was not a "Popish army presently fighting for and under him in Ireland?" Were not French and English malignants even now plotting to "raise armies in our bowels, by virtue of his commissions?" Were not the Scots, "under pretence of the Covenant", guilty of assisting these enemies of God in their malignant schemes?⁸⁹

After receiving this unsettling reply, Ker and the other radical officers were virtually in a state of mutiny. Later that day, they met with Cromwell's officers on the sands between Leith and Musselburgh. Even though the radical officers admitted to Cromwell that they had been deluded by the malignants and were considering abandoning Charles for his refusal to sign the declaration, they could not be persuaded to join forces with the English.⁹⁰ Instead they decided to seek redress for their grievances from the Estates. The following day, Colonel Ker, Major-General Holburn, Sir John Brown and Lord Burleigh presented a remonstrance to the Estates, in which

⁸⁷Carlyle, *Cromwell's Letters and Speeches* iii, 24; W.S. Douglas, *Cromwell's Scotch Campaigns: 1650-1* (London, 1899), 58; Walker, *Historical Discourses*, 169; Gardiner, *Commonwealth and Protectorate* i, 277.

⁸⁸For a discussion of Cromwell's desire for an "accommodation" with the radical officers see Douglas, *Cromwell's Scotch Campaigns*, 57-62 and Carlyle, *Cromwell's Letters and Speeches* iii, 24.

⁸⁹Abbott, *Cromwell's Writings and Speeches* ii, 306-7; Wariston, *Diary 1650-4*, 18.

⁹⁰Abbott, *Cromwell's Writings and Speeches* ii, 307-8; There were two subsequent conferences between Cromwell's officers and the Scots on 20 and 26 August. Both came to nothing: *Ibid* ii, 308n, 309; Row, *Life of Blair*, 237.

they reiterated their determination not to fight for a malignant cause and demanded further purges of the king's household, court and the army. The Estates, still extremely desirous of preventing a breach, had no alternative but to thank them for their remonstrance and pledge to put "the lawes of the Kingdome to full execution against all malignants and scandalous persones in Court, Armie, or Kingdome".⁹¹ Wariston immediately sent copies of this "Officers' Remonstrance" to the king and to the printers, hoping it would convince Charles of the necessity of his signing the declaration.⁹²

While these events were transpiring in the army, kirk and state, Charles's advisors were actively engaged in trying to persuade him to sign his declaration. Loudoun wrote Charles a number of letters warning him of the consequences which would follow his continued refusal. He warned Charles that if he continued to reject their demands, the kirk would be forced to separate his interests from those of their religion. If this occurred, he could abandon all hopes of being restored to his throne. Conversely, if he relented and signed the declaration, he would secure the backing of the kirk, state, army, and populace. With such support, he would be able to march the army into England and thus have a chance of regaining his rightful crown. On the other hand, his continued noncompliance with the regimes' requests would "grieve their spirits, cool their affections, and weaken their hands." Argyll was more blunt when he consoled the king concerning the declaration, by telling him that "when he came to England he might be more free, but that for the present it was necessary to please these madmen."⁹³

On Tuesday 13 August, Charles held the first meeting of his Privy Council since his arrival in Scotland. On their advice, he wrote to the Commission indicating his general acceptance of their terms, but desiring that the harsh and humiliating references to his father be omitted.⁹⁴ The kirk however, remained implacable and

⁹¹Laing, *Ancram and Lothian Correspondence* ii, 284-6; Balfour, *Historical Works* iv, 94; Douglas, *Cromwell's Scotch Campaigns*, 58.

⁹²Wariston, *Diary 1650-4*, 19.

⁹³Gardiner, *Charles the Second and Scotland in 1650*, 131-4; Laing, *Ancram and Lothian Correspondence* ii, 280-2; *CSPD 1650*, 310.

⁹⁴Balfour, *Historical Works* iv, 90-1; *RCGA* iii, 27.

demanded that he fully meet all their requirements.⁹⁵ The next day, Charles was visited by Wemyss and Libberton with a copy of the West Kirk declaration informing him, that until he gave his assent, "they wold nather auen him nor his cause." With the situation between the king and the kirk party quickly deteriorating and with the army on the verge of mutiny, the Privy Council advised the king to remove himself and his entire household to Perth until "he saw how matters went betwen the arney and ther enimey Cromwell." From this vantage point, he would be well placed to negotiate with the northern royalists and retreat among them should his alliance with the kirk party dissolve.⁹⁶ Charles also sought to increase the forces at his disposal, by requesting that the new northern levies be allowed to remain at Stirling. The Estates however, realizing the king's designs, denied his request, ordering the new levies to repair immediately to the main army and Charles to remain in Dunfermline until the negotiations were completed.⁹⁷

In the midst of these events, the radicals increased the pressure on Charles to sign the declaration. On 15 August, he received word that the Estates, under pressure from the kirk and army, had passed a resolution for the further purging of his household and guard. They demanded that all persons who were prohibited by the Act of Classes and other acts of parliament be immediately removed from the king's presence. They ordered the arrest of Sir James Montgomery, Sir John Henderson and Colonel Ockaen and commanded the king's Lifeguard to report to the main army for purging. In the future, only those who had subscribed the Covenants were to be allowed to attend Charles. For good measure, Colonel Ker, Argyll, Colonel Graves and Captain Titus were appointed "Grooms of his Majesty's bedchamber."⁹⁸ The same day, Patrick Gillespie and David Dickson arrived with a commission from the kirk to "use their best indevours" to persuade Charles to sign. Although only two brief accounts of their meeting is extant, it is known that they presented the king with Cromwell's answer to the "West Kirk" declaration and warned him that only a signed declaration would calm the doubts and suspicions of the radicals. Charles, realizing that his alliance with the

⁹⁵Ibid iii, 28-9.

⁹⁶Balfour, *Historical Works* iv, 91; Stevenson, *Revolution and Counter-Revolution*, 176.

⁹⁷Laing, *Ancram and Lothian Correspondence* ii, 289-90.

⁹⁸Ibid ii, 280-3; *RCGA* iii, 30.

kirk party was in danger of imminent collapse, and fearing "that not onely his liberty but his life lay at stake", was in no position to bargain. On 16 August, after one last disputation in which he succeeded in having the wording regarding his father and mother slightly amended, Charles, "with unspeakeable dissatisfaction and regret", signed the declaration, and immediately took horse for Perth.⁹⁹

Although the radicals had succeeded in their campaign to have Charles sign the declaration, their "victory" was to prove a costly one. It is ironic that a document which was ostensibly meant to promote national unity by calming fears about Charles's malignancy, actually deepened suspicions and widened the rift between the contending parties of the already dangerously divided kirk regime. As often happens in such controversies, the debates surrounding the declaration only served to harden deep-seated suspicions into firmly held convictions. Indeed, the spectacle of Charles's intransigence left the radicals with little doubt as to the reality of his malignancy. This was particularly true of the radical elements in the army. Although the declaration temporarily mollified the vehemence of their remonstrations, their fear of fighting on behalf of a malignant cause was soon to re-emerge with a vengeance. The negotiations also intensified the radicals' misgivings about the designs of their moderate brethren. They viewed their opposition to both declarations, their almost unqualified allegiance to Charles and their support for an alliance with malignants and Engagers, as an indication of their malignant sympathies. Furthermore, the paranoia which gripped the kirk party at this time caused the radicals to exaggerate the differences with their brethren. After an argument with the moderate David Dickson about the king's declaration, Wariston reported that he "wondered to see him eyther so incapable or so wrong in thes publik transactions."¹⁰⁰

The controversy over the declaration also served to heighten the moderates' suspicion of the radicals. Many viewed the radicals' fervent opposition to Charles, the extremity of their demands and their refusal to compromise, as evidence that they were

⁹⁹Gardiner, *Charles the Second and Scotland in 1650*, 142; Balfour, *Historical Works* iv, 91-2; Row, *Life of Blair*, 236; The declaration was quickly published under the title, *A Declaration by the King's Majesty, to all his Subjects of the Kingdomes of Scotland, England, and Ireland* (Edinburgh, 1650).

¹⁰⁰Wariston, *Diary 1650-4*, 17.

harbouring anti-monarchical and sectarian sympathies. William Row identifies the radicals' passage of the West Kirk declaration as the fount of much of this suspicion and hostility. "The most grave, moderate, and prudent ministers and elders" he observed, were highly displeased with the act.¹⁰¹ Yet it was not the contents of the declaration alone which roused the ire and suspicion of the moderates; they were equally appalled by the methods which the radicals employed during the negotiations. In achieving their "victory", the radicals had set quite a few dangerous precedents: packing the Commission with their own number in order to ensure the outcome of the vote; threatening the division of the army unless their demands were met and most importantly, disregarding the Commission's authority by publishing the West Kirk declaration surreptitiously and distributing it amongst the English army.¹⁰²

The moderates fear of their brethren's sectarian and anti-monarchical bias was further fuelled by the radicals' fierce opposition to any compromise on the declaration. The stringency of the radicals' demands led many moderates to suspect that they were seeking to ensure Charles's refusal. They were, in fact, not far off the mark in this apprehension. While radicals such as Wariston and Guthrie had reconciled themselves to the unpleasant reality of receiving and dealing with the king, others, particularly the army radicals and western ministers, were still of the mind that it was better to be rid of him. Given the choice, many of these men would have chosen an alliance with the English rather than a malignant king. Overall, it appears that the radicals employed the same twofold strategy in pursuing the king's declaration that they had used during the Breda negotiations: either Charles would refuse to sign because of the stringency of their demands, or, if he were to sign, he would be rendered manageable.

Charles and his courtiers were also aware of the radicals' hostility and suspected that their sympathies lay with the English parliamentary army. Charles's supporters even surmised that the radicals were trying to prevent the king from signing the declaration so that they might forsake him and join in a treaty with the English. If this were to happen, they knew that there would almost certainly be an attempt to betray the king to Cromwell - an action which would seal his death warrant. Although it is

¹⁰¹Row, *Life of Blair*, 236; cf. Baillie, *Letters and Journals* iii, 114; Wodrow, *History* i, 48.

¹⁰²Ibid i, 48; *RCGA* iii, 25-6; Row, *Life of Blair*, 236; Baillie, *Letters and Journals* iii, 114.

doubtful that the moderates in the kirk party would have allowed Charles to be handed over to the English, such conjectures were not far from the truth. Baillie, for example, reports that during the negotiations with Charles, many of the radicals were actually pleading for the justice of his father's beheading.¹⁰³ There can be little doubt that the radicals, given the right circumstances, were capable of participating in regicide. Charles's fears of the radicals' intentions seemed to be confirmed when the western minister Patrick Gillespie made a last attempt to dissuade him from signing. After informing the king of the obviousness of his insincerity, it is reported that Gillespie "charged him in his master's name, and in the name of these who sent him, not to subscribe this declaration, no not for the three kingdoms." Charles and his courtiers took this as conclusive proof that the radicals were seeking to prevent his signing so that the kirk and state could lay aside his interest and join with the English.¹⁰⁴ John King, the Dean of Tuam, reported that it was in these circumstances, motivated by fears for his "life and liberty", that Charles' capitulated and signed the declaration.¹⁰⁵

Throughout the negotiations which culminated in the "Dunfermline Declaration", the young prince had been controlled and manipulated in a most humiliating manner. He had been compelled to surrender virtually all sovereignty of action and place himself entirely at the mercy of the kirk party. By the end of the negotiations, his animosity towards the radical party had increased exponentially. Indeed, J.D. Ogilvie has observed that in the "West Kirk" and "Dunfermline" declarations lay the seeds of the long years of persecution in Scotland which followed the Restoration.¹⁰⁶ The radical Covenanters never relinquished the principles contained in these declarations and Charles never forgave the radicals who imposed them on him. Moreover, the controversy surrounding the declarations also served to exacerbate the divisions between the radical and moderate Covenanters. By the time Charles had subscribed the declaration their suspicions and fears were on the verge of breaking out into open

¹⁰³Baillie, *Letters and Journals* iii, 114; cf. Wariston, *Diary 1655-60*, 47.

¹⁰⁴A. Shields, *A Hind Let Loose* (Glasgow, 1797), 97-8.

¹⁰⁵Gardiner, *Charles the Second and Scotland in 1650*, 142, 147.

¹⁰⁶J.D. Ogilvie, "A Bibliography of the Resolutioner-Protester Controversy, 1650-1659", *Edinburgh Bibliographical Society Publications* xiv (1930), 59.

conflict. Robert Baillie, after relating the series of events from the treaty of Breda to the Dunfermline Declaration, summed up the situation between the contending parties very aptly when he observed,

All these things bred jealousies in the observers, what the intentions of some men might be; yet all was dissembled, till after the defeat at Dunbar these intentions brack out in their actions.¹⁰⁷

The Battle of Dunbar

On 16 August 1650, the day on which Charles signed the "Dunfermline Declaration", Wariston and other leading radicals continued their purge of the army. Newly empowered by the Estates' acquiescence to the radical officers' demands, they spent the entire day "in going through al the regiments of horse and foote, and purging out and placing in of officers." Wariston reports that as they reviewed the troops, he "pressed upon their consciences that the guilt and blood and mischeife that may follow on haiving Malignant, profan, scandalous persons and Ingagers in our army, lye at their doore who gives not information..." As this inquisitorial procession passed through the ranks haranguing the troops and gathering information, the moderates Leslie and Loudoun followed, seeking to counter the demoralizing effects of the proceedings by encouraging the soldiers to keep order and faith. In the days and weeks which followed, the radicals continued the purge with diligence and ruthless efficiency. By the beginning of September, several thousand men and officers had been removed from the ranks. Subsequently, it was with a weakened and demoralized force that the Scots met Cromwell's troops at Dunbar.¹⁰⁸

The popular myths surrounding these purges portray the radical Covenanters as hidebound theocrats, naively intent on creating an army of true believers to whom God would grant victory even in the face of a numerically superior enemy. It is with this image in mind that one historian has described their actions as "a remarkable

¹⁰⁷Baillie, *Letters and Journals* iii, 114.

¹⁰⁸Wariston, *Diary 1650-4*, 19-20; Walker, *Historical Discourses*, 165; *CSPD* 1650, 309.

testimony" to their "confidence in God and lack of worldly wisdom."¹⁰⁹ The evidence however, reveals that this is not the complete picture. While it is true that the radicals were ideologically committed to this rather "unorthodox" military strategy, their decision to initiate these purges was neither ill-advised nor irrational. It was instead, a well considered, calculated attempt to preserve their influence and authority within the kirk regime. As with the purges of early August¹¹⁰, the radicals' primary concern was retaining control of the army. They realized that the fate of the kirk regime lay in the hands of the army; inaction on their part would be tantamount to surrendering control of the army, and ultimately the state to the moderates and royalists.

Wariston and the other radicals were fully aware of the pros and cons in advocating such extensive purges. They knew that a victory in the impending battle against Cromwell's forces would both vindicate the purges and consolidate their influence in kirk and state. In fact, they had every reason to expect a victory over the English; even after the purge of the army they had a numerical advantage over the English of two to one. Conversely, they realized that a defeat would discredit their actions, undermine their authority and allow the moderates to take control of the agenda. Wariston was cognizant of the blame which the radicals would bear if they suffered defeat, when ten days before the final purges took place he observed,

Would not purgers beare al the blayme of the losse, would not the calling in and imploying tag and ragg of Ingagers be looked on as the remedy?¹¹¹

Furthermore, in the exigencies of their situation, many of the radicals were coming to believe that defeat at the hands of the English "sectaries" was preferable to allowing an un-purged army to support the government of a malignant king. Although they knew the purges were a gamble, the possibility of a moderate coup in the army left them with little option but to purge. Unless drastic action was taken, the influx of new levies would soon give the royalist sympathizers a majority.

By 2 September Cromwell's army was in dire straits. Having been outmanoeuvred

¹⁰⁹Stevenson, *Revolution and Counter-Revolution*, 175.

¹¹⁰*Supra*, 34-5.

¹¹¹Wariston, *Diary 1650-4*, 11.

and out-generalled by Leslie, seriously short of supplies, plagued by bad weather, his troops racked with dysentery and other diseases and with just 11,000 of his original 16,000 men fit for duty, Cromwell was forced to retreat to Dunbar. The pursuing Scottish army positioned themselves on Doon Hill, a mile south of Dunbar, in an unassailable position commanding the Berwick road which ran between the hill and the sea. Leslie had also posted a detachment further down the coast at Cockburnspath in order to prevent Cromwell's retreat south. It was in this predicament, confronted by a numerically superior army in an impregnable position and cut off from all avenues of escape, that Cromwell wrote to Sir Arthur Haselrig,

We are upon an engagement very difficult. The enemy hath blocked up our way at the Pass at Copperspath, through which we cannot get without almost a miracle. He lieth so upon the hills that we know not how to come that way without great difficulty; and our lying here daily consumeth our men, who fall sick beyond imagination.¹¹²

It appears that Leslie's strategy was to sustain this advantage by holding his position on Doon Hill until such time as the English surrendered, made an ignominious retreat by sea or attempted to fight their way through the narrow ravine at Cockburnspath. However, the Council of War and the Estates, believing that a decisive victory was within their grasp, ordered Leslie to relinquish his position on the hillside and meet Cromwell in open battle. Against his better judgement, and urged on by the radical ministers, Leslie obeyed, and on 2 September began to move his army off the hill. Cromwell had long been trying to draw Leslie out into an open engagement - now, the prey came to him. Shortly after four o'clock on the morning of 3 September, before the Scots could effectively deploy their troops, the English attacked. Cromwell's unexpected and violent onslaught caught the Scots in a narrow plain in which they were unable to manoeuvre effectively. The unprepared Scots were quickly routed. The battle was over in less than three hours and the English were victorious. Defeat had been snatched from the hands of an almost assured victory. Of Leslie's force of 23,000 men, approximately 4,000 fell in battle and 10,000 were taken prisoner. Leslie himself was able to escape to Edinburgh with approximately 4,000 men. Within three days, Cromwell's forces had taken Edinburgh. The remaining

¹¹²Abbott, *Cromwell's Writings and Speeches* ii, 314.

Scottish troops, together with ministers, statesmen and magistrates, in a state of disarray and near panic, fled north to Stirling where the Estates and the Commission were scheduled to meet and decide on a course of action.¹¹³

After the defeat at Dunbar, the divisions between the radical and moderate wings of the kirk regime came quickly to a head. As the remnants of the Scottish forces regrouped at Stirling, in order to "advise what should be done for the good of religion and safety of the kingdom"¹¹⁴, accusation, recrimination and insinuation were the order of the day. In the meetings which followed, rather than seeking to create a spirit of solidarity amongst their defeated and dispirited forces, the Scots began to look inward in an attempt to identify the causes of their defeat. Not surprisingly, suspicions flourished in the atmosphere of mutual distrust which was engendered by such introspection.

As Wariston had foreseen, the moderates maintained that the radicals' policy of purging had fatally weakened and demoralized the army and had, in effect, snatched defeat out of the hands of almost certain victory. More importantly, reports began to circulate in the moderate camp that the defeat at Dunbar had been due to treachery on the part of the radicals. It was rumoured that the radicals had actually facilitated the Scottish defeat, in order to aid the English sectaries. New information came to light which raised suspicions about the loyalty of certain radical members of the Council of War and the committee of purging. It became known that the day before the battle certain staff officers had advocated falling on the rear of Cromwell's disorderly retreat from Dunbar, a tactic which was considered a "golden opportunity" to rout the English. Yet despite a seeming consensus amongst the officers, radical influences in the Council of War inexplicably overruled this plan and ordered General Leslie to engage the English in the open field. It also became known that the committee for purging, once again led by Wariston, had been going through the ranks and purging out suspected malignants on the very eve of the battle.¹¹⁵ Furthermore, it came to

¹¹³Douglas, *Cromwell's Scotch Campaigns*, 95-114; C.H. Firth, "The Battle of Dunbar", *Transactions of the Royal Historical Society* xiv (1900), 19-52; Abbott, *Cromwell's Writings and Speeches* ii, 312-32; Gardiner, *Commonwealth and Protectorate* i, 282-97.

¹¹⁴Row, *Life of Blair*, 239.

¹¹⁵Ibid, 237-8; Nicoll, *Diary*, 26, 28.

light that Wariston and the radical ministers had actively encouraged the Scottish descent from Doon hill.¹¹⁶ This action, in particular, raised serious suspicions in the moderate party about the loyalty of their radical brethren. To aggravate matters further, it also became known that several papers had been exchanged between the English and certain key radicals on the Council of War and the committee for purging. Although the content of these letters was not known, it was rumoured that they were the basis of a traitorous attempt to deliver the Scottish army into the hands of Cromwell.¹¹⁷ These reports of treachery were given further credence by the fact that Wariston and other key radicals were already under suspicion of favouring the "sectarian party".¹¹⁸ Although a lack of direct evidence, and a fear of further divisions prevented the moderates from immediately bringing charges against Wariston and other radicals, the incriminating nature of their actions was enough to confirm many of their worst fears regarding their brethren.

The radicals, however, sensing their vulnerability, endeavoured to vindicate themselves by shifting the blame for the fiasco at Dunbar onto their opponents. In contradistinction to the moderates, they argued that it was precisely because of insufficient purging that the Covenanting army had been defeated at Dunbar. They contended that the presence of "malignant Engagers" in the ranks had provoked God's wrath to the point where He allowed the Scottish forces to be defeated. In answer to the moderates' charges of treachery, they attempted to place the blame for the defeat squarely on the shoulders of David Leslie. When the Commission and the Estates regrouped at Stirling, the radicals "openly and vehemently pressed" to have Leslie removed from his charge on the grounds of incompetence. Colonels Strachan and Ker, representing the radical wing of the army, charged Leslie with "sundry neglects and omissions, especially for removing of the infantry off the hill, the night before the defeat". They called for his resignation and actually threatened to lay down their charges unless Leslie was removed. Wariston and Cheisly led the attack in the Estates while James Guthrie led the ministerial attack by publicly denouncing Leslie from the

¹¹⁶*Journals of the House of Commons* iv, 464; Abbott, *Cromwell's Writings and Speeches* ii, 326; Wariston, *Diary 1650-4*, 101.

¹¹⁷Row, *Life of Blair*, 237-8; Nicoll, *Diary*, 27.

¹¹⁸Row, *Life of Blair*, 236.



pulpit and calling for his removal from the army.¹¹⁹ Although the radicals never actually accused Leslie of treachery, they most certainly had their suspicions. He was, after all, a moderate and known to be in sympathy with the king's interests. They suspected that he had taken the decision to remove from the hill in order to ensure the defeat of the "covenanted" army, thus making way the removal of the Act of Classes and the raising of a new, malignant host from the north. This belief was lent increased force when it became known that the royalists were rejoicing over the army's defeat for this very reason. Indeed, a report shortly thereafter circulated by Strachan claimed that when Charles received news of the defeat he fell on his knees and thanked God "that he was so fairly rid of his enemies".¹²⁰

In retrospect, the debate over the causes of the defeat bears poignant witness to what William Row has termed the "many woeful divisions and subdivisions" which gripped the regime in the aftermath of Dunbar.¹²¹ The adversarial relationship between the moderates and the radicals had virtually ensured that their examination into the causes of the defeat would turn what was an essentially straightforward explanation of events into paranoid speculations of treachery and subterfuge. However, while the contradictory reports which were circulating in the kirk party were rife with misinformation and slander, they did contain important elements of truth. Just enough truth to ensure that the suspicions and distrust which both sides had unwittingly cultivated would continue to produce an abundant harvest. There was, for example, some accuracy in the reports that certain radicals were in sympathy with the English. Although the moderates' suspicions of Wariston and the ministers were largely exaggerated in this respect, events were soon to prove that certain radical members of the army were extremely inclined to support the English.

Conversely, while the radicals were on shaky ground in insinuating that Leslie had acted in the interests of the malignants, they were essentially correct in their belief that the moderates and "malignant" royalists were planning on using the defeat as a pretext to raise an army more sympathetic to the interests of the king. Likewise, the reports

¹¹⁹Ibid, 240-1; Baillie, *Letters and Journals* iii, 111.

¹²⁰Gardiner, *Commonwealth and Protectorate* i, 331.

¹²¹Row, *Life of Blair*, 240.

of Charles and his entourage rejoicing in the army's defeat were entirely true.¹²² Indeed, the king had much to be thankful for. Before Dunbar he had laboured under the belief that if the Covenanting army was victorious, the radicals would have him imprisoned the next day. After the defeat, however, many of the moderates in the Estates and kirk began to look upon him "as one they might stand in need of". There was talk of calling a parliament, and some of the moderates even spoke of setting a date for his coronation.¹²³ With the radicals' prestige now greatly diminished, both moderates and the royalists believed that any substantial opposition to removing the disabilities imposed by the Act of Classes would now be greatly reduced.¹²⁴ Cromwell perfectly captured the feeling which must have been pervading the moderate and royalist camps when he observed the day after Dunbar, "Surely it's probable the Kirk has done their do. I believe their King will set up upon his own score now, wherein he will find many friends, taking opportunity offered."¹²⁵ Despite this expectation, however, the kirk regime, particularly its radical wing, had not yet "done their do". With their influence in the Estates all but ended, they now moved quickly to protect their power base in both the army and kirk.

The Western Association

The radicals were not caught unawares by the disaster at Dunbar. They had foreseen the consequences of a defeat and had already made preparations to protect their influence in the army. As mentioned earlier, the council of Glasgow and the western shires had voted in August to revive the Western Association.¹²⁶ Now, with their influence in the kirk regime waning quickly, the radicals moved quickly to turn their resolution into a reality. Immediately after the defeat at Dunbar, Patrick Gillespie and his radical brethren convinced the western shires to organize the Association under

¹²²E. Hyde, the Earl of Clarendon, *The History of the Rebellion and Civil Wars in England Begun in the Year 1641* v, ed. W.D. Macray (6 vols., Oxford, 1888), 149.

¹²³Ibid, 149.

¹²⁴Beattie, *History*, 120.

¹²⁵Abbott, *Cromwell's Writings and Speeches* ii, 327.

¹²⁶*Supra*, 38-9.

the command of the four radical colonels, Strachan, Ker, Robert Halket and Sir Robert Adair of Kinhilt. When their plans were completed, Gillespie and the radical lairds Sir George Maxwell of Nether Pollock and William Mure of Glanderston rode to Stirling and petitioned the Estates to be allowed to levy troops for the Association. They arrived on 5 September, just as the emergency meeting of the Committee of Estates was being convened.¹²⁷

Not surprisingly, many of the moderates were deeply suspicious of the radicals' designs in making such a request. Baillie relates that, notwithstanding their "fair promises" to act only against the common enemy, many of the moderates "did smell, and feare the designe of a divisione".¹²⁸ They realized the potential danger in giving the radicals what virtually amounted to their own army. However, despite their reservations, there were a number of factors which necessitated their acceptance of the offer. Firstly, the main army was already in a *de facto* state of division. Both Strachan and Ker refused to serve under Leslie or with his officers, maintaining that they were "natural graceless men whom the Lord would never bless with success."¹²⁹ The only way of preventing an open breach in the army and further quarrels among the officers was to separate the contending parties. Secondly, the regime desperately needed the two colonels and their regiments. With the Scottish regiments decimated they stood in dire need of fresh levies. The Estates also realized that the defence of the west was a strategic necessity. They believed that the Association would prevent Cromwell from occupying the western lowlands, and that it would be a sufficient threat on his flank to prevent him from concentrating all his forces on an attempt to break through the defences on the Forth.¹³⁰

Pressed by these exigencies the Estates accepted the westerners' offer and gave them permission to organize, levy monies, and act as a separate army with full control over their own forces. The only stipulations placed upon the Association was that they consult with the shires on the appointment of officers, report their resolutions to the

¹²⁷Baillie, *Letters and Journals* iii, 111-12; For a more thorough examination of the Western Association see D. Stevenson, "The Covenanters and the Western Association, 1648-1650", *Ayrshire Collections* xiii (1982), 147-87.

¹²⁸Baillie, *Letters and Journals* iii, 112; Row, *Life of Blair*, 241.

¹²⁹Ibid, 240.

¹³⁰Stevenson, *Western Association*, 155.

Estates for approval and continue to support the national levy. The nation now had two armies, Leslie's in the north and the Association in the west. Strachan and Ker immediately left for the west and began to raise their forces. In this they were fully supported by key radical lairds, the ministry and their respective presbyteries.¹³¹ The committee of Lanark, under the direction of Gillespie and Sir John Cheisly, supported the levy with enthusiasm. The committee of Cunningham and Kyle were persuaded by a group of radical ministers, including Gabriel Maxwell and John Nevay, to support the venture.¹³² The radical controlled presbyteries also supported the levy. The presbytery of Paisley urged their shire committee to proceed with the levies cheerfully and vigorously and directed their ministers to exhort all the fit men in their parishes to volunteer.¹³³ The presbytery of Stranraer entreated the committee of war of Wigtown to support the levy diligently and obey the orders of the Association.¹³⁴ The presbytery of Lanark recommended that its ministers "exhort and presse out Gentlemen, and all well affected men to assist the present expedition of the association".¹³⁵ Likewise, the western ministers gave the levy support from their pulpits. The country's military situation was deemed so desperate that even moderate ministers such as Robert Baillie supported the work and "preached up" its support "in expectation of ready and happy acting" against the enemy.¹³⁶

Due to the diligence of all involved, in a short amount of time the Association had 3,500 horse and hoped to augment its force to over 5,000 with the inclusion of volunteers.¹³⁷ Indeed, the ministerial radicals had already taken great pains to equip their "hero of the covenant" Archibald Strachan with a potent fighting force. After winning the kirk's "extraordinare favour" with his defeat of Montrose at Carbisdale, they had convinced the ministers to give him 100,000 merks out of their own purses

¹³¹Baillie, *Letters and Journals* iii, 112; Row, *Life of Blair*, 240-2; SRO PA 7/24, Parliamentary and State Papers, f.14v; SRO PA 12/5, Committee of Estates to Western Shires, 7 September 1650.

¹³²Baillie, *Letters and Journals* iii, 112; Nicoll, *Diary*, 30,36; Walker, *Historical Discourses*, 179, 187.

¹³³W.M. Metcalfe, *A History of Paisley* (Paisley, 1909), 268; SRO CH.2/294/3, Paisley Presbytery Minutes, 1647-50, 5,10,25 Sept. 1650.

¹³⁴SRO CH.2/341/1, Stranraer Presbytery Minutes, 1641-52, ff.206v-207r.

¹³⁵J. Robertson (ed.), *Selections from the Registers of the Presbytery of Lanark* (Abbotsford Club, 1839), 87.

¹³⁶Baillie, *Letters and Journals* iii, 112; Row, *Life of Blair*, 242;

¹³⁷Baillie, *Letters and Journals* iii, 112.

for the raising of his regiment. Baillie termed this remarkable occurrence "the greatest offering which ever our churchmen made at one tyme." With his force now augmented by the new levy, Strachan now had the best regiment in the army, "stronger than any two regiments in the kingdome."¹³⁸ However, despite the professions of good faith from both wings of the kirk regime, it soon became clear that the reviving of the Association was going to be a more divisive issue than they had envisaged. It was, in fact, only a matter of time before its reestablishment began to cause serious cracks in the regime's already fragile unity. Although the Association was purportedly formed to protect the west from an English invasion, the radicals were in fact attempting to create their own private army. Despite their professions of loyalty, the radical west was now preparing to oppose malignant Scots as well as English sectaries. Their true intentions came quickly to light.

The moderates had expected that the Western Association, although established as a separate army, would work in conjunction with the army at Stirling against the common enemy. Moreover, they intended that the western shires would continue to supply levies for the main force at Stirling. It soon became clear, however, that the western radicals had no intention of meeting these expectations. Within days of the Estates' approval of the new levy, a substantial number of radical officers and men from the Stirling regiments, unwilling to fight under the command of the "ungodly" Leslie, began to defect to the western army.¹³⁹ The west also refused to support the national levy, leaving the army which remained in Stirling under Leslie's command to raise their own troops. To make matter worse, it came to light that certain western ministers, such as Patrick Gillespie, were actively encouraging these actions in order to strengthen the Association. Row relates that these men "did what they could to weaken the army at Stirling, and to discourage them, looking on them as a malignant army."¹⁴⁰ In a short space of time the two armies were acting in such an openly divided way that even radicals such as Wariston and Samuel Rutherford were fearing

¹³⁸Ibid iii, 113; Row, *Life of Blair*, 241; E.M. Furgol, *A Regimental History of the Covenanting Armies, 1639-1651* (Edinburgh, 1990), 341.

¹³⁹Row, *Life of Blair*, 241; Gardiner, *Charles the Second and Scotland in 1650*, 151n.

¹⁴⁰Row, *Life of Blair*, 241-2; cf. Baillie, *Letters and Journals* appendix ii, cviii; Laing, *Ancram and Lothian Correspondence* ii, 305-6.

for the safety of the kingdom. They knew that a divided military could not hope to meet the English threat effectively. By 13 September the situation had grown so serious that the Commission of the kirk was forced to address the matter. In a letter to the Association drafted by Rutherford and James Durham, the westerners were directed not to admit defectors from Stirling and warned that their actions were endangering the entire nation.¹⁴¹ Soon thereafter, the Estates sent the westerners a similar letter.¹⁴² These pleas, however, fell largely on deaf ears and the westerners continued to view the army at Stirling with suspicion and contempt.¹⁴³

Developments in the Commission of the General Assembly

While the westerners were preparing their army, the radical ministers were far from quiescent. A few days after Dunbar, prominent radical members of the Commission of the kirk and the presbytery of the army seized the initiative and moved to protect their influence in kirk and state. Wariston, James Guthrie, Samuel Rutherford, Patrick Gillespie and certain other radical ministers took it upon themselves to draw up some *Causes* for a public fast and send them to the kirk's respective presbyteries in the name of the Commission of the General Assembly. In this paper, they identified the sins which they believed were directly responsible for the army's defeat at Dunbar.¹⁴⁴ These *Causes* were divided broadly into two categories - the sins of the king's household and the sins of the nation's civil and military leaders. The king's house, the radicals charged, had provoked the Lord's wrath through their continued unrepentance and disobedience. Notwithstanding resolutions to the contrary, they had brought numerous malignants over from Holland to attend the king. They had also steadfastly resisted the orders of kirk and state to purge these "profane people" and replace them with "well affected and godlie

¹⁴¹RCGA iii, 61-3.

¹⁴²SRO PA 12/5, Warrants of the Committee of Estates, 1641-51, 15 September 1650.

¹⁴³Row, *Life of Blair*, 241.

¹⁴⁴RCGA iii, 49-52; Balfour, *Historical Works* iv, 102-7.

persones." ¹⁴⁵ The radicals' charges against the "cheefe judicatories of the Kingdome and armie", a thinly veiled reference to the leading moderates, were even more vitriolic. They were rebuked for the "crooked way" which they had taken in the Breda negotiations and for receiving the king without any evidence of true repentance. The moderates were also guilty of "great inclinations and indevours to keepe in and to bring in Malignants to the judicatories and armies". The paper ended with a call for the entire nation to acknowledge these sins, repent of their compliance with malignants and "cleave faithfullie to the trueth and the Covenant and Cause of God".

Not surprisingly, the moderate ministers were outraged by the audacity of their radical brethren. When the full Commission convened at Stirling on 11 September, a heated controversy quickly ensued. The ministers from the strongly moderate and royalist synod of Fife took particular exception to this action. James Wood, their leading representative, argued that they had no authority to emit causes of a public fast without the Commission's approval. Without a quorum, their meeting could not be considered a properly constituted public court, but just a group of western ministers and a few members of the Commission. Moreover, the moderates maintained that the radicals' decision to meet and publish in the name of the Commission of the General Assembly was "a practice without example, and a preparative tending to the overthrow of the Authority of the Government."¹⁴⁶ In their defence, the radicals argued that after the defeat at Dunbar they had found themselves in an exceptional position. Stirling was indefensible and as far as they knew the English were advancing north. Who knew if the Commission would ever have a chance to convene? Moreover, the meeting was only one or two members short of a quorum, and with the presbytery of the army fully convened, surely they had the authority to deal with anything a normal presbytery could. And if they were to search the registers of the kirk they would find many examples of particular presbyteries sending their advice abroad concerning causes of public humiliations. Besides, the radicals asked ingenuously, what possible motive could they have for emitting the *Causes* but a sense of duty to the nation?¹⁴⁷

¹⁴⁵RCGA iii, 49-50; Balfour, *Historical Works* iv, 103-4.

¹⁴⁶J. Wood, *A Vindication of the Freedom and Lawfulness of the late Generall Assembly begun at St. Andrews and continued at Dundee...* (London, 1652), 5.

¹⁴⁷*The Nullity of the Pretended Assembly*, 31-2, 34.

Sir James Balfour relates that the moderates were so angered by this precipitous move of their brethren that the controversy "wes lyke to grow to werey grate schissime."¹⁴⁸ Indeed, many of the moderates wanted the radicals to be officially censured, but the exigencies of the situation caused cooler heads to prevail. For unity's sake, the parties attempted to reach a compromise by amending the *Causes* to the satisfaction of all. James Wood was particularly distressed by a phrase in the second article of the *Causes* which condemned the "crooked and precipitant wayes that wer takin by sundrie of our commissioners for caring one the trettey with the King."¹⁴⁹ Wood, having been one of the commissioners in question, declared that unless this language was changed, "he wold with his pene...make all the world know the wnthreuthe therof."¹⁵⁰ The radicals yielded on this point and the warring parties reached a compromise in which the handling of the treaty was still condemned but the word "commissioners" was changed to read "statesmen".¹⁵¹ A letter was then sent to all the presbyteries advising them of this change.¹⁵²

The moderates then demanded that an article be added to the *Causes* recommending prayer for the king, a clause which they maintained the radicals had purposely left out. The radicals, however, resisted this addition vigorously, arguing that it was unnecessary, since "he that mourneth rightly for the King's sins, will also be an intercessor to God for him."¹⁵³ The moderates insisted that the radicals' resistance on so simple a point betrayed their true feelings about the king. Finally, after one-half hour of violent debate the radicals yielded and the disputed point was added as a postscript to the letter to the presbyteries.¹⁵⁴ In a final compromise, the Commission then drafted a *Short Declaration and Warning to all the Congregations of the Kirk of Scotland* in which they reiterated many of the principal points of the *Causes*. In accordance with the moderates' wishes, a detailed section was added in

¹⁴⁸Balfour, *Historical Works* iv, 107.

¹⁴⁹Ibid iv, 108; *The Nullity of the Pretended Assembly*, 35-6.

¹⁵⁰Balfour, *Historical Works* iv, 108.

¹⁵¹*The Nullity of the Pretended Assembly*, 35; Despite this compromise the Fife ministers refused to read the *Causes* in their kirks: Balfour, *Historical Works* iv, 108;

¹⁵²*RCGA* iii, 55.

¹⁵³*The Nullity of the Pretended Assembly*, 34.

¹⁵⁴Ibid, 33-4; Wood, *Vindication*, 5.

which they warned that an alliance with sectaries was just as dangerous and sinful as a conjunction with malignants. The *Warning* together with the *Causes* and the *Letter to the Presbyteries* were then printed and distributed throughout the land.¹⁵⁵

The ferocity of these debates bears poignant witness to the level of hostility which had developed between the parties and set the tone for the coming months, when the kirk's warring factions were to contend violently over almost every conceivable issue. Although the ministers' petty squabbles on points of procedure and the wording of articles may appear trivial in themselves, they were, in fact, the visible manifestation of a more serious underlying dilemma: the issue of where the regime's allegiance to the king ended and its responsibilities to the concept of a covenanted nation began. Would the regime retain its theocratic nature, with power balanced between kirk and state, or, would the power and influence of the clergy give way before a resurgent, malignant monarchy? In seeking to prevent the latter eventuality, the radicals had relied on their ability to manipulate the Commission through the tactical use of coercion and artifice. They realized that unless they took decisive steps to control the national situation the moderates would almost certainly succeed in their plans to readmit former Engagers and various other malignants. The moderates, on the other hand, had the task of having to respond to the radicals' initiatives, while attempting simultaneously to advance their agenda of raising of all fencible persons in defence of the kingdom.

The debate on the *Causes* was not the only controversial issue which was raised in the Commission at this time. While the radicals had been occupied drafting the *Causes*, the moderates had been taking the first decisive steps towards repealing the Acts of Classes. Shortly after Dunbar, the king, in what appears to have been a carefully orchestrated move with the moderate party, wrote to the moderate-controlled synod of Fife asking their "counsell and advice" on "how farre they thought conjunction lawfull" with repentant Engagers?¹⁵⁶ As could be expected, the synod answered that as long such men gave sufficient satisfaction to the kirk of their

¹⁵⁵All three were printed under the title *The Causes of a Publick Fast and Humiliation...by the Generall Assemblie* (Aberdeen, 1650); The text is reprinted in *RCGA* iii, 49-57.

¹⁵⁶Laing, *Ancram and Lothian Correspondence* ii, 300; *RCGA* iii, 47-8.

repentance, there was nothing to prevent them from joining in the common defence of the country.¹⁵⁷ Charles and the synod of Fife then wrote to both the Commission and the Estates requesting their advice on the matter. When the Commission considered their request on 11 September, there was a predictable division of opinion between the moderates, who believed that "some Engagers might and ought now to be joined with" and the radicals, who warned that "there were standing acts of Parliament and General Assembly to the contrary."¹⁵⁸

There was a similar division of opinion in the Estates. It was reported that after Sir John Cheisly heard the proposal to admit former Engagers, he laid his hand on his sword and declared "I would rather join with Cromwell than with them."¹⁵⁹ The moderates, however, were as yet unwilling to make a move which would undoubtedly split the regime. Subsequently, the Commission's answer to Charles strongly evidences a compromise between the two parties. In order to appease the radicals, Charles was enjoined to repent of his manifold sins, questioned concerning his sincerity in taking the Covenants and ordered to continue the purge of his household. In reply to his query the Commission answered,

wee conceive that it would be verie dangerous to the Cause, and verie scandalous and offensive to Gods people in the land, to alter anything at this tyme of the former publict Resolutions of Kirk and State in this particular...¹⁶⁰

The moderates, on the other hand, were placated by the addition of a very significant statement in which the Commission informed Charles that,

any who shall pervse the publict Acts of Kirk and Kingdome shall find that, vpon satisfieing and convincing evidences of repentance, regresse is left vnto those for places of power and trust in the army exprest in the Acts of Parliament.¹⁶¹

Accordingly, the Commission resolved that it would "recommend particular persones accessorie to the said Engagement, vpon their petition and publict satisfaction, to be

¹⁵⁷Balfour, *Historical Works* iv, 108; G.R. Kinloch (ed.), *The Diary of Mr John Lamont of Newton, 1649-1671* (Maitland Club, 1830), 23.

¹⁵⁸Row, *Life of Blair*, 239.

¹⁵⁹Walker, *Historical Discourses*, 187.

¹⁶⁰*RCGA* iii, 58.

¹⁶¹*Ibid* iii, 58.

admitted to employment in the armie."¹⁶² On 13 September, it began to favourably review the petitions of former Engagers and readmit them in dribs and drabs.¹⁶³ This piecemeal readmittance of Engagers, although highly distasteful to the radicals, was not enough to seriously change the composition of the army. The Commission had officially denied Charles' request, and the Estates, unwilling to disregard the Commission's "advice" on the matter, had concurred. The Act of Classes was still in force and any move towards a wholesale readmittance of Engagers would still be unlawful.

The moderates, however, had won a significant victory. This was the first time they had used their muscle on the Commission to push through their agenda over the objections of the radicals. Although this concession was not as far as Charles and the moderates wanted to go in readmitting Engagers - it was both a positive step forward and a "foreshadowing of the Resolutions."¹⁶⁴ In an ominous response to the radicals' contention that the acts barring Engagers and malignants were still binding, they replied that "a Parliament and General Assembly might be called for" and asked to give "their sense of these acts now in this case."¹⁶⁵ It was now clear that the moderates had no intention of letting the matter rest. From this point on, they began to lay plans for a concentrated opposition to the policies of the radicals. Their victory, however, was to prove a costly one.

In the aftermath of these Stirling meetings, the relationship between the moderate and radical wings of the kirk regime deteriorated quickly. The western radicals in particular regarded the readmittance of former Engagers as both a menacing presage of things to come and proof positive that the Commission and Estates were moving in a malignant direction. Fearing an imminent division, the Commission wrote to the strongly radical synod of Glasgow-Ayr, on 13 September, imploring them not to act independently of governmental authority and asking them to refrain from doing anything which would cause further divisions within the regime.¹⁶⁶ On 17

¹⁶²Ibid iii, 48.

¹⁶³Ibid iii, 65-8, 70, 72-3, 75-6, 81-2, 85, 94, 112, 117, 123, 134-7, 142-3, 156-7.

¹⁶⁴Ogilvie, *Bibliography*, 60.

¹⁶⁵Row, *Life of Blair*, 239.

¹⁶⁶RCGA iii, 62-3.

September, the English advanced within a few miles of Stirling, but failing to draw the Scots into a fight, retired a few days later. In the face of this threat, the moderates were struck with a fresh realization of just how much they needed the westerners' cooperation. The Association constituted the first line of defence against the English and if they failed to support the regime the north would be left wide open for invasion. Their apprehensions increased when it became known that a communication had opened up between Cromwell and Strachan.¹⁶⁷ They now had to face the possibility that the western army would actually throw their support behind Cromwell.

As the military situation continued to worsen, further attempts were made to appease the western radicals. On 27 September, in response to the request of the Commission, the Committee of Estates commanded the most extensive purge of the king's household to date.¹⁶⁸ The next day, the Commission dispatched a rather sycophantic letter to the radical Colonels Ker, Strachan and Halket in which they lavished praise on them and encouraged them to fight for the united interest of the kingdom.¹⁶⁹ The western radicals, however, were largely unmoved by what they perceived as the empty gestures of desperate, ungodly men and every attempt to lessen their alienation proved fruitless. Baillie relates that, at this time, the westerners met "oft and long" to discuss how they should react to these disturbing new developments. Robert Lockhart, who was present at some of their meetings, warned Argyll and the other moderates at Stirling that "proportions of a strange and high nature were in hand".¹⁷⁰ Although the moderates were in the dark concerning the exact intentions of their disaffected brethren, their fears about the meetings were well founded. The radical western officers and ministers were in the process of preparing a remonstrance which would ultimately lead to the division of the kirk regime.

¹⁶⁷Walker, *Historical Discourses*, 189.

¹⁶⁸For a list of those who were to be expelled see Balfour, *Historical Works* iv, 109-12.

¹⁶⁹*RCGA* iii, 71-2.

¹⁷⁰Baillie, *Letters and Journals* iii, 115.

The Glasgow Remonstrance

Robert Baillie reports that at the 2 October meeting of the Glasgow-Ayr synod, Patrick Gillespie, George Hutcheson, Ker and Strachan, after "much night-wakeing" and repeated consultations with Wariston and Guthrie in Stirling, presented a "strange" remonstrance for the synod's approval.¹⁷¹ It was addressed to the Estates and detailed the ways in which their proceedings had aroused the Lord's wrath against the land. The statesmen were condemned, *inter alia*, for their reception of the king "befor sufficient tryall was taken and evidences had that his Majestie had changed his corrupt principles", their repeated failure to properly purge his household and their "strong inclination...to employ the Malignant party, and to make a conjunction with them." The latter charge was of particular concern to the western radicals. They maintained that the Estates were guilty of a "fearfull backslyding" in embracing "a sin so solemnly disclaimed and vowed against." Had not the debacle of the Engagement taught them a lesson concerning the futility of treating with malignants? Could it be that after having been "smytten of God" for their participation in that unholy alliance they would "sin yet more in the same way, and make a conjunction with such evill instruments?" They concluded the remonstrance by warning the Estates that if they continued on their present ill-advised course, refusing to receive correction from "the Lords faithfull ministers" and breaking the Covenants, judgement would consume the land "vntil ther be no remnant nor escaping." Although the contents of this document covered familiar territory, its language was far more vitriolic than any of the radicals' former manifestos. At one point they actually condemned the Estates for the "corruptions of your persons and government, your selfe-seeking, covetousnes, oppression, pollitick and carnal wayes." Furthermore, their avowed resolution "never to be accessory to the drawing on of so great guilt and wrath vpon the land" appeared to be an allusion to their separatist intentions. In employing such bitter invective and veiled threats against the representatives of the nation's supreme civil court, the westerners had crossed the line of propriety and accepted convention.

Not surprisingly, Baillie and the other moderate members of the synod were

¹⁷¹Ibid iii, 115-16; The full text of the remonstrance is printed in *RCGA* iii, 558-62.

incensed at the radicals' audacity in issuing such a remonstrance. They believed that in using such hostile and periphrastic language, the westerners were paving the way for the Association's eventual separation from the regime. In a move designed to expose the radicals' true intentions, Robert Ramsay and a group of moderate ministers petitioned the synod to require the western officers to issue a declaration outlining their specific intentions. The officers, many of whom desired to emit a more express statement of their principles, concurred readily with this motion. At the synod's request, Ker and the other officers, with the help of Gillespie and his ministerial colleagues, began to prepare a new, more explicit "officers' declaration". However, Wariston and Guthrie, fearing that the voicing of such extreme sentiments would undermine their ability to influence the regime, refused to give their approval. At their insistence, this "officers' declaration" was held in abeyance and the radical ministers concentrated on the passage of their original synodical remonstrance. Despite the protestations of a vocal moderate minority, the radical-controlled synod approved the remonstrance and transmitted a copy to the Commission for its consideration. Accordingly, John Hamilton presented the remonstrance to the Commission when they reconvened on 9 October.¹⁷² However, in an unforeseen turn of events, the Commission was forced to delay its consideration of the westerners' grievances. Its members were in the middle of a more pressing emergency - an attempted royalist coup known as "the Start".

The Start

While the remonstrance was being framed in the Glasgow-Ayr synod, debarred nobles and gentlemen who had gathered in the north were laying plans for a royalist *coup d'etat*. With the kirk regime in the throes of an increasingly bitter division, they judged that the time was ripe to challenge their authority. Accordingly, they approached Charles with an offer to raise the scattered northern royalists on his behalf. They warned the king that unless he entered into an alliance with them, the resurgent

¹⁷²Baillie, *Letters and Journals* iii, 115-16; *RCGA* iii, 73.

western radicals would come north and seize him. Although such reports were groundless, they found extremely fertile ground in the paranoid imagination of the young prince. Indeed, he had good reason to be suspicious. William Row reports that around this time the king was "kept in continual fears by his malignant servants" and his "ears were filled with rumours and reports that the western army would deliver him up to the enemy, that Strachan would come to Perth and take him away, and that many of the Committee of Estates would deliver him to Strachan."¹⁷³

The coup was scheduled for 3 October. It was planned that the king would escape to the north while highland infiltrators and royalists under the command of the earl of Atholl seized Perth and arrested the statesmen. Lord Dunlop was to seize Dundee, while Lord Ogilvie, Middleton and Huntly were to raise royalist forces in the north. Wariston and Alexander Brodie were to be arrested when they attempted to carry out the scheduled purge of the king's horse guard. However, all their plans were thrown into confusion by Charles's last minute indecision. The day before the planned coup, the Duke of Buckingham and Lord Wilmot convinced the king not to involve himself in such a rash venture. Charles acceded to their importunity and orders were sent to the north cancelling the rising. Nevertheless, under sustained pressure from the northern conspirators, Charles again changed his mind and on the night of 3-4 October he left for the north to rendezvous with his royalist supporters. Ultimately, the confusion created by Charles's last minute indecision caused his royalist support to evaporate and the rising to be abortive.¹⁷⁴

When the Estates learned that the king had fled, they commissioned the moderates Lothian, Sir Charles Erskine of Scottiscraig, James Sword and the minister James Durham to find Charles and convince him to return. They were instructed to express the Estates' "grief and amazement" at his sudden and unexpected behaviour and assure him of their "constant loyalty, faithfulness, and affection." They were also to inform him that if he returned quickly all would be forgiven and they would see to it that his

¹⁷³Row, *Life of Blair*, 243; Abbott, *Cromwell's Writings and Speeches* ii, 351.

¹⁷⁴Baillie, *Letters and Journals* iii, 118; Beattie, *History*, 120-1; Stevenson, *Revolution and Counter-Revolution*, 183-4.

influence in the government was increased.¹⁷⁵ Colonel Robert Montgomery was the first to find Charles on 5 October "laying in a nastie roume, one ane old bolster aboue a matte of segges and rushes, ouer weiried and werey fearfull."¹⁷⁶ Montgomery was soon joined by Scottiscraig and Sir Alexander Hope, and not surprisingly, they easily persuaded the king to return to Perth on the conditions offered. On hearing of the king's submission the majority of the royalists who had been gathering in the north eventually disbanded.¹⁷⁷

Contrary to the expectations of many, this abortive *coup*, which became known as "the Start", proved to be extremely advantageous for Charles.¹⁷⁸ The moderates realized that it was only the claim to be acting in the king's name which allowed them to remain in power.¹⁷⁹ If they admitted that Charles's flight had been anything other than a good king led astray by evil counsel, they would implicitly be admitting the validity of the radicals' charges concerning his malignancy and make their own position ideologically untenable. Accordingly, they moved quickly to placate him. On 10 October Charles was allowed to be present at the meeting of the Estates. The next day he officially apologized for his proceedings, and as was expected, claimed that he had been misled "by the wicked counsell of some men quho had deludit him."¹⁸⁰ After making this submission Charles was "kindly receaved" by the Estates and hereafter permitted to attend all governmental meetings.¹⁸¹

From this point on the moderate and royalist influence in the Estates increased steadily. Although the moderates in the Estates and the Commission were able to put a mild spin on the king's escape to the north, the radicals viewed it quite differently. They maintained that he "had deserted the Publick Counsels of the Kingdom and joyned himself to the Malignant party."¹⁸² They were also deeply perturbed by the

¹⁷⁵Laing, *Ancram and Lothian Correspondence* ii, 306-7; SRO PA 7/24, f.30r; Balfour, *Historical Works* iv, 112-15.

¹⁷⁶Ibid iv, 114; Baillie, *Letters and Journals* iii, 118.

¹⁷⁷Stevenson, *Revolution and Counter-Revolution*, 186.

¹⁷⁸Clarendon, *History of the Rebellion*, 171.

¹⁷⁹Stevenson, *Revolution and Counter-Revolution*, 185.

¹⁸⁰Balfour, *Historical Works* iv, 118.

¹⁸¹Ibid iv, 117-19; SRO PA 7/24, ff.30v-31r; Clarendon, *History of the Rebellion* v, 171; Baillie, *Letters and Journals* iii, 117; Stevenson, *Revolution and Counter-Revolution*, 185.

¹⁸²*The Nullity of the Pretended Assembly*, 28.

concessions which the Estates had granted to Charles. These they regarded as amounting to a new alliance between the moderates and the malignants. The westerners in particular viewed Charles's involvement in "the Start" with deep antipathy. For many of them this was the last straw. As they met at Dumfries to decide on their course of action Baillie trenchantly observed, "When the Northern storme was ended, the Western winds began to blow the louder."¹⁸³

The Western Remonstrance

On 9 October, after learning of "the Start", Cromwell again wrote to the Estates denouncing their alliance with a malignant king who was deceiving them with his "hypocritical and formal shows of repentance" and offering a peaceful settlement if they would "give satisfaction and security for their peacable and quiet living."¹⁸⁴ The fact that a copy of this letter was sent to the radical Colonels Ker and Strachan betrays Cromwell's real intention in writing; he was again attempting to entice the western radicals into negotiations by emphasizing their mutual antipathy to Charles's malignancy.¹⁸⁵ Two days later, in a move that was of more diplomatic than military importance, he advanced on Glasgow with a force of 9,000 men and endeavoured to convert the west to his point of view. In a bid to win the westerners' favour, his officers and soldiers were given strict instructions to show the utmost courtesy to the inhabitants.¹⁸⁶

During the time that Cromwell occupied Glasgow, the Association made no attempt to resist him.¹⁸⁷ The leading radicals were otherwise engaged in a series of crucial meetings at Dumfries. In this convocation, Ker, Strachan and their officers were joined by Patrick Gillespie, representatives from the western presbyteries and certain radical lairds and burgesses. Wariston and Cheisly thought the meetings of such

¹⁸³Baillie, *Letters and Journals* iii, 118.

¹⁸⁴Abbott, *Cromwell's Writings and Speeches* ii, 350; Balfour, *Historical Works* iv, 162-3.

¹⁸⁵Ibid iv, 135; Gardiner, *Charles the Second and Scotland in 1650*, 151n.

¹⁸⁶Abbott, *Cromwell's Writings and Speeches* ii, 354.

¹⁸⁷Baillie, *Letters and Journals* iii, 118.

importance that they even hazarded a journey through enemy-held territory in order to attend. Cromwell's new overture to the radical colonels had brought to the fore an underlying dichotomy in the composition of the radical party - one that had been lurking thinly beneath the surface for some time: the inclination of the radical officers and certain western ministers to favour the English was inimical to the strongly anti-sectarian sentiments of Wariston, Guthrie and their coterie. Although the Wariston-Guthrie wing of the party were supportive of the Western army, they were staunchly opposed to any conjunction with the English. They viewed the Western Association as both a powerful bargaining chip in their dealings with the regime and as a final radical stronghold in the event that the moderates made an open alliance with the malignants. They were even willing to countenance the widespread rumours of the Association's incipient sectarianism, if the fear of such would give them further leverage in the Estates and Commission. Up until this point they had been able to successfully manage the extremism of the westerners to their advantage. Now, however, with Cromwell's excursion into Glasgow, they were confronted with the imminent possibility that the separatist behaviour of the west would go beyond mere rhetoric and coalesce in an actual conjunction with the English. It was now incumbent on Wariston and Guthrie to devise a policy which would satisfy the different opinions and preserve the unity of the radical party. Failure to prevent a rift would completely undermine the authority of the radical party, irreparably damage their credibility and subvert whatever remaining ability they had to influence the agenda at Stirling. In an attempt to appease the more extreme westerners it was decided to resurrect and expand the "officers' declaration" which had been laid aside at the previous meeting of the Glasgow-Ayr synod.¹⁸⁸

From the outset there were sharp differences of opinion in these meetings. Baillie relates that "Strachan's axiome and debates did put the whole armie and committee of the West in such confusion and discouragement that all acting against the enemy was made impossible." The western colonels and their officers urged an unequivocal break with the regime at Stirling; while Wariston, Cheisly and the ministers advocated working within the regime in order to influence the agenda and effect change. Strachan

¹⁸⁸*Supra*, 65.

maintained that Charles had "so farr fallen from all his right to England, that, for his wrongs to Scotland, he aught at least to be banished...or made ane perpetuall prisoner."¹⁸⁹ Wariston and the majority of ministers contended that, at least in principle, space should be left to Charles and the Estates for repentance and restoration. In the midst of their deliberations Ker and Strachan sent a message to Cromwell informing him that they were in favour of opening negotiations with him but Wariston and Cheisly would not give their consent.¹⁹⁰ Their debates on policy continued until 17 October, when the assembled radicals finally approved the declaration to the Estates which came to be known as the *Western Remonstrance*.¹⁹¹ The final document was a compromise; an attempt to preserve the unity of the radical party.

The Remonstrance identified the closing of the treaty with Charles as the iniquitous fount of all the land's grief and misery. Not only had he signed the treaty without any evidence of repentance, but since his arrival in the kingdom, he had unremittingly pursued a malignant course of action. Accordingly, they demanded that Charles be excluded from the exercise of his power until there were "convinceing and clear evidences of an reall change in him." They also severely upbraided the Estates for their collusion with the king. In an attempt to both reassure the English and clear themselves from charges of conspiring with malignants, the Remonstrants also charged the Estates with unlawfully seeking a conjunction with royalists in order to invade England and restore Charles to his throne. They argued that the statesmen had no authority to pursue such a course without the approval of both Parliament and the General Assembly. They reasoned that if it were sinful to admit Charles to his royal prerogatives before evidence of his repentance, "how much more sinfull" would it be to impose a malignant king on another sovereign nation? After casting aspersions upon the moral character of the statesmen, the Remonstrants renounced all intention of supporting Charles until he evinced clear and unmistakable signs of repentance. The Estates in turn were called upon to fulfill their responsibilities to the Covenant and the

¹⁸⁹Baillie, *Letters and Journals* iii, 113.

¹⁹⁰Abbott, *Cromwell's Writings and Speeches* ii, 354.

¹⁹¹The full text of the Remonstrance can be found in *RCGA* iii, 95-106.

various acts of kirk and state by forsaking all conjunction with malignants and completing the purge of the army and civil courts. Importantly, the Remonstrants assured the Estates that their protestations were in no way an act of disloyalty; they had no designs to form an alliance with the English sectaries or to change the government of the kingdom in any "levelling way". They concluded the document, however, on a contradictory and ominous note; pledging that they would "to the vtmost of our power indeavour to gett things remedied according to our places and calling."

On 22 October, the ministers Patrick Gillespie and John Stirling, together with Maxwell of Nether Pollock and Cunningham of Cunninghamhead, presented the Remonstrance to the Estates. Two days later, these same men delivered "a just double" of the document to the Commission. The moderates however, realizing that they needed time to consider their response and fearful of doing anything which would divide the regime, postponed their consideration of the Remonstrance until 14 November. On 24 October, in a move designed to ensure a moderate majority when the Remonstrance was considered, the Commission directed the presbyteries to send all their delegates, along with any additional men of "experience and wisdome" they deemed suitable, to the upcoming November meetings.¹⁹² The radicals, conscious of their numerical weakness, and realizing that they needed to build a broader base of support for the Remonstrance, welcomed this delay as an opportunity to advance their agenda.

Not surprisingly, the Western Remonstrance found broad support among the radical western ministers and army officers. Gillespie and the radical western ministers, along with Colonels Ker and Halket and the majority of their officers, all signed. Among the western lairds who backed it were Hugh Campbell of Cesnock, Sir William Cunningham of Cunninghamhead, Sir George Maxwell of Nether Pollock, William Mure of Glanderston, James Dalrymple of Stair, Sir William Bruce of Stenhouse and Sir John Cheisly. It also found substantial support among the burgesses of Glasgow: George Porterfield the provost, John Spreule the clerk, William Douney the keeper of the privy seal, John Graham the former provost, Gavin Walkinshaw and

¹⁹²SRO PA 7/24, ff.42r-42v, 45r; *RCGA* iii, 94-5, 106-8; Baillie, *Letters and Journals* iii, 120.

William Dunlop were all signatories.¹⁹³ However, despite these endorsements, the radicals were far from unanimous in their approbation of the document. No western noble subscribed it and a number of officers and civilian members of the Committee of the Association refused to sign. Furthermore, it had few signatories from outside the environs of the Association; Wariston, Guthrie and the majority of radical ministers and statesmen from the eastern and northern shires all abstained from signing. Perhaps most importantly, despite the great pains taken by the radicals in drafting a document which could be accepted by all, Strachan refused to sign, deeming it to be "too low for his meridian".¹⁹⁴

Relations between Strachan and the radical party continued to deteriorate as the recalcitrant Colonel resumed his correspondence with the English. On 22 October, he sent a message to Cromwell in response to his letter of 9 October. After summarizing the contents of the Remonstrance, he propounded six queries concerning what "satisfaction and security" Cromwell wanted from the Scots in order to reach a peaceable agreement. Cromwell correctly interpreted this new approach as an indication that there was still a possibility of securing the south-west through negotiation. Accordingly, in his answer of 25 October, he expressed the desire to meet Strachan in "a friendly and Christian conference" in order to reach a "better and more clear understanding betwixt the godly party of both nations."¹⁹⁵

The radicals were livid at Strachan's unauthorized proceedings. First, he had declined to sign the Remonstrance, now he was refusing to abide by their decision to reject a conjunction with the English. Many of them were now of the opinion that Strachan had become an unacceptable liability. They realized that unless they took decisive action, his continued collaboration with the enemy would bring them into further disrepute with the kirk regime and hamper their attempts to secure broader support for the Remonstrance. On 26 October, John Stirling wrote to Robert Douglas, moderator of the Commission, in an attempt to distance the Remonstrants from Strachan's burgeoning sectarianism. He assured him of the Association's firm resolve

¹⁹³Balfour, *Historical Works* iv, 309-10.

¹⁹⁴Baillie, *Letters and Journals* iii, 120.

¹⁹⁵NLS Wodrow Folio XXXI, no.39, f.111r; Abbott, *Cromwell's Writings and Speeches* ii, 355-6; Balfour, *Historical Works* iv, 135; Nicoll, *Diary*, 35.

to resist the English and informed him that Colonel Ker, with "a considerable force of his best horse and dragoons are gone to the passes betwixt Dumfries and Carlyll to wait if the Lord shall give any oportunity against the enemie if they com that way." "Colonell Straghan" he continued, "is still in his scruples...I am still in the opinion he shall not doe us much mor good service."¹⁹⁶ Even Strachan's chief ministerial confidant, Patrick Gillespie, deemed it politic to distance himself from the rebellious colonel and in a letter to Douglas expressed concerns similar to those of Stirling.¹⁹⁷ The radicals however, soon realized that letters alone would not redress damage which Strachan's actions had inflicted on their party's credibility. With the official consideration of the Remonstrance on 14 November fast approaching, they took further steps to strengthen their position.

In early November Gillespie called for a general meeting of the Association in order to increase support for the Remonstrance and deal with the "Strachan problem". He and Wariston invited the leading moderates Robert Douglas and David Dickson to attend, hoping to win them over, or at least convince them of their faithfulness to the regime. Wariston even went so far as to request Douglas's particular help in preventing Strachan from deserting the Association.¹⁹⁸ Both, however, refused to come. When the meeting opened at Glasgow on 7 November, the radical ministers, who had convened separately as the presbytery of the western army, made vigorous attempts to convince the recalcitrant members of the Committee of the Association to sign the Remonstrance. Although some of the members were swayed by their appeal, there were still not enough signatories to give the Remonstrants an overall majority.¹⁹⁹ Subsequently, their attempt to have the president of the committee sign a warrant authorizing commissioners to present the Remonstrance to the Estates in the name of the Association was thwarted.²⁰⁰ There was, however, more unanimity in the Association's decisions concerning Strachan and he was forced to resign his command. In an attempt to prevent him from having any further influence on the

¹⁹⁶NLS Wodrow Folio XXV, no.85, f.166r.

¹⁹⁷NLS Wodrow Folio XXV, no.84, f.164r.

¹⁹⁸NLS Wodrow Folio XXV, nos.88, 89, ff.172r, 174r.

¹⁹⁹NLS Wodrow Quarto XXIX, no.48, f.133r.

²⁰⁰Baillie, *Letters and Journals* iii, 122.

western troops, he "wes commanded to goe no more to the regiment". When he answered that he could not obey such an order, some advocated "laying him fast, for feare of his goeing to theemie." They refrained from doing this for fear of alienating Ker and the other officers. The Association did however, cashier the Major of Strachan's regiment, William Govan, "for his known correspondence with theemie", and his scout-master Dundas, as a warning to those with sectarian sympathies that further collaboration with Cromwell would not be tolerated.²⁰¹ On 15 November, Colonel Ker wrote to the English informing them that Strachan had been removed from his command and that the Association was now firmly resolved to fight. With his hopes of reaching an agreement with the radical west now ended, Cromwell made plans to engage the Association in battle.²⁰²

Overall, this conference at Dumfries was a serious disappointment for the Remonstrants. Instead of strengthening their position, it had actually weakened it. Although a measure of unity had been achieved through the sacrifice of Strachan, it was not enough to offset their lack of success in other areas. Not only had they failed to convince Douglas, Dickson or any other leading moderate to attend, they had failed to substantially increase their support amongst the civilian members of the committee of the army. To compound matters, there was now a definite ideological breach between the radical ministers and the civilian leaders of the Association. It was now clear that many of the western burgesses and lairds had decided to distance themselves from the Remonstrants and throw their support behind the kirk regime. Ironically, the Remonstrance which had been meant to unite the radical party in a common cause had actually divided it. It was in this state, weakened by their divisions, and lacking the numerical strength to advance their agenda, that the radicals prepared to meet the moderate controlled Estates and Commission in the official consideration of the Remonstrance.

²⁰¹Ibid iii, 122-23; Nicoll, *Diary*, 36; Furgol, *Regimental History*, 329, 342.

²⁰²Douglas, *Cromwell's Scotch Campaigns*, 166; Stevenson, *Western Association*, 164.

The Controversy over the Remonstrance

On 14 November, six days before the scheduled meeting of Parliament, the "grate meitting" of the Commission convened at Stirling and began their consideration of the Remonstrance. On the same day, the ministers received a letter from the Estates informing them of their own "frequent meeting" and desiring them to come to Perth for a joint conference on the Remonstrance.²⁰³ In an attempt to diffuse the impending controversy, the moderates on the Commission requested their counterparts in the Estates to postpone their consideration of the document until after the Commission's meeting. It was hoped that an agreement might be reached with the Remonstrants before the Perth conference. The Estates, desirous of avoiding any further conflict, concurred, and suspended their consideration pending the outcome of the Commission's deliberations.²⁰⁴

The kirk's negotiations opened on a hopeful note, with both sides desirous of reaching an accommodation which would prevent a rupture in the regime. The Commission appointed a committee composed of equal numbers of radicals and moderates to consider the Remonstrance and report their findings to the assembled ministers.²⁰⁵ Unfortunately, it soon became clear that each faction had a completely different perception of what constituted an acceptable agreement. The moderates called upon the radicals to lay aside their Remonstrance and content themselves with leaving it before the Commission as "a testimony for themselves of their mind and judgment". They also demanded that the radicals abstain from preaching on the matter and insisted that the western army be joined with Leslie's forces at Stirling. They assured the radicals, that if they acquiesced to these conditions, and pursued their complaints through the normal channels of the kirk, the Commission would forbear giving any "sense" upon the Remonstrance and encourage the Estates to overlook the entire matter.²⁰⁶ Not surprisingly, the radicals argued that their agreement to such

²⁰³Balfour, *Historical Works* iv, 164; *RCGA* iii, 108-10.

²⁰⁴W. Stephen (ed.), *The Register of the Consultations of the Ministers of Edinburgh* i (2 vols., Scottish History Society, 1921-30), 299.

²⁰⁵*RCGA* iii, 112.

²⁰⁶*Consultations* i, 299.

concessions would be tantamount to a wholesale surrender of their avowed principles. Baillie reports that during the ensuing debate "there were many high words about it betwixt Waristone and Mr. Robert Douglas, Mr. Robert Ramsay and Mr. Patrick Gillespie, Mr. James Wood and Mr. James Guthrie..."²⁰⁷ In the end, the radicals were intractable and refused to comply.²⁰⁸ The meetings ended in a deadlock and the ministers repaired to Perth with the matter still unresolved.

By the time the Commission arrived in Perth on 19 November the situation had deteriorated even further. Believing that the moderates were attempting to shelve their consideration of the Remonstrance, the radicals had brought the entire debate to the attention of the public through their Sabbath-day sermons. Heedless of the moderates' entreaties, they took the further step of petitioning the Estates for their considered response.²⁰⁹ In response, the moderates in the Commission took action to ensure the ultimate outcome of the conference. Of the seventeen men which were appointed to be on the committee for the joint conference, only six were radicals. For the first time the moderates flexed their numerical muscle and broke with the convention of having equal representation on important committees.²¹⁰

From 19 to 23 November, representatives from the Estates and Commission met in conference in Argyll's chambers to discuss the Remonstrance. The meeting of the parliament was moved from the twentieth to the twenty-second, and again to the twenty-sixth, in order to allow these meetings to continue. During these meetings, the moderate statesmen engaged in a last ditch attempt to preserve the unity of the kirk regime by averting the potentially disastrous official consideration of the Remonstrance. Following the lead of their ministerial brethren, they pressed the radicals to lay aside their grievances and join in the common defence of the kingdom by uniting the western army with the forces at Stirling. In return for the radicals cooperation, they promised to "declare nothing against it" and allow the Remonstrance to stand as a testimony to their dissatisfaction. After repeated entreaties, the radicals agreed to comply on two conditions: the government must lay aside the "King's

²⁰⁷Baillie, *Letters and Journals* iii, 121.

²⁰⁸*Consultations* i, 299.

²⁰⁹Ibid i, 299; Baillie, *Letters and Journals* iii, 122; *RCGA* iii, 124.

²¹⁰Ibid iii, 115.

quarrell" in their war against the English and the army at Stirling must be purged in accordance with the Act of Classes. This, was of course, rejected out of hand by the Estates. James Guthrie insisted that the issue of their malignant king was the principal point of the Remonstrance, and that until it was addressed no agreement could be reached. The refusal of the radicals to withdraw their petition for the Estates to consider the Remonstrance was the final blow to the moderates' hopes of reaching an accord. After four days of meetings, the radicals remained implacable and the conference "wes broken off as fruitless."²¹¹

The Estates began their official consideration of the Remonstrance on 23 November. The moderates declared the document to be high treason and demanded that action be taken. They also required all their members to sign a declaration stating "that they wer nather contriuer, carriers one, ore votters to the westerne remonstrance." All complied, including Wariston, who maintained that although he was present at its drafting, he had neither been involved in its framing nor signed it. After two days of heated debates, the assembled Estates took a draft of their proposed paper, or "sense", on the Remonstrance into consideration. The Remonstrance, the paper warned, held "the seeds of a division of ane dangerous consequence" and was "scandalous and injurious to his Majesties persone" and "prejudiciall to his authoritie". It further declared that the Remonstrance tended "to ane breach of the Treattie with the Kings Majestie at Breda" and strengthened "the hands of the enemy" by giving them occasion to justify their "unjust invasion". Particular exception was taken to the closing statement of the Remonstrance, where the signatories pledged themselves to use all means at their disposal to remedy their grievances. This, the paper declared, was "a band of high and dangerous consequence." An olive branch, however, was offered to any who might be having second thoughts about their participation in the affair. It was allowed that many "honest, faithfull, and religious gentlemen, officers and ministers, and others approven fidelitie and integritie in the Cause" had been ensnared by the "wicked and subtle" contrivances of some. These "innocents" were given the assurance that they would be free from "any imputation upon their name,

²¹¹Balfour, *Historical Works* iv, 166, 168; *Consultations* i, 299; Baillie, *Letters and Journals* iii, 121-2; Wariston, *Diary 1650-4*, 28-31.

or censure upon their persons or estates" if they desisted from prosecuting the ends of the Remonstrance.²¹²

Tempers flared when the radicals realized the full extent of the Estates' condemnation. At one point Sir James Hope vociferated that "all the Comittee of Estaits wes doeing wes destructive to King and Kingdome." Argyll responded by accusing Hope of being "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." A long debate ensued concerning the exact wording of the "sense". Eglinton and the more royalist moderates desired to have the Remonstrance termed "treasonable, scandalous lybell" and "burnt publickly by the hand of the hangman." Wariston and the radicals argued vehemently against the use of such antagonistic language and measures. Ultimately, the cooler heads of Argyll and his faction prevailed, and the final "sense" was much less condemnatory than some would have wished. However, although the radicals succeeded in having the phraseology of the document somewhat softened, they failed to alter its essential meaning or intent.²¹³ Subsequently, they were far from pleased with the finished version. In the final vote, twelve radical members, led by Wariston, refused to approve the Estates' "sense" and entered their dissent.²¹⁴ In a move designed to add insult to injury, the moderates added a paper to the "sense", accusing the radical ministers James Guthrie and Patrick Gillespie of being "contriuers and abbators of all this diuisione in churche, armey and stait."²¹⁵ Later that same day, Argyll and others delivered the document to the Commission for their consideration and instructed them to communicate the kirk's "sense" of the Western Remonstrance to the upcoming parliament.²¹⁶

The Commission began their consideration of the Estates' declaration on 25 November. It was in these meetings that the depth and breadth of the radicals'

²¹²Balfour, *Historical Works* iv, 169-70; Baillie, *Letters and Journals* iii, 123; Wariston, *Diary 1650-4*, 30; Row, *Life of Blair*, 247-8.

²¹³Balfour, *Historical Works* iv, 172-3.

²¹⁴Baillie, *Letters and Journals* iii, 123; Balfour, *Historical Works* iv, 174.

²¹⁵*Ibid* iv, 174.

²¹⁶*Ibid* iv, 173-4; *RCGA* iii, 123-4; The final version of the Estates' "sense" was entitled *A Declaration by the King's Majesty and Committee of Estates concerning the Western Remonstrance*. The full text can be found in Balfour, *Historical Works* iv, 176-8 and *RCGA* iii, 124-5.

opposition to the moderates' policies became known. Robert Douglas appointed a moderate dominated committee to consider the Estates' declaration and draft the kirk's "sense" of the Remonstrance. Upon realizing that the moderates were preparing to concur with the Estate's findings, the radicals pressed for the Commission to lay aside, or at least postpone, their consideration of the Remonstrance. In turn, the moderates reiterated their demand that the Remonstrance be withdrawn. A furious debate ensued. Baillie relates that Samuel Rutherford and James Guthrie pressed for the consideration to be abandoned with "much more passion than reason", while Patrick Gillespie declared that the Remonstrants would rather "quit their life rather than their testimonie." In what amounted to a slightly veiled threat, the radicals then warned that unless the Commission suspended its consideration of the Remonstrance, the western army would be discouraged from acting against the enemy. The moderates, however, were implacable, and neither the radicals' threats nor importunity could dissuade them from their intended course. After two more days of heated and fruitless debate, the Remonstrants, realizing the precariousness of their situation, attempted to backtrack from their hard-line position by signalling their willingness to compromise. They officially petitioned the Commission to delay their consideration of the Remonstrance, until a more "convenient time and dyet" when they would have a chance to clear themselves from the "sinister interpretation" placed upon their actions by the Estates. They expressed their hope that a fuller consultation with their western brethren would enable them to "give such an explication of their meaning in the things which were stumbled at, as would satisfie the Commission." The moderates, however, were not to be put off. The matter was put to a vote and the Remonstrants' request was denied. At this point, the moderates, exasperated by the importunity of their rebellious brethren, and seeking to secure a swifter passage of their "sense", passed a motion barring all signatories of the Remonstrance from participating in their final consideration of the document.²¹⁷

On 28 November, after a long debate, the Commission delivered their "sense" upon the Remonstrance. While they acknowledged that it contained "many sadd trueths

²¹⁷Ibid iii, 123-30; Baillie, *Letters and Journals* iii, 123; *The Nullity of the Pretended Assembly*, 27; Row, *Life of Blair*, 248.

in relation to sinnes charged upon the King, his familie, and the publict judicatories", they condemned it for violating the determinations of the General Assembly in respect to "the King, his interest, and the exercise of his power and gouvernement." They also condemned the closing statement of the Remonstrance as being "apt to breid divisions" in the kirk and kingdom. However, following the lead of the Estates, they stopped short of disciplining the Remonstrants, and resolved to "forbeare a more particular examination of the Remonstrance". Instead, they required the Remonstrants to submit a declaration of their intentions at the Commission's next diet which would satisfy "both Kirk and State, without any further enquire or debate thereupon."²¹⁸

Not surprisingly, the radicals were enraged with the Commission's actions. Immediately before the "sense" was passed by the Commission, a contingent of westerners, including the radical ministers Gabriel Maxwell, William Adair, John Nevay, Thomas Wylie, Alexander Dunlop and the ruling elder George Porterfield, entered a formal verbal protest against the Commission's proceedings. After the "sense" was carried by the moderate majority, the radicals erupted in loud protestations. Baillie relates that John Nevay screamed in Robert Blair's face, denouncing him for his opposition to the Remonstrance, while David Bennet and Hugh Peebles engaged in a bitter exchange of words with other moderate ministers. George Porterfield, the provost of Glasgow, went so far as to speak of "sealing the Remonstrance with his blood." When the tumultuous scenes subsided, James Guthrie, Samuel Rutherford, and the remaining radical members of the Commission entered their official dissent and withdrew from the Commission *en masse*. From this point on the radicals, or as they were thereafter known, the Remonstrants, engaged in a complete boycott of the Commission.²¹⁹ The long-dreaded division of the kirk party had arrived.

²¹⁸For the text of the Commission's "sense" see Balfour, *Historical Works* iv, 174-6 and *RCGA* iii, 131-2.

²¹⁹*Ibid* iii, 130, 132; Baillie, *Letters and Journals* iii, 123-4; *Consultations* i, 301; Row, *Life of Blair*, 248; For the radicals' version of these scenes, see *The Nullity of the Pretended Assembly*, 25-7.

The Controversy in Retrospect

During the November debates on the Western Remonstrance, there was a decisive shift in the way which the moderates dealt with their recalcitrant brethren. In the months prior to these conferences, they had taken great pains to satisfy the radicals' numerous scruples and preserve the unity of the kirk regime. However, as they had grown more bold and in their demands and more overt in their "separatist" actions, the moderates' patience had grown thin. With the promulgation of the Remonstrance, any remaining doubts which the moderates might have had concerning the true intentions of their troublesome brethren were removed. They now viewed the radicals as intransigent opponents to the authority of the regime. They were particularly concerned by the way in which they were circumventing the authority of the normal courts of kirk and state. On two previous occasions, the surreptitious publication of the *West Kirk Declaration* and the emission of the *Causes* after Dunbar, the radicals had taken it upon themselves to act in the Commissions's name. Now, in the Remonstrance, they had taken the further step of condemning the standing acts of kirk and state concerning the Breda treaty and the prerogatives of the king. Incensed by this action, and emboldened by the divisions in the radical party, the moderates decided the time was ripe to take the radicals strongly in hand.²²⁰ Accordingly, the moderates took the unprecedented step of turning a deaf ear to the numerous entreaties, appeals and protestations of the radicals, and used their numerical advantage to quash all opposition to their agenda. The unity of the regime was no longer to be achieved through acceding to their brethren's demands. From this point on, the radicals were given no quarter.²²¹

In the months and years which followed, the contending factions were to engage in much argumentation concerning the legality of each others' actions during the controversy over the Remonstrance. The moderates' contended that the Remonstrants

²²⁰The moderates were particularly encouraged by the removal of Strachan and the lack of widespread support for the Remonstrance. After the joint meeting in Argyll's chamber on 20 November, Wariston observed that "Col. Strachan's miscarriage" had done much to "haysten them on their violent course.": Wariston, *Diary 1650-4*, 30.

²²¹Wodrow, *History* i, 48.

had circumvented the official courts of kirk and state and had refused to comply with standing acts of Parliament and the General Assembly. In contradistinction, the Remonstrants maintained that it was the moderates who were guilty of violating acts of kirk and state, particularly the Acts of Classes and the numerous resolutions forbidding alliances with malignants. From a purely legal standpoint, both positions carried a certain validity. However, these wranglings were merely the symptoms of deeper underlying divisions in the kirk party. The factions' internecine controversy had resurrected a number of unresolved issues which had haunted Scotland since the Reformation of 1559-60: issues on which the contending factions had very different convictions. Specifically, the extent to which obedience was to be rendered to an ungodly or tyrannical civil magistrate, the debate on passive obedience versus lawful resistance, the nature of lawful submission to superior church courts and the role of a national church in a Christian nation. Indeed, even at this early stage of the controversy, the factions' differing views on these matters were already coming to the surface. In a telling moment of passion during the consideration of the Remonstrance, James Guthrie, when reminded by Robert Douglas that there were standing acts of kirk and state approving the treaty of Breda, retorted, "presse me not with humane constitutions in matters of conscience."²²² When the moderates responded by charging Guthrie with "vilifying Acts of the Assembly" and subverting the government of the kirk, the radicals replied that human constitutions could not bind the consciences of men further than the law of God would allow.²²³ It was this cardinal principle, which was to actuate the radicals' dissent throughout the remainder of the 1650s.

²²²Wood, *Vindication*, 4.

²²³*The Nullity of the Pretended Assembly*, 23-4.

Chapter 2

The Fall of the Kirk Regime December 1650 - January 1652

The First Public Resolution

With the Remonstrants absent from the Commission, the moderates moved swiftly ahead with their agenda to readmit those debarred by the Act of Classes. Within hours of their brethren's departure, they were approving the petitions of former Engagers and malignants for readmittance to the army.¹ They also appointed a committee to consult with the Estates on arrangements for the king's coronation.² For the Remonstrants however, the situation went from bad to worse. On 1 December 1650, the western army was defeated and routed by Major-General Lambert during an engagement at Hamilton.³ Colonel Ker was wounded and captured, Robert Halket fled and Strachan, with about thirty of his men, voluntarily "surrendered" to Lambert.⁴ With the defeat of the Western Association and the withdrawal of the Remonstrants from the Commission, parliament was emboldened to push for a more comprehensive readmittance of those debarred by the Act of Classes into the army. On 4 December, they wrote to the moderator of the Commission, Robert Douglas, requiring him to convene a *pro re nata* meeting of the Commission on 12 December, in order that they might give their considered answer to the query,

What persons are to be admitted to rise in armes, and joyne with the forces of the Kingdome, and in what capacitie, for defence thereof against the army of Sectaries, who (contrary to the Solemne League and Covenant and Treaties) have unjustly invaded and are destroying the kingdome?⁵

Douglas, aware of the danger and difficulties involved in the posing of such an explicit

¹RCGA, 134-7, 142-3, 156.

²Ibid iii, 135; Balfour, *Historical Works* iv, 167, 183, 188; Row, *Life of Blair*, 248-9.

³For accounts of the Scottish defeat see, Scott, *Memorie of the Somervills* ii, 441-50; Stevenson, *Western Association*, 168-70; Abbott, *The Writings and Speeches of Oliver Cromwell* ii, 363-5.

⁴Baillie, *Letters and Journals* iii, 125; Nicoll, *Diary*, 37.

⁵RCGA iii, 157-9; Balfour, *Historical Works* iv, 197-8.

question, demurred. He maintained that the query should be considered at the next scheduled meeting of the Commission on 31 December, when attendance would be fuller and the kirk's views more faithfully represented. Parliament however, was both impatient to proceed with their agenda and fearful that a better attended convocation might not deliver the answer they desired. They informed Douglas that unless the Commission was convened on the specified day, they would proceed without the advise of the kirk and do "that which God, their country, and every good man, requires at their hand." When faced with the possibility of the kirk being marginalized at such an important juncture, Douglas complied and a meeting of the Commission was convened hurriedly. A quorum was only achieved when, at the statesmen's behest, a contingent of royalist ministers led by James Wood arrived from Fife.

Differences of opinion arose when the ministers perceived that parliament was seeking a wholesale readmittance of malignants and former Engagers into the army. The ensuing debate over the Commission's answer served to highlight the pre-existent divisions in the ministerial wing of the moderate party. While all the ministers agreed that common soldiers might be readmitted after giving satisfaction to the kirk, there was a difference of opinion concerning the status of "officers, noblemen, and gentlemen volunteers". The hard-line moderates, such as Douglas and David Dickson, argued for an almost indiscriminate readmittance of officers maintaining that "in the warre against invadeing strangers, our former strickness had been unadvysed and unjust." More centrist ministers such as Robert Blair and James Durham were hesitant to readmit notorious engagers and malignants, "at least not without ane eminent degree of evident repentance." These men were deeply concerned about the schism and in some degree of sympathy with the Remonstrants' grievances. Their apprehensions appear to have been heightened when letters arrived from the Remonstrants, Guthrie and Rutherford, encouraging the Commission to maintain the existing laws against malignancy, at all hazards. Robert Baillie relates that Blair and Durham's reservations about approving a promiscuous readmittance became so serious that their scruples almost divided the Commission, and "likelie had done so", if the Remonstrants had been present. Indeed, even Baillie himself hesitated when presented with such an explicit and far-reaching request. He relates that during the consideration of the query,

his "heart was in great perplexitie" and he "wes in much prayer to God" concerning the outcome of the Commission's deliberations. However, those who had such misgivings were in a minority and unable to prevent Douglas, Dickson and the Fife ministers from giving the parliament the answer they desired. Unwilling to further divide the kirk, these "centrist" ministers relented and agreed to support the majority opinion, after certain limitations on the readmittance of Engagers and malignants were included in the Commission's answer.⁶

On 14 December, the Commission presented their answer to the parliament's query. They conceded that under the present conditions "a competent force" could not be raised to oppose the English unless there was "a more generall calling forth of the bodie of the people then heretofore hath been." They continued,

in this case of so great and evident necessitie, we cannot be against the raising of all fensible persones in the land, and permitting them to fight against this enemy for defence of the Kingdome...

In an attempt to assuage the scruples of the centrists, they included the proviso,

except such as are excommunicat, forfaulted, notoriously profane, or flagitious, and such as have beene from the beginning, and continue still, or are at this tyme obstinat and professed enemies and opposers of the Covenant and Cause of God.⁷

A copy of this answer, which soon became known as the First Public Resolution, was sent to the presbyteries with a letter instructing them to use their "best indevours" to assist the raising all fensible persons for the defence of the kingdom. Upon its reception of the Resolution, parliament began the official rehabilitation of Engagers and malignants by passing an Act of Levy which mandated the raising of all the fensible men in the kingdom. Wariston and the remaining Remonstrant statesmen were so offended by this action that they withdrew from the parliament in protest. The moderate statesmen welcomed their withdrawal and on 30 December, in a move designed to ensure that their withdrawal was permanent, the parliament appointed a

⁶Beattie, *History*, 147-50; Balfour, *Historical Works* iv, 197-8; Nicoll, *Diary*, 38; Row, *Life of Blair*, 250-2; Baillie, *Letters and Journals* iii, 125-6; *The Nullity of the Pretended Assembly*, 192; NLS Wodrow Folio XXV, no.90, f.176r.

⁷RCGA iii, 159-60; Nicoll, *Diary*, 38.

new membership for the Estates - one without virtually any Remonstrant representation. The disfranchisement of these men was welcomed by royalist ministers and statesmen alike and led Baillie to exult, "By God's blessing, our affairs shortly may be in a better posture: our great troublers, both in Church and State, have sett themselves aside."⁸

As the levy progressed it became apparent that the Commission's qualification excluding "obstinate and professed enemies and opposers of the Covenant and Cause of God" was mere rhetoric. Indeed, the kirk had already demonstrated how easily they could pardon those who were guilty of such crimes. All that was required of them was a public (and not necessarily sincere) acknowledgment of their sins and swearing of the Covenant. With readmittance to the army based on such uncritical criteria the kirk found it difficult to deny any application for readmittance. Consequently, the kirk was inundated with "repentant" offenders and a rapid and promiscuous readmission of Engagers and malignants was soon under way. Of the thirty four new Colonels appointed by the parliament on 20 December, thirty had been in arms with Montrose and the other four had participated in the Engagement. They included the Earls of Marischal, Crawford-Lindsay and Atholl and Lord Ogilvie. On 23 December, the Earl of Lauderdale was received by the presbytery of St. Andrews after acknowledging the unlawfulness of his participation in the Engagement and swearing the Covenant. He was soon joined by the duke of Hamilton, the marquis of Douglas, the earls of Tullibardine, Erroll and Glencairn, Lord Cadros, and numerous other nobles, lairds and officers.⁹

Needless to say, the centrist ministers were far from happy with this state of affairs. While they disagreed with the Remonstrant's thoroughgoing exclusionism, they were equally opposed to a promiscuous readmission of royalists. Baillie relates that these men were in extreme distress as they witnessed the sheer number of "grievous bloodshedders" and "malignant noblemen" being received.¹⁰ In a sermon preached

⁸Row, *Life of Blair*, 251-2; *APS* vi, ii, 624-6; Baillie, *Letters and Journals* iii, 129.

⁹*RCGA* iii, 161-474, *passim*; Balfour, *Historical Works* iv, 210-12; J. Turner, *Memoirs of his own Life and Times*, ed. T. Thomson (Edinburgh, 1829), 93; G.R. Kinloch (ed.), *Selections from the Minutes of the Presbyteries of St. Andrews and Cupar* (Abbotsford Club, 1837), 60-1; Lamont, *Diary*, 25; Row, *Life of Blair*, 259.

¹⁰Baillie, *Letters and Journals* iii, 126.

before king and Parliament shortly after the passing of the Resolution, Robert Blair rebuked Remonstrants and royalists alike when he observed,

There are some that say, Give us religion well secured, become of the King what will; and their are others that say, Give us the King well established upon his throne, become of religion what will; but, blessed be God that there are some, both ministers and others, that wishes well to both religion and the King...¹¹

The ministers' concern was shared by a number of moderate statesmen. For three days Loudoun and his colleagues had argued vehemently against the appointment of the new royalist colonels. They objected to the fact that "so maney wer takin in that wer with James Grhame and ingagers." In the final vote however, they lacked the numerical strength to prevent their admission.¹² While these statesmen had serious apprehensions about the admittance of such men into the army, their primary concern was with a more insidious parallel development. Throughout the month of December, royalist nobles who had been involved in the Engagement were quietly being readmitted to parliament, despite the fact that they were still officially barred from doing so under the Act of Classes. As early as 29 November, the Earl of Dunfermline had been readmitted to his seat in parliament. On 3 December, Lauderdale was licensed to sit in the parliament until his case was reviewed. The next day Viscount Newburgh was allowed to take his seat, but was barred from voting until he had subscribed both Covenants. The same day the Earl of Linlithgow and Lord Cranston had their petitions accepted to sit and vote in the House. Within two weeks, the Earl of Callander, Lord Montgomery and Lord Carnegie were readmitted as well. In a short space of time, these and other royalist nobles and lairds were being appointed to important parliamentary committees.¹³ They were, however, still barred from sitting on the Estates. Although the moderate statesmen had sanctioned the readmission of these royalists as a pragmatic necessity, many of them, including Loudoun and Cassillis, were becoming anxious as they witnessed the erosion of the kirk party's parliamentary majority. However, those who feared an ascendent royalism were in the

¹¹Row, *Life of Blair*, 252.

¹²Balfour, *Historical Works* iv, 210, 212-13; Beattie, *History*, 152.

¹³APS vi, ii, 616, 618-19, 628; Balfour, *Historical Works* iv, 188-9, 198-200, 205-6; Young, *Scottish Parliament*, 269-70.

minority. Moreover, having advocated the readmission of such men into the army, they found it hard to justify their exclusion from the government. When the centrist ministers complained about these "malignants" having their parliamentary seats restored, Loudoun himself was compelled to remind them that there had been an "fearfull alteration" of the situation. With the king himself now "in Covenant", it was difficult to find just grounds on which to bar those "whose malignancie stood in following the King against the Covenant..."¹⁴

The most determined and vocal opposition to the Resolution came from the Remonstrants. Stripped of their influence in the Commission and Estates, they decided to take their grievances directly to the public. They condemned the Resolution indefatigably from their pulpits and in their correspondence, arguing that it was an "advancing of the malignant party" and a "receding from old good principles". They further warned that the readmittance of those debarred by the Act of Classes would eventually "turn to the oppression and persecution of the godly." In a move designed to give their views even more publicity, they had the presbyteries under their control emit a series of "open letters" to the Commission in which they gave detailed criticisms of the Resolution.¹⁵ The first such letters to reach the Commission were those from the presbyteries of Stirling, Glasgow and Aberdeen. In what amounted to an unqualified refusal of obedience, these letters condemned the Resolution for being "contrarie to the constant tenour and whole current" of the kirk's proceedings over the past twelve years. They reminded the Commission that the 1648 Declaration of the General Assembly had condemned the Engagers for doing exactly what the Resolution called for. Specifically, "a joyning with malignants to suppress Sectaries, a joyning hands with a black devill to beat a white devil." Moreover, the regime was failing to prosecute the fourth article of the Solemne League and Covenant which required them to seek out all "who have been or shall be incendiaries, malignants, or evil instruments" and bring them to public trial.

After citing numerous other resolutions and acts of kirk and state which forbade alliances with malignants, the Remonstrants proceeded to attack the Resolution on an

¹⁴Baillie, *Letters and Journals* iii, 126.

¹⁵Row, *Life of Blair*, 251-3.

ideological and practical level. It was objected that religion was not once mentioned in the whole of the Resolution, but instead all was for the interests of king and kingdom. The "godly" could not be expected to accept an act which was not subordinated to the interests of religion. They also repeated their familiar refrain that the regime, in their reception of malignants, were trusting in numbers rather than in strength of the Lord. Could not they "more confidently expect a blessing upon fewer forces purged...then with more numerous forces defyled with such a mixture?" They further argued that the Resolution, far from helping to advance the Cause of God, was actually promoting the interests of the malignant party. For a long time these "ungodly" men had been seeking an opportunity to recapture the government of Scotland, now, with the Resolution, the regime itself was actually helping them achieve their goal. They argued that the malignants would not rest content with the concessions which they had already gained, but would instead seek further compromises. Indeed, was not the Estates already in the process of going far beyond the limitations of the Resolution? It was only a matter of time before the flood of malignants into the army spilled over into the government. They warned that "if such men get power in their hands", and succeeded in their plans to retake control of the country, they would overturn the Cause of God, drive the godly ministers from their charges and persecute the flock of God.¹⁶

Throughout January 1651, the presbyteries of Paisley, Irvine, Deer, and Ayr all submitted similar letters of protest to the Commission. In the subsequent weeks and months these were followed by protests from the presbyteries of Hamilton and Lanark and the synod of Glasgow-Ayr.¹⁷ It was not until April 1651, that the Commission began to receive letters in support of the Resolution. These came from the synods of Fife, Angus, Moray, Perth and the presbytery of Chanonry in the synod of Ross.¹⁸ The distribution of these letters shows clearly that at this stage of the controversy surrounding the Resolution, the Remonstrants' strength lay primarily in the south west, while the moderates' support, with the notable exceptions of Aberdeen and Deer, was

¹⁶*RCGA* iii, 173-82, 196-201, 243-51; A. Peterkin (ed.), *Records of the Kirk of Scotland* (Edinburgh, 1838), 362, 501; Ogilvie, *Bibliography*, 62.

¹⁷*RCGA* iii, 255-8, 276-9, 274-6, 298-303, 381-3, 390-2, 392-3.

¹⁸*Ibid* iii, 379-81, 386-7, 418-19, 421-2, 430-1; Row, *Life of Blair*, 264.

in the north and east. The high concentration of protests from the Glasgow area were due to the labours of Patrick Gillespie and his coterie of Remonstrant ministers.¹⁹ Likewise, the Stirling protest was due largely to the labours of James Guthrie and David Bennet. Conspicuous for their silence in the early stages of the controversy were the synods of Lothian-Tweeddale, Galloway and Dumfries. However, as the controversy grew, and the contending factions began to vie for control of individual courts, even these havens of neutrality were drawn into the conflict.

On 1 January, Charles II was crowned at Scone.²⁰ When the Commission reconvened at Perth the following day, the protests from the Remonstrant controlled presbyteries began to arrive. The moderates were outraged by these letters. Never before had the inferior courts of the kirk taken it upon themselves to pass judgement on the Commission of the General Assembly.²¹ The letter from the presbytery of Stirling was a particular embarrassment to the moderates, as the burgh was the headquarters of the army. During the next five days the Commission emitted a number of papers designed to clear themselves from the aspersions of the Remonstrants and quell the growing unrest in their own ranks.²² The first paper was a remonstrance addressed to the Estates. Far from being a sincere protest, this "Humble Remonstrance" was rather a disingenuous attempt by the Commission to go on the record as having warned the Estates about the dangers of malignancy. After lamenting the "unhappie divisions" which were rending the kingdom and reminding the Estates of their duty to resist the sectarian invaders, they exhorted the statesmen to "keepe a watchfull eye" on known enemies to the Covenant and guard against "the bitter roote of Malignancie" springing up in their midst.²³

The next two papers emitted by the Commission were their "answer" to the protest from the presbytery of Stirling and a "solemn warning" to all the congregations of the

¹⁹Baillie, *Letters and Journals* iii, 153.

²⁰For accounts of the coronation see *The Forme and order of the coronation of Charles the Second...* (Aberdeen, 1651) and P.C. Stuart, *Scottish Coronations* (Paisley, 1912), 141-217.

²¹RCGA iii, 199.

²²Row, *Life of Blair*, 256-7.

²³*The Humble Remonstrance of the Commission of the General Assembly to the King's most excellent Majestie and the honourable Committee of Estates* is printed in RCGA iii, 183-9.

kirk.²⁴ Together, these two papers constituted the first serious attempt by the moderate ministers to justify the lawfulness and necessity of the Resolution and clear themselves publicly from the increasingly plausible charge that they were guilty of joining with malignants. In these papers the Commission rebuked the Remonstrants for preaching against the Resolution from their pulpits and entering unadvisedly into controversial writings. Such actions, they maintained, were not only "disorderlie and scandalous", they were "prejudiciall to the saftie of the Kirk and Kingdome". They contended, that in supporting the call for the raising of all fencible persons, they had done nothing contrary to the law of God, the law of nature or the common practice of Christian nations. It was the universal practice of all Christian kingdoms and states to raise all their subjects and citizens in defence against a foreign invader. This practice was "allowed and approven by the judgement of the soundest Divynes in the Protestant Kirks". Just as the law of nature required the state to do every thing in its power to provide for the defence and deliverance of its citizenry, so it required that every subject rise in defence of the kingdom. The regime could not therefore justly prevent men from taking up arms in defence of their lives, country and estates.

After citing numerous Old Testament texts which proved that the promiscuous raising of men for the common defence of the kingdom was compatible with the law of God, the Commission then attempted to defend the Resolution from a legal standpoint. They maintained that the numerous acts and resolutions which the Remonstrants had cited concerning alliances with malignants pertained specifically to the Engagement and did not necessarily apply to the nation's present difficulties. The Engagement was an unnecessary "invasive war", while their struggle with the English was a necessary "defensive war" against an unjust invader. The two situations were totally different. As for the Act of Classes, it was meant to assist in the prosecution of the "Cause of God", not to prevent the "just and necessarie" defence of the kingdom from foreign invaders. In answering the Remonstrants' charge that the Resolution violated the fourth article of the Covenant, they contended that no such

²⁴*The Answer of the Commission of the Generall Assemblie to the letter of the Ministers of the Presbyterie of Sterline* is printed in *RCGA* iii, 201-14; *A Solemn Warning to all the Members of this Kirk from the Commission of the Generall Assembly* is printed in *ibid* iii, 216-28.

persons as were described in that article were being employed. The only men being readmitted were those who had renounced their former malignant courses, been pardoned by the kirk's courts, and bound themselves with "the most solemn tyes that can be imposed upon men", pledging to uphold the Covenant and defend the Cause of God. It was evident from such professions, they claimed, that many former Engagers and malignants were now truly repentant and neither the Remonstrants nor themselves had reason to doubt their sincerity. The Remonstrants were therefore guilty of "verie hard and uncharitable judgement" towards such men. As for the King, he had been "solemnlie crowned, and hath againe sworne the Nationall Covenant and the Solemne League and Covenant." He was no longer a malignant, he was their "Covenanted King".

The Commission then took the offensive and accused the Remonstrants of complying with the English. In order to establish this charge, they expanded their definition of "compliance" to include speaking disrespectfully of the "just and necessarie Resolutions and proceedings of Kirk and State" and slandering the regime and king with "imputations and aspersions of Malignancie and backslyding." They also charged the Remonstrants with violating the Solemn League and Covenant. In this, they had sworn to maintain "by all lawfull and necessarie means", religion "the liberties and Government of the Kingdom" and "the King's person, just right, and authoritie." By their continued opposition to the policies of kirk and state, they were guilty of violating all three of these requirements. They concluded these papers by reminding the Remonstrants that there were standing acts which prohibited speaking against "the necessar Resolutions of the Assembly or their Commissioners", implying that if they continued agitating against the regime, they would be brought up on charges. Copies of the "Humble Remonstrance", the "Answer" to Stirling and the "Solemn Warning" were then sent to the kirk's courts with instructions that they be distributed to the congregations within their bounds. Appended to these papers, was a letter which enjoined the presbyteries to use these papers to satisfy the scruples of their congregations. They were also instructed to take note of any Remonstrants within their bounds who spoke against the levy and report their names to the next meeting of

the Commission.²⁵

In mid-January, the moderates and Remonstrants met in conference at St. Andrews in an attempt to compose their differences. The moderates were represented by Robert Blair, Robert Douglas, James Hamilton, John Smith, James Wood and James Sharp, while the Remonstrant contingent was comprised of Samuel Rutherford, James Guthrie and David Bennet. The ensuing debates turned quickly into a struggle between Guthrie and Wood. After their discussion on the recently emitted papers of the Commission came to naught, the argument shifted to biblical ground. Wood argued that there were many instances in scripture where the entire nation of Israel was raised to defend the kingdom against an invading enemy. He specifically cited an instance in 1 Samuel where king Saul had called forth all the men, under pain of death if they refused, to rise in arms against the Ammonites.²⁶ Guthrie countered by arguing that the Mosaic law for constituting armies strictly prohibited the admission of any "unclean" person into Israel's military camp.²⁷ When, after further argumentation, it became apparent that no agreement was to be reached, the moderates requested "in a brotherly and friendly way" that Guthrie and Bennet withdraw themselves from their ministerial charges at Stirling and desist from speaking against the Resolution. They maintained that their incessant preaching was hindering the levy and discouraging the burgh's garrison, some of whom had already laid down their charges. Guthrie and Bennet, however, refused to comply and appealed their case to the upcoming General Assembly.²⁸

Around the same time as this conference, a copy of the presbytery of Stirling's letter to the Commission came into the hands of the English. In a move designed to fan the flames of the kirk regime's divisions, Cromwell had the letter published by the Edinburgh printer Evan Tyler under the title *The Remonstrance of the Presbyterie of Sterling*.²⁹ It was rumoured widely that Wariston, who had recently had talks with Cromwell in Edinburgh, had played the traitor, and given a copy of the letter to the

²⁵Ibid iii, 193-5.

²⁶1 Samuel xi 6,7.

²⁷Deuteronomy xxiii 9-14.

²⁸Row, *Life of Blair*, 257-9; *RCGA* iii, 259-60.

²⁹*The Remonstrance of the Presbyterie of Sterling...* (Edinburgh, 1651); Row, *Life of Blair*, 256.

English. Although the Remonstrants vehemently denied this, the damage had already been done, and the moderates' suspicions of their brethren were raised to a fever pitch.³⁰ They particularly feared that the disgruntled Remonstrants, with all their talk of the regime being guilty of a conjunction with malignants, might opt to join with Cromwell. Indeed, there had already been a number of high profile defections to the English. Strachan and his followers had already deserted. After the passing of the First Public Resolution, they were joined by John Swinton of Swinton and several more officers. In addition to these flagrant defections, there were a number of highly suspicious occurrences. On 24 December, Walter Dundas, who had been suspected of being in sympathy with the English for some time, surrendered Edinburgh Castle to Cromwell without any apparent military reason. It was rumoured that he received money from the English in return for his treachery. Soon after this, Cromwell was boasting that he had the same "keys" to Stirling Castle that he had to Edinburgh. Accordingly, Major-General Holburn, the commander of the Stirling garrison who was long suspected of holding radical and sectarian sympathies, was summarily dismissed. It was also widely reported that the well-known radical Alexander Jaffray, who had been captured by the English at Dunbar, had fallen under the influence of the sectaries and had served as a Cromwellian messenger to the ministers of Glasgow. Moreover, it was also known Cromwell and his officers had been engaging in "many" debates with the Remonstrant ministers of Glasgow during their forays into the burgh. Further fears of treason had been aroused by the recent arrest of of the brothers Sir John Hope of Craighall, Sir James Hope of Hopetoun (both ordinary Lords of Session) and Sir Alexander Hope, on suspicion of compliance with the English.³¹

The moderates, infuriated by the negative publicity caused by the wide distribution of the "Stirling Remonstrance" and dismayed by the low circulation of their own papers, decided to take public action against the Remonstrants. Having lost their access

³⁰*The Nullity of the Pretended Assembly*, 195-6; Wood, *Vindication*, 33; Balfour, *Historical Works* iv, 250.

³¹Stevenson, *Revolution and Counter-Revolution*, 195-6; Row, *Life of Blair*, 250-4; RCGA iii, 169-70, 243; Abbott, *The Writings and Speeches of Oliver Cromwell* ii, 366-74; Jaffray, *Diary*, 58-9; Balfour, *Historical Works* iv, 238-40, 246; Laing, *Ancram and Lothian Correspondence* ii, 325-6; "Collections by a Private Hand at Edinburgh", 31-2, in Maidment's *Historical Fragments*; "Memoirs by James Burns", 16-18, in Maidment's *Historical Fragments*.

to Evan Tyler's press in Edinburgh, they secured the services of James Brown of Aberdeen and authorized him to print the Commission's recent papers. It was hoped that a wider promulgation of their views would "prevent and remove misinformations and mistakes" and satisfy the "doubts and scruples" of the populace.³² In late January, the first two pamphlets arrived from the press. The first was the First Public Resolution conjoined with the Commission's answer to the presbytery of Stirling.³³ The second was a pamphlet containing their "solemn warning" and an act for censuring those who complied with the English.³⁴ These were followed in early February by the publication of their "Humble Remonstrance" to the Estates, together with a similar remonstrance of 25 January and the Estates answer of 6 February.³⁵ However, instead of furthering the moderates' agenda, the publication of these papers fanned the flames of the controversy and instigated a bitter pamphlet war between the Remonstrants and moderates which was to last until the eve of the Restoration.³⁶

Throughout the remainder of February, the controversy intensified as the factions engaged in an intense polemical dispute. This contest began when a manuscript copy of a paper which the moderate minister David Dickson had written to clear the doubts of a wavering minister about the lawfulness of the Resolution, came into the hands of the Remonstrants.³⁷ James Guthrie answered Dickson's paper in a series of four letters. In these, he reiterated and expanded upon the arguments which he had set forth in the "Stirling Remonstrance", maintaining that the Resolution was contrary to the Word of God, the Covenants and the kirk's former declarations and principles.³⁸ In an attempt to clear the regime from these "foule aspersiones", Dickson then responded at length with a paper entitled *No Separation of the weill affected from the*

³²RCGA iii, 265-6.

³³*The Answer of the Commission of the Generall Assemblie, to the Quaree, propounded to them, from the Parliament. With an Answer of the Commission of the Generall Assemblie, to a letter...from the Ministers of the Presbyterie of Sterline* (Aberdeen, 1651); RCGA iii, 159-60, 201-14.

³⁴*A Solemn Warning to all the Members of this Kirk...With an Act, for censuring such as act, or comply with the Sectarian Armie, now infesting this Kingdom* (Aberdeen, 1651); RCGA iii, 164, 216-28.

³⁵*The Humble Remonstrances of the Commission of the Generall Assemblie* (Aberdeen, 1651); Row, *Life of Blair*, 260; RCGA iii, 183-9, 267-71.

³⁶Ogilvie, *Bibliography*, 63-4.

³⁷NLS Wodrow MS Folio XXX, no.17, ff.48r-49r.

³⁸NLS Wodrow MS Quarto XXXII, no.18, ff.149r-152v; Row, *Life of Blair*, 262-3.

Army of the Covenanters.³⁹ In this, he took particular exception to Guthrie's accusation that the Resolution was contrary to the Word of God. He countered this charge by arguing that it was the Remonstrants, and not the moderates, who were guilty of wresting the Scriptures to make them fit their agenda. To prove this contention, he engaged in a detailed analysis of the way in which Guthrie used Deuteronomy xxiii 9-14 to condemn the Resolution and levy. He maintained that this passage did not contain any specific rules for the constitution of the Israelite army, but merely enjoined the people going forth against an enemy to keep themselves from sin and provoking the Lord. Dickson then gave an exegesis of another Pentateuchal passage, the flight of the children of Israel from Egypt, in order to prove that the promiscuous readmission of Engagers and malignants was not contrary to Scripture. He maintained that Moses called the Israelites out of Egypt "upon the solemn profession of repentance and purpose to serve the Lord only". After complying, the Israelites constituted "a reformed visible kirk and wer admitted to the Comunion of the passover". This was accomplished, even with "the most part of them being still unregenerate." These same people were then "drawn up into ane army, and the ungodly did march among the rest." The present case of the Scottish nation was much the same; men had been called upon to serve their nation and had bound themselves with solemn vows to maintain the Covenants. They were, as the children of Israel, a "mixed multitude". Yet, this was by no means an evil thing. Indeed, all the reformed Protestant churches acknowledged that the "visible kirk" included those who were unregenerate. How then could the Remonstrants "without sinne, keep kirk fellowship and comunion fellowship with these persones" when they could not "without sinne, have camp fellowship?" Moreover, unregenerate people were not to be excommunicated until they were discovered to be unrepentant. In the same manner, the new army recruits "who had been received according to the rules of preceding Assemblies", were to be looked on as penitents "until they evidenced the contrary either by word or deed."

Guthrie quickly responded to Dickson's *No Separation* with a detailed paper

³⁹NLS Wodrow MS Quarto XXXII, no.9, ff.57r-64v; Row, *Life of Blair*, 259, 263.

entitled *Some Animadversions upon a paper Intituled No Separation from the Army*.⁴⁰ In this paper he engaged in a point by point analysis of Dickson's argument. He declared that Dickson's use of Israel's flight out of Egypt as a justification for admitting malignants into the army was completely spurious. This was a unique situation and not "a paterne for constituting all armyes." Indeed, there was "a hudge difference betwene their camp or army and all other modelled armyes" found in Scripture. The syllogism Dickson used to equate the composition of the army with that of the kirk was also dismissed as erroneous. In drawing such parallels he was guilty of confusing the criteria for church membership with that of army membership. With the emission of Guthrie's *Animadversions* the controversy deepened even further. Other ministers and ruling elders soon joined the fray. James Fergusson, James Wood, Robert Baillie and Robert Ramsay all wrote papers in support of the Resolution while Patrick Gillespie, Samuel Rutherford and Wariston wrote against it.⁴¹ During February and March, these and other papers were copied and circulated in manuscript form throughout all the presbyteries of the kirk, sparking heated local controversies in their wake. Within a short space of time, so many papers had been issued, that Baillie complained to Dickson that he did not have time to read them all. He did however, read Guthrie's papers, and called them "a heap of clatters...without scripture, reason, or any light." During this heated exchange of papers, only centrist ministers such as Robert Blair and James Durham refrained from the taking of sides. Row relates that Blair was particularly grieved by these "woeful disputes". He termed them "our weakness-discovering writings" and believed that they only served to augment the existing divisions within the nation and "cast more oil in the flame".⁴² In the weeks and months which followed, these centrists were to prove the lone voices of sanity in the midst of an ever-deepening internecine feud. While the entire kirk descended into an abyss of frenetic argumentation, they alone stood in the breach and attempted to heal the schism.

While the polemical war was raging in the kirk, opinion among the nobles and

⁴⁰NLS Wodrow MS Quarto XXXII, no.10, ff.65r-78r.

⁴¹Baillie, *Letters and Journals* iii, 131-5, 137, 140, 145; NLS Wodrow MS Quarto XXXII, no.19, ff.153r-154r; NLS Wodrow MS Quarto XXXIII, no.16; Wariston, *Diary 1650-4*, 35.

⁴²Row, *Life of Blair*, 263.

lairds in the Estates was continuing to move in favour of the royalists. Kirk party stalwarts such as Loudoun, Cassillis, Lothian and Lord Torphichen attempted to prevent this drift and consistently voted against the readmission of Engagers and malignants. These statesmen were fearful that when parliament next met the ascendant royalists would use their influence to force the Commission to allow them to sit on the Estates. Accordingly, they succeeded in having the meeting of parliament, scheduled for 5 February, prorogued to 21 February and then again to 13 March. On 11 March, "a grate meitting" of the Estates was held at Perth, and Loudoun, Cassillis "and ther factione" again attempted to postpone the meeting of parliament. After "much debait", their motion was defeated by those who favoured the readmission of royalists to civil power. When parliament convened on 13 March, the fears of Loudoun and his coterie were soon realized. On a motion from the king, parliament agreed to ask the Commission whether those debarred by the Act of Classes could be admitted to the Estates. The kirk party attempted a number of manoeuvres to prevent this readmission from occurring. First, they endeavoured to have parliament's query worded in a such a way as would invite a negative answer from the Commission. When this failed, Lothian proposed the abolition of the Estates. It was hoped that such a move would bar the royalists from civil office and allow a revived Privy Council, dominated by more moderate nobles, to control the agenda. However the lairds and burgesses, who had no intention of being stripped of their civil powers, combined with the royalists nobles to defeat this proposal. When he realized that the moderates had run out of options, Cassillis angrily accused the royalists of dealing craftily with the regime. First, upon the arrival of the king in the country they asked to be allowed to remain quietly in their homes and not be banished. Then, they had asked for admittance to the army in order to assist in the defence of the nation, Now, they were demanding admittance to the civil courts. On 19 March, without any further objections, the query was transmitted to the Commission.⁴³

The Commission replied to the parliament's query on 22 March. Unwilling to take

⁴³Balfour, *Historical Works* iv, 237-8, 253-4, 266; *APS* vi, ii, 640, 647; SRO PA 11/10, Register of the Committee of Estates, 2 January-12 March 1651, ff.52v-53r, 82v; Nicoll, *Diary*, 50; HMC 72, Laing i, 257-9; Stevenson, *Revolution and Counter-Revolution*, 197-9; Young, *Scottish Parliament*, 273, 275, 278-9.

such a potentially divisive move, they maintained that a fuller consideration of the query could not be given until a better attended meeting could be convened. They did, however, concede that royalists debarred by the Act of Classes who were serving in the army should be allowed to sit on any parliamentary committee which dealt with army affairs. In making such a concession the Commission could maintain that the royalists were still being given only military and not civil power. While this was not the inclusive readmission which the royalists had been seeking, it was substantially further than the kirk party statesmen were willing to go. The parliamentary royalists seized upon the Commission's concession and immediately established a committee for managing the affairs of the army. The following day, when the powers and composition of this committee were discussed, a heated debate ensued. The kirk party nobles vigorously argued against the inclusion of royalists on the new committee, but to no avail. In the final vote, ten kirk party nobles and three lairds dissented from parliament's inclusion of Engagers.⁴⁴ They did, however, succeed in having certain limitations placed on the committee's powers. While it had authority to levy and raise supplies, it had no power to control the movements or actions of the army. The new committee for managing the affairs of the army included notorious Engagers, such as Hamilton, Lauderdale, Crawford-Lindsay, Glencairn and Atholl, as well as a minority of kirk party nobles, including Argyll, Loudoun and Cassillis. Loudoun and Lothian angrily rebuked the king for agreeing to the formation of this committee. They accused him of "deserting his best frinds", those who had brought him to Scotland and "putt the croune one his head", in favour of the very men who had misled and ruined his father. Subsequently, the kirk party nobles appointed to this new army committee refused to take their seats, claiming that "they could not join in a committee with those men that had been upon such courses." Throughout April and May, this royalist-dominated committee met frequently at Perth, while the kirk party's Committee of Estates met at Stirling. Although both committees were engaged in coordinating military affairs, they virtually ignored the existence of the other. The kirk party nobles

⁴⁴The dissenters were Argyll, Loudoun, Cassillis, Linlithgow, Lothian, Weymes, Torphichen, Coupar, Cranston, Burleigh and the lairds of Toftis, Frieland and Clerkington: Balfour, *Historical Works* iv, 275.

and lairds never recovered from the severe blow which this series of parliamentary defeats dealt to their influence and prestige. Although they still controlled the Estates, they lacked the strength to forestall the rise of the newly-empowered royalists. In a final humiliating blow, before rising on 31 March, the royalist-dominated parliament bluntly asked the Commission whether it would be "sinfull and unlawfull to repeal and rescind the Act of Classes." This query signalled the beginning of the end for the kirk regime.⁴⁵

In retrospect, the moderate party had hoped that the withdrawal of the Remonstrants from active participation in kirk and state would allow them to pursue their agenda without further delays and impediments. At first, this was the case. The Commission of the kirk would never have succeeded in passing the Resolution over the objections of the centrist ministers if the Remonstrants had been present. Similarly, the removal of the Remonstrants from the Estates and parliament allowed the moderate statesmen a breadth of movement and decision which had not hitherto been open to them. However, the departure of their disaffected brethren and the passing of the Resolution soon proved to be mixed blessing. With the relaxation of the Act of Classes, the moderate statesmen found themselves unable to prevent a flood of royalists into the army and parliament. As the readmission continued apace, it soon became clear that the statesmen had made a fatal miscalculation. In their attempt to unify the Scottish nation in a common defence against the Cromwellian invasion they had inadvertently sown the seeds of their own demise. In the months following the passage of the Resolution they found themselves unable to prevent the erosion of their parliamentary majority. By the end of the March session of parliament the moderate statesmen had sustained such a significant reduction of their powers that they were on the verge of losing control of the government.

The withdrawal of the Remonstrants and the subsequent passage of the Resolution also had a detrimental effect on the Commission. Without their brethren's vigilance

⁴⁵*RCGA* iii, 345, 356-8, 361-2; *APS* vi, ii, 652, 654-6, 661-3, 666; Balfour, *Historical Works* iv, 274-5, 277; Row, *Life of Blair*, 268-9; Nicoll, *Diary*, 50; Wariston, *Diary 1650-4*, 35; Stevenson, *Revolution and Counter-Revolution*, 199-200; Young, *Scottish Parliament*, 278-9, 282-3; For a calendar of the register of the committee for managing the affairs of the army from 1 April- 22 May 1651, see D. Stevenson, *The Government of Scotland under the Covenanters, 1637-51* (Scottish History Society, 1982), 105-73.

and dogged determination the Estates and parliament soon began to ride roughshod over the Commission. Furthermore, the moderate ministers' polemical defence of the lawfulness of raising all fencible persons had left them without a firm ideological basis upon which to resist the government's advances. Subsequently, when parliament asked for their concurrence in the repeal of the Act of Classes, all they could do was equivocate and stall for time. They realized that such a move was fraught with danger and difficulty. If they agreed to the readmittance of royalists to the civil courts it would inevitably lead to a reduction of their influence and authority in civil matters. Such a full-scale readmission would also serve to further alienate the Remonstrants and give added credence to their charges that the moderates were guilty of promoting a malignant conspiracy. Although they still had a clear majority within the kirk, it was being eroded as the indefatigable labours of the Remonstrants began to bear fruit. They also had to consider the possibility that such a course might cause a further schism in the Commission by estranging the centrist ministers. Perhaps most importantly, they realized that their consent to the readmittance of royalists into the civil courts might signal the end of the kirk regime. Understandably, such an idea was abhorrent to the majority of moderate ministers. They, as the moderate statesmen, had advocated the reception of Engagers and malignants as a pragmatic necessity in the defence of the nation; they had never intended for it to lead to their disenfranchisement and the downfall of the kirk party. Nevertheless, the Commission knew that if they refused to capitulate, the royalist-dominated parliament would almost certainly bypass their authority and forge ahead with their agenda to rescind the Act of Classes. By the time of March session of parliament the moderate party in kirk and state found itself fighting, and losing, a war on three fronts: against the English invaders; against the increasing tide of Remonstrant public agitation and against the royalists in their own midst. When the Commission reconvened at the beginning of April, the moderates began a desperate search for ways in which to circumvent the ironclad logic of their Resolution and prevent the impending royalist coup.

Developments in the Synod of Glasgow-Ayr

Throughout March 1651, the Commission of the General Assembly's business had been dominated by the impending repeal of the Act of Classes. Subsequently, they gave little serious attention to the activities of the Remonstrants within the localized politics of the kirk's lesser courts. To some extent such an oversight is understandable; the threat from the Remonstrants paled in significance by contrast with the impending royalist take-over of the government. It is also true that during this period the Remonstrant threat, if still a cause for concern, appeared to be largely under control. Cut off from their base of influence in the Commission and Estates, and lacking the numerical strength to mount an effective national resistance to the Public Resolutions, the Remonstrants' activities were confined largely to local agitation and the drafting of polemic against the proceedings of kirk and state. Nevertheless, the Commission's negligence in this area, particularly its failure to keep abreast of developments in the church courts, was to prove the first in a series of tactical blunders - mistakes which would have serious implications for the future unity of the national kirk. It was at this time, while the Commission's attention was focused on great matters of civil policy, that Patrick Gillespie and his coterie of western ministers began quietly laying plans for a Remonstrant coup in the synod of Glasgow-Ayr.

Although the western Remonstrants had attracted a substantial number of new adherents in the preceding months, it was becoming apparent that their hard-line position had limited appeal to the majority of western ministers. They now realized that unless they broadened their faction's appeal they would be unable to attract the number of ministers and elders they needed to control the western presbyteries and synod of Glasgow-Ayr. They were particularly concerned with proselytizing the large number of waverers - men who due to the confusion of the times had not sided with either faction and were still halting between two opinions. Accordingly, during March, Gillespie and his ministerial colleagues abandoned their virulent polemical campaign against the public proceedings of the moderates and began to employ an ingenious, new strategy aimed at increasing their ministerial support. The main components of this strategy were the adoption of a more open and conciliatory posture towards the

Commission, a more inclusive appeal to undecided ministers and a new, potentially ruinous threat of schism.

The first step in the westerners' new strategy was to conjure up the spectre of a new, potentially ruinous division. Although it is doubtful that they were actually prepared to separate from the national kirk, they did hope that the fear of further schism would render the moderates, and particularly the large number of waverers, more pliable and open to compromise for unity's sake. Up until this point, the Remonstrants had not made any moves to set up a separate church. Although they had withdrawn in protest from active participation in the Commission the previous November, they had stopped short of questioning either its authority or legitimacy. Now, however, the western ministers, led by Patrick Gillespie, began to lay an ideological foundation for the physical division of congregations and presbyteries. Gillespie and his colleagues maintained, both from their pulpits and in their private discourse, that it was lawful, at least in theory, for the "godly" to separate themselves from kirks whose discipline had been corrupted through the promiscuous admission of malignants. Moreover, they reasoned that since these "godly" people could not be without the public ordinances of the kirk, it was therefore lawful for them to form their own congregations - kirks which would act independently of corrupted courts such as the Commission.⁴⁶ However, despite the western ministers' zeal in promulgating such views, they were careful to keep them within the realm of the theoretical. They did not act on them, neither did they commit them to writing, relying instead on word of mouth for their dissemination and trusting to the unsubstantial nature of second-hand reports in the event their plans went awry and the Commission charged them with schism.

During March, Robert Baillie wrote a series of letters to prominent members of the Commission, including Robert Douglas and David Dickson, informing them of the Remonstrants' activities and advising them to take action. Although he was, as yet, ignorant of the subtlety and full scope of the Remonstrants' new strategy, he was aware that Gillespie and his supporters were beginning a push to gain undisputed control of the western church courts. He encouraged the Commission to take the

⁴⁶Baillie, *Letters and Journals* iii, 133.

Remonstrants' schismatic rhetoric very seriously. It was only a matter of time, he warned, before men who believed "a State and Militarie separation" was necessary, came to the conclusion that "a Church separation is much more necessarie." Baillie then rebuked the Commission for its lack of direct involvement in the affairs of the western courts of the kirk. He complained, "We are extremelie evill served with correspondence from yow there. If we heard more, we might be more usefull." He informed them of the substantial advances which the Remonstrants were making in the western presbyteries and warned, "If yow take not some course, our stryving is in vaine, and what by our labour we have gained, your negligence will losse it to us." He related that the Remonstrants already had a numerical advantage in the presbytery of Glasgow. In a recent presbytery meeting concerning the trial of James Guthrie and David Bennet "Mr. Patrick, by the multitude of his yeomen elders, could carie what he pleased" while Baillie and his moderate colleagues "could doe no more but enter our dissent". In order to prevent a Remonstrance coup, he implored the Commission to do "what sundry of the wisest here thought they should have done before" - condemn the activities of the Remonstrants "clearly and plainly, without Iffs or Ands." Baillie was particularly concerned about the upcoming April meeting of the synod of Glasgow-Ayr. He informed the Commission that unless they took decisive steps to prevent the Remonstrants from voting in these meetings, there was a very real possibility that they would take control of the synod and ultimately the General Assembly. He warned, "The diligence of some men is too great to gett their partie to keep [the synod], and the negligence of the other to gather their friends no less."⁴⁷

While Baillie was busy haranguing the Commission, the Remonstrants implemented the second phase of their new strategy: the adoption of a more open and conciliatory stance towards the Commission. In early March, Patrick Gillespie, John Carstairs and James Nasmith wrote a letter to the moderator of the Commission, Robert Douglas, in which they skillfully balanced the threat of schism with a new found spirit of accommodation. They appealed to the leading moderates as their brothers in Christ and reminded them of the many years in which they had "been of one heart and way against all the enemies of Gods work." They bemoaned the

⁴⁷Ibid iii, 131-42.

differences which had separated "the faithfull ministers and people of God". Such differences, they assured the Commission, had in no way diminished their respect and affection for their moderate brethren. Although their consciences could not approve a course which put power in the hands of the "Malignant partie", they still "earnestly desired" a union with the Commission, and were willing "to hearken to anie honest overture and to follow anie lawfull means of removeing or preventing the growing of differences among the Lords Ministers and people and for avoyding a Schisme in the Kirk of God." In response to the heated accusations of Baillie and other hard-line moderates they maintained, "there are some everie where, who make it their worke to heighten these differences, and make the breach wider, especiallie by misrepresenting persons and their carriage". They warned the Commission not to be taken in by such bad reports - "things seen at a distance ar more subject to be mistaken." They concluded the letter by entreating the Commission, for the sake of unity, to "abhorre and study to prevent anie violent courses which may be intendit against men of integritie".⁴⁸

When the Commission reconvened at Perth on 13 March, they chose to ignore the overtures of Gillespie and the Glasgow Remonstrants and instead acceded to the demands of hard-line moderates such as Baillie for a new official denunciation of the Remonstrants. Accordingly, on 20 March, they took time out of their busy schedule to approve and emit an ill-conceived and badly timed paper entitled *A Short Exhortation and Warning*.⁴⁹ In this paper, the Commission used past acts of General Assemblies to prove that it was the Remonstrants, and not themselves, who were the real "Malignants and Covenant breakers". In particular, they cited passages in the 1645 General Assembly's *Solemne and Seasonable Warning* which identified as "secret Malignants and Discovenanters": those who slighted or censured the public resolutions of kirk and state; those who laboured to raise jealousies or divisions designed to "retard or hinder" the execution of the Commission's directives; those who censured or slandered eminent ministers and statesmen and those who formed parties and

⁴⁸NLS Wodrow MS Folio XXV, no.97, f.190r.

⁴⁹*A Short Exhortation and Warning, to the Ministers and Professours of this Kirk; From the Commission of the Generall Assemblie* (1651), reprinted in *RCGA* iii, 346-52.

factions which weakened the unity of kirk or state. They concluded the *Exhortation and Warning* by forbidding ministers to engage in such activities and directing the presbyteries to take note of those within their bounds who followed such courses and proceed against them.⁵⁰

In the first week of April the synods convened throughout Scotland. In the majority of synods the Remonstrants lacked the numerical strength necessary to influence the agenda. The synod of Fife, for example, approved the Commission's proceedings with only four Remonstrants, including Samuel Rutherford, dissenting.⁵¹ In the synod of Glasgow-Ayr however, the situation was quite different. As Baillie had foreseen, the indefatigable labours of Patrick Gillespie and his supporters had borne fruit. He relates that the Remonstrants "by many letters and great industrie...had gotten so many sillie yeomen presently chosen for the purpose, that they could carie in the Synod whatever they pleased." With a working numerical majority, the Remonstrants quickly took control of the agenda. After electing one of their own, Matthew Mowat, moderator, they formed a committee for public affairs on which they placed "a dozen of their strongest men". By the end of the first day the Remonstrants had succeeded in passing a number of votes condemning the proceedings of both kirk and state. Baillie, fearing that they were "directlie running towards a new Remonstrance", chose this time to submit the Commission's most recent public papers, including the *Short Exhortation and Warning*.⁵² Not surprisingly, the Remonstrants were enraged with the tenor and content of this "Warning". Not only had the Commission disregarded their recent overture for peace, they had actually equated their actions with malignancy. More importantly, in the heated debates which ensued, it became apparent that the Commission had misjudged the effect which their "Warning" would have on the synod's wavering ministers. Many of these men, appalled by the Commission's vitriolic language, now became more amenable to the Remonstrants' overtures. Gillespie and his colleagues exploited this opportunity masterfully. They contrasted the peremptory manner of the Commission's

⁵⁰Ibid iii, 346-52; Peterkin, *Records*, 423-7.

⁵¹Row, *Life of Blair*, 264; G.R. Kinloch (ed.), *Selections from the Minutes of the Synod of Fife, 1611-87* (Abbotsford Club, 1837), 171; Lamont, *Diary*, 29.

⁵²Baillie, *Letters and Journals* iii, 142-4.

pronouncements with the amiability of their own appeal for forbearance and unity. In addition, realizing that a blatant rejection of the Commission's directives would be unacceptable to many of these ministers, they broadened the basis of their dissent to include the many misgivings which these men had about the Commission's proceedings. Moreover, they were careful to couch all their criticisms of the Commission in terms of their sincere desire for unity, both within the synod and on a national level. This tack proved very successful. The moderate James Fergusson later reported to Robert Douglas that from this point on the Remonstrants "guided the busines verie easily for their owne end" and the undecided ministers, "drawn on with the lovlie name of our intended union did goe along with them".⁵³ In the end, the Remonstrants secured the approval of a letter to the Commission in which the synod expressed its grief that the Commission would use acts of the General Assembly to identify the Remonstrants as "malignant, unfaithful, dissafected men". The use of such uncharitable language only served to increase the differences which rent the kirk. Accordingly, the synod refused to either acknowledge or obey the Commission's directives until they received "satisfaction" concerning their many scruples. However, despite their misgivings about the proceedings of the Commission, they maintained that there was "no thing earthly so dear" that they would not relinquish in order to heal the kirk's divisions. In order to remedy the situation, they proposed that representatives from the synod and the Commission meet in conference and attempt to effect a "union" between the contending factions. The synod then chose eight of their "rigidest" Remonstrants to serve as commissioners for the conference.⁵⁴ Only between 13 and 16 moderates dissented from these decisions. The synod was then adjourned *sine die* pending the Commission's answer to their overture.⁵⁵ The Remonstrants had succeeded in gaining control of the synod.

In the wake of the moderates' defeat in the Glasgow-Ayr synod, the Commission came under attack from all quarters. Robert Baillie and James Fergusson both wrote

⁵³NLS Wodrow MS Folio XXV, no.106, f.208r.

⁵⁴RCGA iii, 392-3.

⁵⁵Those chosen were Patrick Gillespie, James Nasmith, John Nevay, Gabriel Maxwell, Alexander Dunlop, Matthew Mowat, John Carstairs and Thomas Wylie: NLS Wodrow MS Folio XXV, no.107, f.210r; Cf. Baillie, *Letters and Journals* iii, 143-4.

to Robert Douglas rebuking the Commission for its incompetence in the entire matter. They both complained of the Commission's lack of direct involvement in the affairs of the western presbyteries and synods. They maintained that if the Commission had taken the time to consult with the moderates in the synod's several presbyteries before the provincial meeting, they could have easily developed a plan to prevent a Remonstrant takeover. Baillie took particular issue with the Commission over the contents of their *Short Exhortation and Warning*. He asked how it was that the Commission could call on presbyteries and synods to censure those whom they themselves had failed to officially censure. Because of this inconsistency, he maintained, the "parts of your papers and letters which threatened censure to our brethren were taken by them in high disdain; and by diverse others wondered at".⁵⁶ It soon became apparent that dissatisfaction with the Commission's *Exhortation and Warning* was confined neither to the synod of Glasgow nor the Remonstrant party. William Row reports that the language of this paper was so extreme that ministers throughout the country, even men who had hitherto supported the Public Resolutions, "scrupled to read it in their kirks."⁵⁷ The influential centrist, Robert Blair, was so concerned with the high-handed manner in which the Commission had condemned the Remonstrants that he wrote to Robert Douglas complaining,

I was surprysed with the reading of ane Exhortation and Warning, indirectlie applying the characters of Malignants to dissenters, and requyring Presbyteries to censure them. I had heard such a thing muttered, but did not beleive it, albeath letters from Glasgow compleaned of it. In my judgement it is unseasonable and not healing, not fitt to be made use of. It is lyke to make the rent wyder, and doe no good, but to crye Bellum.⁵⁸

Ultimately, the reaction to the *Exhortation and Warning* was so severe that the Commission was forced to backtrack from their original position. William Row reports that when they reconvened at Cupar after the April synods, the Commission attempted to qualify their harsh statements by declaring that "they did not affix marks of

⁵⁶NLS Wodrow MS Folio XXV, no.106, ff.208r-208v; Baillie, *Letters and Journals* iii, 144-5.

⁵⁷Row, *Life of Blair*, 264-5.

⁵⁸Baillie, *Letters and Journals* iii, 558; Wariston relates that Blair refused to read the paper in his congregation: Wariston, *Diary 1650-4*, 54, 57.

malignancy upon dissenting brethren, but only desired them to beware of such things." They were also forced to declare that "it was not their mind to censure dissatisfied brethren".⁵⁹ Such sentiments were reiterated in the Commission's official reply to the synod of Glasgow-Ayr. In this letter, they assured the synod of their "most earnest desire to have differences removed, and to give satisfaction in the most loving way". They welcomed the synod's desire for "union" and invited them to a conference, scheduled tentatively for 6 May.⁶⁰ In the mean time, the Commission had the more pressing matter of parliament's query to deal with.

Overall, the new strategy of Gillespie and the western Remonstrants had proved to be very effective. Under the guise of moderating their position they had, in fact, redoubled their efforts to gain converts to their cause. In reality, however, this "new look" Remonstrant party had undergone little, if any, substantive ideological change. Despite their pleas for unity, it was soon to become clear that the only "union" which they desired was one which entailed no compromise on their part - one in which the Commission repented of their sinful conjunction with malignants and returned to a faithful adherence to the Covenants. Indeed, if anything, the western Remonstrants had become even more radical in their convictions. Their willingness to consider the establishment of separate kirks constituted a major break with earlier radical ecclesiology. Throughout the 1630s and 1640s the ministerial radicals had believed that the kirk, although imperfectly reformed, was still the true kirk. They had responded to corruptions in worship and doctrine by holding conventicles, in which the "godly" could meet, while still giving their allegiance to "mother kirk".⁶¹ Although the radicals had often used the threat of schism to pressure the moderates into capitulating to their demands, actual separation had not been an option. Even after the passing of the First Public Resolution, the Remonstrants had contented themselves with withdrawing from active participation in the Commission. Now however, Gillespie and his colleagues had crossed the line and were actually justifying the establishment of

⁵⁹Row, *Life of Blair*, 264.

⁶⁰RCGA iii, 397-400.

⁶¹For an in-depth examination of these conventicles see D. Stevenson, "Conventicles in the Kirk, 1619-37. The Emergence of a Radical Party", *Records of the Scottish Church History Society* xviii (1973), 99-114 and "The Radical Party in the Kirk, 1637-45", *Journal of Ecclesiastical History* xxvi (1974), 135-65.

separate congregations. Although they had stopped short of declaring that the national kirk was no longer a "true kirk", the implication of their position was obvious: any kirk which was corrupted enough to leave, had by definition become unfaithful. The fact that Gillespie and the westerners had no intention of an immediate separation was immaterial; the ideological seeds of division had been sown.

For the Commission, the entire affair in the synod of Glasgow-Ayr had been nothing less than an unmitigated disaster. With apparent effortlessness, the Remonstrants had succeeded in taking control of one of the largest and most influential synods in Scotland. Gillespie and his associates now had a powerful base from which to direct their attacks on kirk and state. However, as Baillie had observed, the Commission had no one to blame for this defeat but themselves. If they had kept abreast of developments in the western church courts and taken the time to consult with the local moderate ministers, the Remonstrant coup might have been prevented. The Commission's ill-advised and badly timed *Short Exhortation and Warning* proved to be an equally disastrous blunder. The violent reaction against this paper from members of their own faction had taken them entirely off-guard and forced them to beat a humiliating retreat. Not only had they misjudged the mood of their own party, they were now unsure as to what type of support to expect from their ministers. Evidently, the dissatisfaction in the moderate camp with the proceedings of kirk and state was more serious and widespread than the Commission had hitherto realized. At the very least, it was now clear that many moderate ministers valued the unity of their local church courts over their ideological commitment to the Public Resolutions. Not surprisingly, the loss of the Glasgow synod and the retraction of their "Warning" dealt a severe blow to the Commission's authority and credibility. How could they hope to deal with the parliament from a position of strength when they could not even control the kirk's ministers and courts? Subsequently, it was a weakened Commission, filled with doubts and misgivings about which direction to take, which prepared to meet a resurgent royalist party.

The Consideration of Parliament's Query

The April synod meetings had coincided with Commissions' consideration of parliament's query concerning the legality of the full repeal of the Act of Classes. Realizing that an affirmative answer would give undisputed control of the government to the royalists and shatter the unity of the national kirk, the Commission again evaded giving a direct answer. They replied that, in a such a serious matter, they needed more time for deliberation.⁶² The royalists, however, were by no means willing to let the matter rest and pressed their advantage. They maintained that the Act of Classes was "the great *remora*" which impeded unified action against the enemy, and that the kirk party nobles only supported the Act out of self interest, "that those that then had the power might still keep it, and seclude those whom they most feared."⁶³ Throughout April and May, the newly formed royalist committee for managing the affairs of the army continued to lobby the Commission for their assent. In early April, Crawford-Lindsay, the president of the committee, wrote to Robert Douglas promising the committee's full cooperation with the Commission. He assured Douglas that Lauderdale and other former Engagers only wanted to assist their country in its time of need. He warned that if the kirk mistook their intentions and refused their aid "what wil al this kingdome say?" - "it wil give them strange opinions of your wayes." This was particularly true, since the kirk had already accepted the satisfaction of Lauderdale and the other royalist nobles. How could the Commission justify excluding men from government whom they had already exonerated? Indeed, it was the Commission who had advised the formation of the army committee on whose behalf he was now writing. How could they entrust the affairs of the army to men they would not trust in government? After employing other similar arguments, he called upon Douglas to support the repeal of the Act of Classes - an act which had become an impediment to the safety of the kingdom.⁶⁴

In a bid to gain time, Argyll and the kirk party nobles in the Estates prorogued

⁶²RCGA iii, 367-9.

⁶³Row, *Life of Blair*, 268.

⁶⁴NLS Wodrow MS Folio XXV, no.103, ff.202r-203v.

parliament's meeting from 17 April to 21 May, and then again to 23 May.⁶⁵ William Row relates that during this parliamentary recess, the kirk party nobles and the Commission met in long conferences and private debates in an effort to decide their course of action.⁶⁶ Argyll and his faction were adamantly opposed to the repeal of the Act of Classes and urged the moderate ministers to return a negative answer to the parliament's query.⁶⁷ The Commission on the other hand, appear to have been in a profound state of indecision concerning what course to take. When the Estates pressed them to return a negative answer to the query on 19 April, the Commission refused to give an answer.⁶⁸ As the consultations between the Estates and the Commission continued during April and May, warnings and advice poured in from all quarters. Robert Blair wrote to Robert Douglas informing him that although he "was not satisfied with sundrie things" in the Act of Classes, he nonetheless thought it "very unexpedient it be cancelled in anie pairt at this tyme." He maintained that the royalists were not to be trusted. In their quest for power, they had already exceeded the conditions which the Commission had laid down in their former resolutions. Moreover, to yield to their demands so soon after having stipulated that no malignants be allowed to fill places of power and trust, would be "both sin and shame". Such a demonstration of weakness would cause the royalists to despise the Commission's authority and "traduce" them thereafter. It was much safer, he counseled, to "keep this Act over the heads of them that are admitted to imployment, to mak them bettir bairnes when favours ar granted to them by degries."⁶⁹

Many of leading moderate ministers appear to have shared Blair's scruples about the repeal of the Act of Classes. Although the consultations between the Commission and the Estates were kept secret, rumours soon began to circulate that leading moderate ministers were having serious reservations about acceding to the royalists' demands. It was noised abroad that the Commission was against the repeal of the Act of Classes and that kirk and state "wer lyk to devyde" if parliament continued on their

⁶⁵Nicoll, *Diary*, 51; Balfour, *Historical Works* iv, 296; Stevenson, *Revolution and Counter-Revolution*, 201.

⁶⁶Row, *Life of Blair*, 270.

⁶⁷*Consultations* i, 313-14; "Memoirs by James Burns", 16-18, in Maidment's *Historical Fragments*.

⁶⁸RCGA iii, 388, 402.

⁶⁹Baillie, *Letters and Journals* iii, 556-7.

present course. A letter, in which David Dickson expressed some scruples about the full rescission of the classes, had been made public and was termed by the malignants "Dik's recantation". Reports were also circulating that Robert Douglas "was much weyghted" by the large number of penitents being received and had professed his belief that "many of them continewed still Malignants."⁷⁰ The essential veracity of such reports is confirmed by the actions of the Commission in the first half of April. They refused to treat with the royalist committee of the army and rebuked them for employing malignants contrary to the kirk's advice. They even wrote to the king, and after admonishing him for failing to purge his household, they demanded that the army committee be purged of all malignants, lest "an occasion is offered of opening the mouth against the Publict Resolutions." Not content with these measures, they wrote directly to the officers of the army encouraging them to censure any in their ranks who "speak or doe anything savouring of Malignancie."⁷¹ Robert Baillie, was particularly distressed about these developments and in a letter to Lord Balcarres expressed his belief that the royalists, in their haste to have the act repealed, were on the verge of "losing the kirk".⁷² In the Estates, the kirk party nobles displayed a similarly antagonistic attitude towards the royalists in their continued refusal to work with, or acknowledge, the committee of the army. On 18 April Wariston received several reports which indicated that the divisions between the royalists and the kirk party were growing apace. His informants related that "Argyle and the Duk had been at hott words; that Midleton would not joyne with David Lesly at the airmy, as the old lords would not joyne with the received Malignants in counsel".⁷³ To many observers, a schism between the royalists and the moderates seemed imminent.

News of the deteriorating relations between the royalists and the moderates raised the western Remonstrants' hopes that a "union" might be effected with their erring brethren. Throughout April and May, they pressed the Commission to repent of their sinful conjunction with royalist malignants and once again join with them in faithful

⁷⁰Wariston, *Diary 1650-4*, 40, 57; NLS Wodrow MS Folio XXV, no.110, f.216r.

⁷¹RCGA iii, 370-4.

⁷²Baillie, *Letters and Journals* iii, 160; Balcarres, although a member of the Committee of Estates, had thrown his support behind the royalists.

⁷³Wariston, *Diary 1650-4*, 40.

adherence to the Covenants and the Cause of God. This tack is clearly evident in a letter which Patrick Gillespie and the seven ministers who had been appointed for the "union conference" wrote to Robert Douglas. In this letter they informed Douglas, that although the Commission's recent papers had "exceedinglie greaved" them and "much shaken" their hopes of union, they were still desirous of a reconciliation. Indeed, in order to show "their tendernes of the credite and authoritie of the Comission" they had even refrained from engaging in any "publick representation of the the grounds of their dissatisfaction" until they had a chance to meet. They downplayed the ideological divide between the Remonstrants and moderates by assuring him that although "wee differ in some things in judgment yet wee ar perswaded wee differ not in principles." It was because of such affinities in the things of God that they were determined to "yet be one with yow when others that seem at present nearer to yow may fall off." They closed by warning Douglas that if their desire for union was dismissed and the Commission continued persecuting them, "a parte is like to gett power whose principles wee thinke yow dislike no less then wee doe."⁷⁴ Such sentiments were reiterated by a number of other leading western ministers at this time, including Hugh Binning, the Remonstrant minister of Govan and William Adair, one of the leading Ayr Remonstrants.⁷⁵

The eastern Remonstrants, however, were less hopeful than their western brethren that a union could be achieved with the Commission; neither did they join with the westerners in their new conciliatory approach towards the moderates. While Gillespie and his colleagues were busy attempting to appease the Commission, James Guthrie, the minister of Stirling, continued his vitriolic campaign against the proceedings of kirk and state, unabated. Indeed, events were later to prove that Guthrie, Wariston and other eastern Remonstrants were ideologically opposed to both Gillespie's conciliatory attitude towards the Commission and the methods which he had employed to gain control of the Glasgow synod. Such methods, in their estimation, smacked too much

⁷⁴NLS Wodrow MS Folio XXV, no.107, f.210r.

⁷⁵NLS Wodrow MS Folio XXV, no.111, f.218r; "An Useful Case of Conscience", in M. Leishman (ed.), *The Works of the Rev. Hugh Binning, M.A.* (Edinburgh, 1858), 519.

of compromise.⁷⁶ Thus, while the westerners sought an accommodation with the Commission throughout April and May, the eastern Remonstrants prepared themselves for the inevitable end of the kirk regime. This, however, is not to say that the easterners were without hope, rather that they placed their trust in the Lord and not in the machinations of sinful men. Wariston believed that the Lord, in His "straunge providence", had separated His "awen people" from the corrupt kirk regime in order to protect them from the devastation of the impending English conquest. He even entertained hopes that, in the coming clash between Cromwell and the kirk regime, the Lord would execute his anger against His "incorrigible enemyes on both sydes". Samuel Rutherford was in complete agreement with this interpretation of events, and in a letter to Colonel Ker, prophesied that the "sword of the Lord" would be bathed in the blood of both the English and "the residue of His enemies in Scotland."⁷⁷

Although the western Remonstrants call for union was all but ignored by their less pragmatic eastern counterparts, they did receive the support of the well respected and influential centrist ministers, Robert Blair and James Durham. During May, both men wrote to Robert Douglas imploring him to do his utmost to heal the divisions in the kirk. After meeting with leading Remonstrants, Blair reported that he had found them "more desyrous of conjunction" than he had expected. When the union conference arranged for 6 May was delayed until later in the month because of English troop movements, he counselled Douglas that in "the mean tyme tendernes to be used toward them & other dissenting brethren."⁷⁸ Baillie and the Glasgow moderates, however, were less than pleased with the prospect of union with their turbulent brethren. After witnessing the defection of many seemingly moderate men in the Glasgow synod and the way in which the Commission had retracted much of their *Exhortation and Warning*, Baillie and his colleagues began to fear that the Commission might actually yield to the growing demand for a union. Reports of the commissioners' scruples concerning the repeal of Act of Classes had only served to heighten their

⁷⁶Wariston and Guthrie were equally appalled when Gillespie employed similar means to unite the synod of Glasgow in 1654-5: Wariston, *Diary 1655-60*, 4.

⁷⁷Row, *Life of Blair*, 266-7; Wariston, *Diary 1650-4*, 39-41; Rutherford, *Letters*, 656-62.

⁷⁸NLS Wodrow MS Folio XXV, nos.115, 116, ff.226r-227r; *RCGA* iii, 403, 411-12. Baillie, *Letters and Journals* iii, 556-7.

apprehensions. After learning that the conference had been postponed, Baillie wrote to Robert Douglas and attempted to dissuade him from uniting with the Remonstrants. He warned Douglas that the Remonstrants' plan was "to gaine the conference to them, either all or some" while still holding "firme to their principles." "We who know them better than yow", he continued, "think none of them is to be gained one hair-bread."⁷⁹ Baillie also took it upon himself, between 3 and 12 May, to write three letters to the Earl of Lauderdale, one of the most prominent members of the royalist committee of the army, warning urgently of the Remonstrants' plan to win over the Commission at the upcoming conference.⁸⁰

The Second Public Resolution and the Repeal of the Act of Classes

Meanwhile, the dissensions between kirk party nobles in the Estates and the royalists in the committee of the army continued to increase as the army committee, who were now styling themselves the "Committee of estates for the affaires of the armie", began to take on a more overtly political role. Indeed, with the support of the king, a clear majority in parliament and control of much of the army, there was little to impede them. The royalists' rise in power paralleled the decline in authority of the kirk party nobles, and undermined further their ability to resist the repeal of the Act of Classes. Their authority received a further blow when, in early May, they learned that many of their moderate colleagues on the kirk's Commission were, against their wishes, beginning to incline towards approving the act's rescission. Realizing the precariousness of their situation, Argyll and his faction attempted one last desperate bid to bolster their position by strengthening their influence in the army. At a "grate meitting" of the Estates on 6 May, they attempted to elect one of their faction, the Earl of Callander, field marshal of the army. However, Hamilton and the royalist party, "perceiving the Campbell's subtle endeavours" attempted to block Callander's election by having their supporters in the Estates correspondingly nominate their man,

⁷⁹Ibid iii, 169-71.

⁸⁰Ibid iii, 166-7, 170-2.

Colonel John Hamilton, for the position of Major-General. When the matter came to a vote, a majority in the Estates, "perceiving the subtle contrivances of the two contending factions", rejected both appointments.⁸¹ The inability of the kirk party nobles to carry this vote in the Estates marked the end of their resistance to the repeal of the classes. With the approach of the scheduled meeting of parliament on 21 May, all eyes were now turned towards the Commission in anticipation of their decision.

When the Commission reconvened on 15 May, they came under renewed pressure from the royalists to agree the repeal of the Act of Classes. Lauderdale, Crawford-Lindsay and other members of the army committee wrote demanding that they return "a cleare and positive answer to the Parliaments Quaeree". Although they claimed that they would submit to whatever the Commission determined, they warned ominously that many of them would rather "hazard dying with the marke of infamie on them" than to delay action against the common enemy when summoned by king and parliament.⁸² The Commission realizing that the time for their decision had arrived, responded by arranging three separate conferences to be held in private on consecutive days with the Remonstrants from the synod of Glasgow-Ayr, the Estates and the committee of the army. The committee appointed to travel to these meetings included Robert Douglas, James Wood and James Sharp. They obviously wanted to consider the position of all three factions before rendering their final decision. They then adjourned until 22 May, pending the outcome of these meetings.⁸³

The first meeting, their "union" conference with the Glasgow Remonstrants, was held at St. Andrews on or around 19 May. The meeting, however, "was not well kept", with few upon either side attending. The Remonstrant contingent, comprised of only Patrick Gillespie and John Carstairs, refrained from using scriptural arguments against the Resolutions, such as those employed by James Guthrie, and chose instead to approach the matter from a legal and practical standpoint. They pressed the incongruity of the Public Resolutions with the West Kirk Declaration and the *Solemn*

⁸¹Balfour, *Historical Works* iv, 297; Row, *Life of Blair*, 270-1; Wariston, *Diary 1650-4*, 57.

⁸²RCGA iii, 405-7; SRO PA 11/11, Register of the Committee for managing the Affairs of the Army, 1 April-22 May 1651, f.35r; Stevenson, *Government under the Covenanters*, 154.

⁸³RCGA iii, 420, 426-7.

Acknowledgement and Engagement of 1648⁸⁴, the latter of which had explicitly prohibited confederations with malignants. The moderates responded by again denying that they were employing malignants; only those who had repented and given satisfaction to the kirk were being readmitted. As for the West Kirk Declaration, they had only approved it under coercion: because the "westland forces" refused to engage the enemy until the document was ratified. The Remonstrants then argued against the repeal of the Act of Classes. They maintained that "the sudden receiving of so many profane and malignant men" into the government when there was "just ground to suspect their professions", would result in the overthrow of the Covenants and the Cause of God and lead to the "oppression and persecution of the people of God." The moderate ministers answered that "their fears and jealousies of that which was to come, might never be" but Cromwell, if he was victorious, would without question "undo the people of God, raze ordinances and all government, civil and sacred." As their debates progressed, it became apparent that Baillie's fears and the Remonstrants' hopes concerning union were both unfounded. Indeed, unbeknown to the Commission, the Remonstrants had received strict instructions from their synod not to compromise. Whether the moderates came to the meeting willing to grant concessions is less clear, although it is likely that the recent developments in the government would have precluded this possibility. Regardless, with negotiation not an option, the conference degenerated quickly into a forum for the rehashing of old grievances and the contending factions "sundered even as they met", with both sides remaining implacable.⁸⁵

With reunification with the Remonstrants no longer an option, the Commission's meetings with the Estates and army committee amounted to little more than in-depth negotiations concerning the conditions upon which the Commission would agree to the repeal of the Act of Classes. Although no records from these conferences survive, their substance can be deduced from subsequent events. On 24 May, the Commission sent their answer to parliament's query concerning the repeal of the classes. However,

⁸⁴*A Solemn Acknowledgment of Public Sins and Breaches of the Covenant, and a Solemn Engagement to all the Duties contained therein...* (Edinburgh, 1648), reprinted in *RCGA* ii, 80-8.

⁸⁵*Ibid* iii, 428-29; NLS Wodrow MS Folio XXX, no.9, f.18r; Row, *Life of Blair*, 265-6.

they first laid down a number of stipulations which they required parliament to agree to before they would officially hand in their answer. Parliament was to pledge that they would "never directlie nor indirectly" seek to repeal any of the laws or acts made in favour of religion and reformation, "especially such as have been made since the year 1648." They were also to give assurance that they would "never directly nor indirectly" seek revenge against those who had opposed their involvement in the Engagement or who had censured them for "any other course of Malignancie." Futhermore, they were not to remove "from places of power and trust" men who had been "stedfast in the Cause"; all such men were to continue in their present positions, unharassed. They were also to pledge that if any of their number returned to their "former sinfull and evill" courses, they would proceed against them as malignants. Finally, they were required to renew and ratify a 1649 act "for keeping the Judicatories and places of trust free of corruption." All of these stipulations were to be established by acts of parliament during the present session.⁸⁶

When the parliament agreed to these stipulations the Commission presented the answer to their query. Interestingly, they designed it to both satisfy parliament's demands and dissociate themselves from any responsibility in the matter. They had been able to defend the first Public Resolution against the Remonstrants' polemic on the ground that it was necessary for the defence of the country. No such rationale could be found for their capitulation to the royalists' demands. Equivocation was now their only refuge. They stated,

it is not competent to us, but only to the King and Parliament, to make or repeall Acts of Parliament, and, therefore, that as the Commission of the Kirk had not hand in making of the Act of Classes, so neither doe we take upon us to determine the keeping up or rescinding or repealing of the same.

They judged that the Solemn League and Covenant, and other declarations of kirk and state, only required the civil authority to punish offenders and did not set "any definit measure of time" on the exclusion of such person. The parliament could therefore "without sin...lenthen or shorten the time of such censures according as they shall find just and necessary". The Commission, however, did seek to retain some manner of

⁸⁶*RCGA* iii, 442-3.

control, if only nominal, over the government. They maintained that the clauses in the kirk's declarations which mandated that only men "of knowne good affection to the Cause of God and of a blameles and Christian conversation" be admitted to civil courts, was based upon the moral law of God, and therefore perpetually binding. Therefore, only those who had satisfied the kirk of the genuineness of their repentance and who had taken or renewed the Covenant could be readmitted to the parliament.⁸⁷ This answer became known as the *Second Public Resolution*.

It is noteworthy that there were only twenty-two ministers and two ruling elders present at the meeting which passed the second Public Resolution. Moreover, the majority of ministers in attendance were royalist sympathizers from Fife and the north east - many of them closet-episcopalians whom the kirk had failed to purge during the 1640s.⁸⁸ Virtually none of the kirk's leading ministerial lights, men who had led the Covenanting movement from its inception, were present. There were no Remonstrants and no centrists in attendance. Moreover, with the exception of Robert Douglas and James Wood, all of the leading moderate ministers had absented themselves from the Commission at this time.⁸⁹ Although many of these ministers eventually supported the second Resolution, some of them, including David Dickson, did so more out of respect to the Commission's authority rather than any ideological commitment to their proceedings. The fact that the Commission had taken it upon themselves, under such questionable circumstances, to approve the repeal of legislation which brought about the end of the kirk regime, was to become a serious bone of contention between the factions in the near future.

On 30 May, parliament passed legislation to satisfy most of the Commission's stipulations. An act was ratified establishing all legislation passed in favour of religion and the work of reformation. All new members of parliament were required to subscribe a band pledging never to repeal such legislation and never to take revenge for any censure or punishment they had received at the hands of the kirk regime. Neither were they to purge any of the kirk party from their present civil offices.

⁸⁷Ibid iii, 439-42.

⁸⁸For an examination of the kirk's purges in the 1640s see D. Stevenson, "Deposition of Ministers in the Church of Scotland Under the Covenanters, 1638-1651", *Church History* xliv (1975), 321-35.

⁸⁹RCGA iii, 439.

Then, on 2 June, parliament repealed both the 1646 and 1649 Acts of Classes. The same day, Hamilton, Crawford-Lindsay, Lauderdale, Atholl and Huntly subscribed the required parliamentary oath and were admitted to the Estates the next day. In the days that followed they were joined by Callander, Douglas, Wigtown, Tullibardine, Annandale, Hartfell, Lindores and Belhaven. The royalists now had control of parliament, the Committee of Estates and all the key parliamentary interval committees. The rule of the kirk regime had ended.⁹⁰ Not surprisingly, this realignment of power resulted in a severe reduction in the kirk's influence over the government. One contemporary reported that shortly after the fall of the kirk regime the new royalist Estates "did diminish the Power of the Church, who were not consulted so much in Civil affairs as before."⁹¹ There was a corresponding decline in the influence and authority of the kirk party nobles. On 11 July, the English newsletter, *Mercurius Politicus*, reported, "Argile is gone down the winde; nobody takes any notice of him; as he rides along, private troopers justle him sometimes almost off his horse."⁹²

The 1651 General Assembly at St. Andrews and Dundee

After giving their tacit support to the repeal of the Act of Classes, the Commission dropped all pretence of trying to reach an accord with Remonstrants. On the same day on which they passed the second Public Resolution, they took steps to quash any further opposition from the Remonstrants. First, they passed an act for citing those who opposed the Public Resolutions. In this way, the Commission sought to exclude the Remonstrants from the upcoming General Assembly at St. Andrews scheduled for 16 July. Those who were cited to appear before the Assembly were prohibited from being commissioners. The Commission then sent copies of the act to the presbyteries,

⁹⁰APS vi, ii, 672-3, 676-81; RCGA iii, 452-5, 458-9; Balfour, *Historical Works* iv, 301-7; Young, *Scottish Parliaments*, 285-7; Stevenson, *Revolution and Counter-Revolution*, 202.

⁹¹EUL, Dc 5. 44, Alexander Hamilton of Kinkell, memoirs of Scots Affairs from the Death of King Charles I to the Restoration, f.338.

⁹²Quoted in J. Willcock, *The Great Marquess: Life and Times of Archibald...Maquess of Argyll* (Edinburgh, 1903), 271.

instructing them to make "diligent tryall" of the ministers within their bounds and identify the Remonstrants. If after consultation, these men continued in their obstinate opposition to the Public Resolutions, they were to be summoned to appear before the upcoming Assembly to answer for their disobedience. The Commission also appointed a sub-committee to consider the Western Remonstrance and make report of their findings to the Assembly.⁹³

The royalist parliament quickly followed suit and on 3 June, they passed an act against the Western Remonstrance. The Remonstrance was condemned and the lay persons who had subscribed it were required to appear in person before the Estates within the month and sign a recantation. All who failed to renounce the Remonstrance would have proceedings initiated against them as seditious persons and breakers of the peace. Only Argyll, Loudoun, Cassillis, and a small rump of kirk party supporters, voted against this parliamentary act. Predictably, the Commission gave its hearty approval to this act. On 22 June, seven of the "Remonstrators in Cheiffe", including Campbell of Cesnock, Cunningham of Cunninghamhead, Maxwell of Nether Pollock, Sir James Stewart and Mure of Glanderston, capitulated to parliament's demand and signed a band in which they renounced the Remonstrance and pledged to support king and parliament. However, many of Patrick Gillespie's "trustie friends at Glasgow", including George Porterfield the provost, Sir John Cheisly, John Graham and John Spreul, refused to sign and "stuck firm to their Remonstrating principles." News that many of their key lay supporters had abjured their allegiance to the Covenants and Cause of God spread quickly through the Remonstrant camp filling Wariston, Guthrie and Gillespie with grave apprehensions concerning the fate of the godly in the land.⁹⁴

The Remonstrants, however, remained undeterred and prosecuted their campaign against the proceedings of kirk and state with renewed vigour. In early June, Gillespie and nine or ten western Remonstrants travelled to Stirling for a conference with the Commission and engaged in another attempt to dissuade them from their present sinful

⁹³RCGA iii, 439, 445-6; Row, *Life of Blair*, 272-3.

⁹⁴APS vi, ii, 683-4; RCGA iii, 478-9, 490; Balfour, *Historical Works* iv, 309-10; SRO PA 11/11, Register of the Committee of Estates, 7 June-22 July 1651, ff.64v-65v, 68v-69v, 70v-71v, 76v; "Memoirs by James Burns", 21, in Maidment's *Historical Fragments*; Wariston, *Diary 1650-4*, 74, 77; NLS Wodrow MS Quarto XXIX, no.50, ff.135r-136r; NLS Wodrow MS Folio XXX, no.5, ff.12r-12v; Stevenson, *Revolution and Counter-Revolution*, 202-3; Young, *Scottish Parliaments*, 287-8.

course. However, despite the fact that the recent acts of kirk and state had placed them in precarious position, they again adhered to a detailed set of instructions which allowed for no compromise. Without room for manoeuvring, this conference amounted to little more than a repeat performance of their previous May meeting and ended with both sides remaining intractable.⁹⁵ James Guthrie was particularly busy during the period leading up to the General Assembly. Throughout June and early July, he engaged in a letter writing campaign, corresponding with ministers "far and near" in an attempt to strengthen the resolve of his fellow Remonstrants. Moreover, he continued his public denunciations of the Public Resolutions and the repeal of the classes from his pulpit. After hearing Guthrie preach at Stirling on 1 July, John Smith wrote to Robert Douglas informing him of the contents of Guthrie's sermon. He reported that Guthrie maintained that the Commission had declined from the straight path of holiness and righteousness and were pursuing a course of defection in alliance with malignants. He had also condemned the composition of the army and termed the nobility "revolters and backsliders". Smith warned Douglas of dire consequences if the promulgation of such "dangerous doctrines" was allowed to continue. As the date of the General Assembly drew nearer, Guthrie sought to strengthen the links between the eastern and western branches of the Remonstrant party. Accordingly, he travelled to Glasgow at various times during June and July and engaged in negotiations with Gillespie and the western Remonstrants aimed at developing a unified course of action.⁹⁶

After consultation, Gillespie and Guthrie, realizing that they were likely to be barred from participating in the General Assembly, wrote to Wariston, an expert in the laws and liberties of the kirk, imploring him to repair to the Assembly and represent the Remonstrants' cause in their stead. Guthrie informed him that "in al Scotland" he was the man "most ingaged and designed of God to apeare for Christ in His courts at this tyme". Wariston, after wrestling with many misgivings, not the least of which was his fear of being associated with the westerners, yielded to their appeals and agreed to attend the Assembly. Privately, however, he held out little hope that his

⁹⁵Wariston, *Diary 1650-4*, 68; *RCGA* iii, 459-60; NLS Wodrow MS Folio XXX, no.10, ff.19r-20r.

⁹⁶NLS Wodrow MS Folio XXV, no.120, ff.235r-235v; Row, *Life of Blair*, 266-7.

arguments would deter the commissioners, men "so deeply engaged in a declining course." Despite such misgivings, Wariston began to prepare a prodigious amount of papers for the Assembly's consideration, enough to occupy many sessions if they were read. However, his plans for attending the Assembly were soon thwarted. On 25 June, he received a summons from the new royalist Committee of Estates ordering him to repair to Stirling by 3 July. Believing that the Estates planned on detaining him, he refused to comply. His suspicions were confirmed a few days later when he received a letter from his wife informing him that it was not safe to attend the Assembly because the Estates planned on charging him with "bringing in the English army", "breaking [the] Scots army at Dumbar, by purging" and "contryving and penning" the *Western Remonstrance*. After receiving similar warnings from John Livingstone and Robert Leighton, Wariston decided not to attend the Assembly and instead committed the papers he had prepared to his wife with "instructions" to deliver them to his brethren at St. Andrews.⁹⁷ On the eve of the General Assembly, the centrist minister James Durham wrote to Robert Douglas imploring him to exercise moderation towards the Remonstrants. He counselled that the "only way of healing" was to wave "all bypast debates" and seek a new basis for unity. He warned that the divisions which would arise from censuring the Remonstrants would be far more scandalous than the matters for which they would be condemned. Such a course would only strengthen the resolve of the Remonstrants to suffer for the cause which they espoused and lead to the institutionalization of the schism.⁹⁸

The 1651 General Assembly at St. Andrews opened on a discordant note.⁹⁹ The

⁹⁷Wariston, *Diary 1650-4*, 61, 65, 72-3, 75-8, 79n, 81-2, 87-8, 319; SRO PA 11/11, f.73r; Ogilvie, *Bibliography*, 66; Wariston's "instructions" to his wife are dated 14 July, 1651, and are printed in HMC 72, Laing i, 266-268; The papers which Wariston entrusted to his wife included a "principal letter" with an "enclosed letter", a tract "anent the testimonies", a tract "agaynst concurrence", his answer to the Commission's letter to the presbytery of Stirling and a two sections of a "large tractat" entitled "Of the Sinfulness of joyning with Malignants". Three of these papers are extant. The "principal letter" can be found in NLS Wodrow MS Quarto XXXII, no.5, ff.29r-37r. The "enclosed letter" is printed in *The Nullity of the Pretended Assembly at St. Andrews and Dundee*, 8-13. The "large tractat" can be found in NLS Wodrow MS Quarto XXXIII, no.16.

⁹⁸Baillie, *Letters and Journals* iii, 560.

⁹⁹Although no official records of this Assembly are extant, a number contemporary accounts survive. Alexander Gordon's eyewitness account of the Assembly is printed in Peterkin, *Records*, 626-31. William Row, minister of Ceres, who was almost certainly a member of the Assembly, gives his account in Row, *Life of Blair*, 274-8. Accounts written for polemical purposes can be found in James

retiring moderator, the Remonstrant Andrew Cant, preached in the morning session against the Public Resolutions and the public papers and acts of the Commission. In the afternoon session, Robert Douglas preached, "and in the close of his sermon contradicted the former sermon." When the day's business opened, the Remonstrants attempted to prevent the constitution of the Assembly. After the commissions of the presbyteries were handed in, John Menzies, the Remonstrant minister of Aberdeen, "immediately arose" and demanded that the members of the Commission be barred from sitting as members of the Assembly, on the ground that they had scandalously carried on a course of defection from Covenants. Robert Douglas then rose and replied that there was greater reason to demand that those who were lying under the scandal of "opposing, writing and preaching against the Resolutions of the Kirk" should not be allowed as members. "Immediately there arose a great number on both sides, with a great heat and fury". Menzies and James Guthrie made "feirce and bitter" speeches insisting that the very report of a scandal was enough to prevent men from sitting in the kirk's courts. Realizing that the Remonstrants were trying to sabotage the Assembly, Douglas replied that such men could not be debarred until they had been found scandalous and that could not happen until the Assembly was constituted. Samuel Rutherford then attempted to submit a paper, probably by Wariston, against the constitution of the Assembly. After "much difficulty and long debate" it was decided that no papers or motions could be considered until the Assembly had been constituted and a moderator had been chosen. In a final bid to prevent the constitution of the meeting, Andrew Cant moved for a private conference between the factions, in order to "take away the former heat and division", but this motion was also denied. After further debates and delaying tactics, the Assembly was constituted and Douglas chosen as moderator. This ended the first session.¹⁰⁰

Wood's, *A Vindication of the Freedom and Lawfulness of the late Generall Assembly*, and the anonymous Protester pamphlet, *The Nullity of the Pretended Assembly at St. Andrews and Dundee*. Wariston, although not present at the Assembly, was kept informed of its proceeding. The news which he received, together with his private musings on the matter, can be found in Wariston, *Diary 1650-4*, 84-105. There is also a brief account in Lamont, *Diary*, 33. Various acts, letters, papers and documents relating to the Assembly are extant and will be referenced in the following text.

¹⁰⁰Peterkin, *Records*, 626-7; Row, *Life of Blair*, 274-5; Ogilvie, *Bibliography*, 66-7. Wariston received news that somebody had handed in his paper "anent the constitution of the General Assembly.": Wariston, *Diary 1650-4*, 90-1. This is possibly the "Essay concerning the Constitution of

In the days which followed, the situation between the contending factions degenerated even further as heated disputes arose over a number of issues. At the open of the second session, Lord Balcarres, the king's commissioner to the Assembly, submitted a letter from Charles "entreating them to study unity" and "censure those who wer contrary to the publick resolutions." Not surprisingly, this adjuration provoked outrage amongst the Remonstrants who condemned the letter as "inorderly and irregular" and accused the king of seeking to have them censured before the Assembly had even considered the Resolutions. Realizing that the situation was getting out of hand, the former radical David Dickson and the centrist Robert Blair moved for a conference between the leading members of the factions. Balcarres and the moderate minister John Smith, mistrustful of such back room dealings, opposed this motion. Balcarres argued that it was "derogatory from the authority of the Assembly to appoint conferences about ane undetermined bussiness", and maintained that such a meeting should only take place after the Commission's proceedings of the previous year were tried and examined. Dickson and Blair replied that a conference might be held about "the meating of men's minds and affections" without examining the proceedings of the Commission. After "a long debate" a conference was granted, with the proviso that it would not be a "judicial" meeting. However, Balcarres's fear of the factions arriving at a compromise was entirely unfounded. A full afternoon of discussion and debate brought them no nearer to reaching an agreement than when they began.¹⁰¹

When a letter from Wariston was presented to the Assembly the following day, "there fell a hote debate whether it should be read". The moderates, in full control of the Assembly, decided that the consideration of the letter should be delayed, until "a more convenient time."¹⁰² The Remonstrants, perceiving that the moderates were moving inexorably towards censuring them and approving the proceedings of the former Commission, met in private and drafted a protestation against the Assembly. It was agreed, however, that it would not be presented until all hope of

the Assembly" in NLS Wodrow MS Quarto XXXII, no.15.

¹⁰¹Peterkin, *Records*, 627; Row, *Life of Blair*, 275-6; The king's letter to the General Assembly is in NLS Wodrow MS Folio XXXI, no.34; For a fuller account of the Remonstrants' reaction to the king's letter see *The Nullity of the Pretended Assembly*, 229-36.

¹⁰²The refusal to read Wariston's letter is discussed in-depth in *ibid*, 237-47.

accommodation was gone.¹⁰³ The next session was spent debating "the controverted commissions" of certain presbyteries. The presbyteries of Glasgow and Stirling had each elected two slates of commissioners to the Assembly, one Remonstrant and the other moderate, each claiming to be the lawful delegation. The presbytery of Dunkeld had elected a solid slate of Remonstrants for their commissioners, but this was contested by the moderates in the presbytery. After "much debate" this matter too, was laid aside until the proceedings of the former Commission had been examined.¹⁰⁴ On Sunday night, 20 July, news of the of the disastrous defeat of the Scottish army at nearby Inverkeithing reached the Assembly. The Assembly was hurriedly convened at midnight and adjourned to meet at Dundee on the following Tuesday. "Immediately", relates William Row, Samuel Rutherford, "in the name of the Kirk of Scotland", gave in the Remonstrants' protestation against the lawfulness of the Assembly, signed by twenty-eight ministers, and desired that it be read. When this was refused, "all that had subscribed the remonstrance, with some others, went away." When Wariston received news of the army's defeat he reflected that it was "a strange testimony of God" against both kirk and state and rejoiced that the Lord had added "His testimony to the testimony of His servants, in such a place at such a tyme, after so many former disapoyntments." Cromwell was also elated and hastened to inform the English parliament of this "unspeakable mercy". The defeat of the "malignant party" was finally in sight.¹⁰⁵

When the Assembly reconvened at Dundee on 22 July, it had lost approximately half its members. The Protesters were absent to a man and many moderates were prevented from attending because of English troop movements. Others, such as the centrist Robert Blair, appear to have withdrawn because they did not wish to associated with the Assembly's proceedings. Many of those who remained were obscure royalist ministers from Fife and the north-east. Unlike their more moderate colleagues, these men had little respect for the Remonstrants. During the 1640s, such

¹⁰³Peterkin, *Records*, 627; Row, *Life of Blair*, 278 and note; Wariston, *Diary 1650-4*, 90-1, 103, 109-10; NLS Wodrow MS Quarto XXXII, no.5, ff.29r-37r.

¹⁰⁴Peterkin, *Records*, 627, 632-4; Row, *Life of Blair*, 273n; F.N. McCoy, *Robert Baillie and the Second Scots Reformation* (Berkeley, 1974), 144.

¹⁰⁵Peterkin, *Records*, 628; Row, *Life of Blair*, 277 and note; Lamont, *Diary*, 32; Wariston, *Diary 1650-4*, 8493 and note; Abbott, *The Writings and Speeches of Oliver Cromwell* ii, 430-5.

ministers had kept a low profile in order to escape the purges of zealous radicals. Now, with the situation reversed, they prepared to give full vent to their animosity towards the Remonstrants.¹⁰⁶ Shortly after the adjournment at St. Andrews, the centrist Robert Blair, fearing that because of its new composition the Assembly might be prone to deal too harshly with the Protesters, wrote to Robert Douglas and stated,

The folie of the Protesters, I think it very presumptuous; yet I think it not wisdom to goe to the height of deserved censures, considering the extremitie of the tyme...

Such clement advice, however, was largely rejected as the Assembly made the examination of the Remonstrants' Protestation their first matter of business.¹⁰⁷

In their Protestation, the Remonstrants maintained that the present "meeting" was not a free, lawful Assembly of the Church of Scotland because the election of commissioners had been "pre-limited and prejudiced" by the former Commission's letter and act directing presbyteries to cite those who had opposed the Public Resolutions. Moreover, the very men who had acted to prelimit the Assembly were themselves allowed to sit and vote, notwithstanding the fact that exceptions had been made against their membership. Such men, they argued, guilty as they were of carrying on "a course of defection contrary to the trust to the trust committed to them", should not have been admitted as members until their proceedings had been tried and approved by the Assembly. Objection was also taken to the king's letter and the speech of Balcarres, both of which, the Remonstrants argued, had encroached upon the freedom of the Assembly by inciting the commissioners to take "hard courses" against the Remonstrants. Because of these, and "many other important grounds and reasons", including the fact that the moderate ministers had formed an alliance with the "Malignant party" and brought them into places of power and trust, this present "pretended Assembly" had no authority. Therefore it had no power to determine controversies, make acts, emit declarations, censure ministers, judge protestations or approve the proceedings of former Assemblies. Indeed, anything which it did would be considered "void and null" and would not be binding on the Kirk of Scotland. The

¹⁰⁶For the activities of these ministers during the Assembly, see Peterkin, *Records*, 629-30.

¹⁰⁷Ibid, 628; Row, *Life of Blair*, 277-8 and notes; Baillie, *Letters and Journals* iii, 558-9.

Remonstrants concluded their Protestation by declaring that only when there were new elections, in which the presbyteries would be allowed to choose commissioners without interference or intimidation from the Commission, could there be a free and lawful General Assembly. Until such a time, those who had protested against the "pretended Assembly" would be free to exercise their ministries notwithstanding any censures which were placed on them.¹⁰⁸

In the subsequent sessions of the Assembly, the moderates moved quickly to condemn the actions of the Protesters. Robert Douglas declared the Protestation to be "the highest breach of all the articles of the Covenant that ever was since the work of reformation began." David Dickson maintained that the matter "was of the highest concern that ever came before an Assembly." "Hitherto", Dickson observed, "the Lord had preserved the liberty and freedom of this Kirk entire" - the Protestation, however, had struck at the very root of the Assembly's freedom. However, while the majority advocated condemning the Protestation, disagreements arose concerning what measures should be taken against the signatories. Balcarres and the royalist ministers from Fife and the north-east called for all who had subscribed the Protestation to be summarily excommunicated. When this was refused, the royalists then motioned that all the Protesters be cited to appear before the Assembly. Douglas and the leading moderates, however, unwilling to alienate such a large group of ministers, advocated citing only a few leading agitators as a warning to the others. The royalists' motion was defeated after two days of debate and it was carried that only five of the "chief actors" in the affair should be cited - Patrick Gillespie, James Guthrie, John Menzies, James Nasmyth and James Simpson. The Assembly forwent proceeding against such eminent men as Samuel Rutherford and Andrew Cant for fear of provoking a backlash among its members. Only seven of the Assembly's remaining ministers objected to the citation of these five men, maintaining that they should be "more amicably dealt with" because their adherence to the Protestation was a matter of conscience. While the Assembly was debating these issues, three letters arrived from ministers who had refrained from signing the Protestation but had nevertheless left the Assembly. The commissioners from the presbyteries of Lanark, Paisley and Biggar maintained that

¹⁰⁸Peterkin, *Records*, 631-2; Row, *Life of Blair*, 277.

while they did not dispute the constitution of the Assembly, they did protest against the Assembly approving the proceedings of the former Commission. The commissioners from the presbytery of Hamilton, James Nasmith and Thomas Charteris, wrote desiring that their names be added to the Protestation. John Carstairs, one of the Remonstrant commissioners from Glasgow, informed the Assembly that he desired the liberty to adhere to the Protestation in the future, "if soe be he got further light".¹⁰⁹

This continued dissent did not deter the Assembly from their intended course. In the subsequent sessions, they approved the proceedings of the former Commission, including all the acts, Resolutions and public papers which they had emitted since the return of Charles II, with the exception of the West Kirk Declaration of 13 August. Of the remaining members, only six, John Dickson, Robert Fergusson, James Nisbet, Alexander Gordon, Thomas Lundy and Alexander Smith dissented, maintaining that taking malignants into places of power and trust was "contrary to the Covenant and the solemn engagment." Before rising on 31 July, the Assembly deposed Patrick Gillespie, James Guthrie and James Simpson for refusing to appear and answer the charges against them. James Nasmith was suspended and John Menzies was referred to the Commission, there still being "some hopes of gaining him." They also passed a number of acts: an act for citing and censuring ministers and elders who did not acknowledge the lawfulness of the Assembly and its proceedings; an act for citing and censuring expectants, students of divinity and family chaplains who opposed the Public Resolutions and an act condemning the Western Remonstrance. On its penultimate day, the Assembly issued a *Warning and Declaration* and had it sent to the printer. In the preface of this paper, the commissioners contended that Satan had transformed himself into an angel of light and had used "the zeal and wit of some" and "the simplicity" of others to bring about the present schism in the kirk. They also implied that the entire schism was designed by the leaders of the Protesting party to impede the defence of the land and strengthen the position of the English.¹¹⁰

¹⁰⁹Peterkin, *Records*, 628-9; Row, *Life of Blair*, 278; Wariston, *Diary 1650-4*, 98-9, 100.

¹¹⁰Peterkin, *Records*, 630-1, 635-6, 638; RCGA iii, 495-6; Row, *Life of Blair*, 278; NLS Wodrow MS Quarto XXXII, no.8, ff.51v-52r; NLS Wodrow MS Folio XXXVIII, no.4, ff.5r-5v; *A Warning and Declaration from the Generall Assembly at Dundie, the 30 of July 1651. Post meridiem. Sess. 17.*

In retrospect, the Commission's decision to restrict the attendance of the General Assembly by requiring the presbyteries to cite all those who had opposed the Public Resolutions ensured the institutionalization of the schism. However, they were left with little choice. Such a move was necessary to ensure their control of the Assembly. A strong contingent of well-organized and vocal Remonstrants, aided by prominent centrists and dissident moderates, might have succeeded in preventing the Assembly from ratifying the proceedings of the previous Commission. This would have been an unmitigated disaster for the moderates. Anything less than a full vindication of the Commission's proceedings over the past year would have legitimized the charges of the Remonstrants leading to the further derogation of the Commission and Assembly's authority. It was also imperative that the moderates prevent any substantial debate on their proceedings. Such debates would have exposed their public papers to a scrutiny which many, particularly the second Public Resolution, could not withstand. While the Commission had been able to provide a strong defence of the first Resolution by using arguments from Scripture and natural law, they had no such justifications for surrendering control of the government to the royalists. They could only maintain that the repeal of the Act of Classes was a civil matter and not within their jurisdiction. In the months and years which followed, this was to remain a weak point in the Resolutioners' apologetic defence of their actions.

The moderates use of such repressive tactics left the Remonstrants with little choice but to enter a protest and withdraw from the Assembly. If they had not withdrawn, their presence would have been construed as a tacit recognition of the Assembly's authority and legality. Conversely, if they remained and failed to prevent the approval of the Commission's proceedings, they would have been exposed as minority faction and consigned to the margins of the kirk. However, the Remonstrants had anticipated these eventualities and skillfully turned the situation to their advantage. They used the Assembly as public platform from which to broadcast their dissent to the entire nation. In fact, the publicity which their cause received from their bold protestation and withdrawal did more to strengthen their faction than all their polemical labours of the past year. More importantly, the submission of the

(Aberdeen, 1651); Wariston, *Diary 1650-4*, 111.

Protestation had been a defining moment, the culmination of an intense year-long factional struggle for the heart and soul of the Covenanted movement. For the next decade each faction would define themselves, and each other, by the standard of this Assembly. Those who protested its authority became known as Protesters, while those who had approved the proceedings of the 1650 Commission became known as Resolutioners. The institutional unity of the national kirk was now shattered. The next "uncontroverted" General Assembly would not sit until 1690.

Cromwellian Conquest: Protesters and Resolutioners

In the aftermath of the 1651 General Assembly, the Scots' military situation continued to worsen. On 31 July, the king, the main Scots army and part of the Committee of Estates left Stirling and began their fateful journey to England. Meanwhile the English continued their march north through Fife. On 2 August, Perth fell to the English. Four days later, on 6 August, Stirling burgh fell and shortly thereafter Stirling garrison surrendered.¹¹¹ The Protesters were heartened by these developments and interpreted them as the Lord's providential judgement on the Scottish malignants. Wariston took particular encouragement from news of the king's march towards England. "Who knows but the Lord may...be that means, cast an equal balance betuixt the Sectarian and Malignant party, and maik them crush on another".¹¹² While the contending armies continued their tactical manoeuvring, the Protesters and the Resolutioners continued their own private polemical war. The Protesters had their Protestation published and by 8 August there were two editions in circulation, one printed at Leith by Evan Tyler and a London reprint.¹¹³ The

¹¹¹Balfour, *Historical Works* iv, 313-14; Nicoll, *Diary*, 55; Turner, *Memoirs*, 94; Abbott, *The Writings and Speeches of Oliver Cromwell* ii, 439-46; For the most recent account of the military situation at this time see J.D. Grainger, *Cromwell Against the Scots: The Last Anglo-Scottish War, 1650-1652* (Edinburgh, 1997), 113-27.

¹¹²Wariston, *Diary 1650-4*, 102.

¹¹³The Leith edition appeared under the title, *The Protestation of diverse Ministers, against the Proceedings of the late Commission of the Church of Scotland: As also against the lawfulness of the present pretended Assembly* (Leith, 1651).

London edition may have been printed at the instigation of Cromwell, as in the case of the *Stirling Remonstrance*, or it may have been an attempt by the Protesters to secure the sympathies of the English presbyterians. The latter possibility seems more likely. With the impending Cromwellian conquest, the Protesters realized that if they could secure the support of their co-religionists, the Resolutioners would be isolated within the new English regime.

The Resolutioner-controlled 1651 Commission, having been forced by English troop movements to flee north to Forfar, responded quickly with two papers. On 9 August, they emitted a *Short Warning and Exhortation* to the officers of the army, nobles and gentlemen.¹¹⁴ After encouraging all involved to participate in the united defence of the kingdom, they warned that "the heavie curse of God" would fall on any "Covenant breakers", who at this time of national emergency, withdrew from the public courts or sought to establish a separate party. A few days later, in an attempt to counteract the London edition of the Protestation and gain the sympathy of the English presbyterians, the Commission approved and put to press *A Short Information and Brotherly Exhortation to our Brethren of England*.¹¹⁵ In this tract, the Resolutioners attempted to stir up old memories of the "sweete and comfortable correspondence, constantly kept between the Assembly of Divines and the judicatories of this Kirk...now of a long tyme broken off". They also engaged in a vigorous defence of the Public Resolutions and implored their English brethren not to be deceived by the propaganda and "misinformations" of the Protesters. These men, they warned, were schismatics who had already effected a "State separation" and were now initiating a "Kirk separation". Moreover, in opposing the "just and necessary" Resolutions of kirk and state, the Protesters had not only divided the Scottish nation, they had crippled the army by impeding unified action against the despised "sectarian partie".

During the period from December 1650 to July 1651, the Protesters had to be somewhat circumspect in their resistance to the policies of kirk and state. They had been in a precarious position and realized that if they went too far, civil and

¹¹⁴RCGA iii, 505-7.

¹¹⁵Ibid iii, 508-13.

ecclesiastical action would be taken against them. Now however, with a weakened Scots army heading south and the Commission and Estates flitting about the north attempting to evade English capture, the Protesters were emboldened to organize a concerted resistance to the policies of kirk and state. With Wariston's encouragement, on 6 August, the Protesters in the presbytery of Linlithgow separated from their Resolutioner brethren and formed their own presbytery. On the same day, this new presbytery rejected the authority of the 1651 General Assembly and approved and subscribed the Protestation.¹¹⁶ Subsequently, similar schisms were to occur in the presbyteries of Glasgow, Stirling, Deer, Lanark and Dunkeld. However, despite the organizational cooperation which made such divisions possible, there was still a breach between the eastern and western branches of the party. Patrick Gillespie was the first to seek a remedy to this situation. In early August, he invited Wariston and other prominent easterners to attend a meeting of Protesters at John Nevay's home in Newmilns. Wariston and his colleagues, however, were hesitant to attend, believing that their presence "would raise great jealousies and rumours both amongst Sectaries and Malignants of our raising a new Westland Rayde". A day after receiving Gillespie's invitation Wariston's fears were confirmed when two Scottish officers warned him of "the English jealousies of such meetings." The majority of easterners decided not to attend.¹¹⁷

The meeting went ahead as scheduled on 14 August, despite the absence of the easterners. However, in attempt to ensure the secrecy of their proceedings, they moved their rendezvous from Nevay's house to a secluded barn halfway between Newmilns and Glasgow. During this meeting, the western Protesters considered the spiritual causes of the Lord's wrath against the land, particularly, the sins of the ministry, and appointed a fast to held the following week. They also drafted "notes of reasons" justifying the Protestation and appointed Sir John Cheisly to draw up a "short compend of the question and cheife arguments". Most importantly, they considered the question

¹¹⁶Wariston, *Diary 1650-4*, 100, 107; Row, *Life of Blair*, 285; When the Linlithgow presbytery split each faction kept their own records. The Protesters records extend from 6 August 1651 until 7 July 1658 when they reunited: SRO CH.2/242/4; The minutes of the Resolutioner presbytery are in SRO CH.2/242.2 and 242.5.

¹¹⁷Wariston, *Diary 1650-4*, 108-10.

of whether or not the 1650 Commission of the General Assembly was still in force since the new Commission had been appointed by an illegal Assembly. However, when some of those present "startled" at the prospect of taking such an irreversible decision, the leading ministers decided to lay the matter aside until they could assess more accurately the extent of their support. While they were deliberating on these matters, an event occurred which would set the tone of English-Protester relations for years to come. A detachment of English horse, returning from Boghall, stumbled on the Protesters' meeting. Those present were apprehended and taken to Ayr to be examined by Colonel John Okey, the troops' regimental commander. When Okey discovered that the prisoners were a group of Protesting ministers who had rejected the "malignant, usurped authority" of the General Assembly, he was delighted and had them released. In a report to his superiors written shortly after the incident, Okey related that the ministers were "about a work that I hope will prove advantageous to us". After informing them of the ministers' proceedings he added, "The Lord has done great things for us in these parts, whereof we have great cause to be glad". The Protesters were also delighted with their capture. John Livingstone, who was present at the meeting, informed Wariston that "it pleased the Lord to further, and not hinder, their busines, by their interruption be the Inglish...and so the Lord maid their meeting, intended to be privat, to becom very publik." Indeed, the widespread publicity which this meeting received helped to further the Protesters' cause. When it became known that the English were giving the Protesters their tacit support, both the eastern and western branches of the party were emboldened to organize and proselytize with renewed zeal.¹¹⁸

Throughout the remainder of August and the first half of September, the Protesters kept frequent public meetings. Wariston and the easterners met regularly in Ingliston and Edinburgh, while Gillespie and the westerners held numerous meetings at Kilmarnock and Glasgow. Gillespie and John Nevay even travelled to Ingliston and met with Wariston and his colleagues. The Protesters in the synods of Perth, Fife and Aberdeen were kept informed of new developments by a continual stream of

¹¹⁸Ibid, 111, 115-17; C.H. Firth, *Scotland and Commonwealth* (Scottish History Society, 1895), 316-17.

correspondence from their southern brethren.¹¹⁹ During this time, the Protesters attracted a substantial number of new adherents and began to hone their polemic and apology. For the Resolutioners and royalists, however, matters went quickly from bad to worse. On 28 August, a large troop of English horse raided Alyth, sixteen miles north-west of Dundee, and captured nearly all the members of the Commission and many members of the Estates. Amongst the ministers captured were the Commission's moderator, Robert Douglas, its clerk, Andrew Ker, their fellow Edinburgh ministers John Smith, Mungo Law and James Hamilton and the young minister of Crail, James Sharp.¹²⁰ Six days later, the final blow fell. On 3 September, the anniversary of the battle of Dunbar, Cromwell defeated the main Scottish army at Worcester. Approximately 2,000 Scots were killed and near 10,000 taken prisoner. Hamilton was fatally wounded, Lauderdale and other leading royalists were captured and Charles escaped to the Continent. Although some pockets of Scottish resistance remained, particularly in the highlands, to all extents and purposes, the war was over; the English had won.¹²¹ The Protesters interpreted these events as the long prophesied judgment of God falling on the traitorous Resolutioners and malignant Scottish regime. The remaining members of the Commission were scattered like leaves to the wind. Although they continued to meet sporadically "in the farr north parts" of the country, little business was transacted, and they met mainly for "encouraging and strengthening one another". Within a month, even such limited meetings ceased and the Resolutioners' Commission did not meet again until May 1652.¹²² Wariston observed that the persecutors were now the persecuted, and those who had deposed the Protesters were, themselves, "deposed by God".¹²³

With the collapse of the royalist regime and the scattering of the Resolutioner

¹¹⁹Wariston, *Diary 1650-4*, 118-45, *passim*; Livingstone, *Brief Relation*, 135.

¹²⁰For contemporary accounts of this surprise raid and lists of those captured see Balfour, *Historical Works* iv, 314-15; Lamont, *Diary*, 34; Nicoll, *Diary*, 56-7; Firth, *Scotland and Commonwealth*, 8-9, 320; Kinloch, *Selections from the Minutes of the Presbyteries of St. Andrews and Cupar*, 63; H. Cary, *Memorials of the Great Civil War in England from 1646-1652* ii (2 vols., London, 1842), 345-6.

¹²¹For accounts of the Scottish defeat at Worcester, see Abbott, *The Writings and Speeches of Oliver Cromwell* ii, 454-68; Gardiner, *Commonwealth and Protectorate* ii, 41-8; Grainger, *Cromwell Against the Scots*, 128-46.

¹²²Row, *Life of Blair*, 285; RCGA iii, 513.

¹²³Wariston, *Diary 1650-4*, 107, 121-4.

Commission, Patrick Gillespie and his western colleagues began to lay plans for the creation of a unified national Protestant movement. In mid-September, they, together with the centrist James Durham, wrote letters far and wide inviting all who were in known sympathy with their cause to a national meeting in Glasgow on 23-24 September. In addition to being a recruitment drive and chance for the Protesters to reach a policy agreement, it was hoped that the meeting would unify the eastern and western branches of the party. Wariston and Cheisly, however, were deeply suspicious of Gillespie's motivation in calling such a meeting. After receiving information that Argyll and the remaining members of the Resolutioners' Commission were planning to meet in Dumbarton at the same time, they suspected that Gillespie was planning on reaching the same type of compromise with them as he had with the moderates in the Glasgow synod. Wariston, after receiving his invitation, reported that he was so distressed that he "could not sleep at night, but tossed up and down in grief and anger". Cheisly informed Wariston, that he was so upset by news of the meeting that he almost vomited. Wariston wrote immediately to the Glasgow Protesters warning them "to beware of pitching themselves in the counsels, designs or interest of those who had gone on in the defection, now to meet at Dumbarton". He, for one, would choose to "cleanly suffer" rather than "mingle and act uncleanly" with such ungodly men. Gillespie responded quickly and wrote to Wariston assuring him that the meeting was only for Protesters. Wariston and Cheisly, however, remained unconvinced, and a new report that Loudoun had summoned the 1651 Commission to meet in Dumbarton, confirmed them in their former apprehensions. Subsequently, the majority of eastern Protesters refrained from attending and the Glasgow meeting was a failure.¹²⁴

Gillespie, however, was not willing to allow his design for a national organization of Protesters to be thwarted. In an attempt to assuage the easterners' fears and ensure better attendance, he had the meeting transferred to Edinburgh. The results of the decision to move to Edinburgh surpassed Gillespie's expectations. *Mercurius Scoticus* reports that, by 30 September, there were already 62 ministers present with more

¹²⁴NLS Wodrow MS Folio XXVII, no.36, f.83r; Wariston, *Diary 1650-4*, 140-3; Row, *Life of Blair*, 285.

arriving daily. John Livingstone was appointed moderator and it was decided that the first week of the conference would be spent in fasting, prayer and the confession of sins. In the days that followed, the atmosphere quickly became electric; those present spent entire days in confessing their sins and praying. Some of the ministers, "more zealous than prudent", were swept up in the penitential euphoria and began to confess "very private sins". This practice was disallowed when some of the more discreet brethren complained that it was contrary to both Scripture and charity.¹²⁵ By 4 October, the religious fervour had died down and the Protesters began serious consultations concerning policy. Gillespie called on those present to support the Protestation and send their advice for its "prosecution" to the synod of Glasgow-Ayr. The centrist, James Durham, argued vehemently against this, maintaining that such an action would only serve to further the kirk's schism. Durham, in turn, was opposed by Wariston, Cheisly and Gillespie. Wariston, in particular, was incensed by Durham's conciliatory attitude and suspected that he had been sent by the remaining kirk party nobles and the Resolutioners to sabotage the Protesters' meeting.¹²⁶

In the days that followed, it became apparent that James Durham's desire for an accommodation with the Resolutioners was neither the only, nor the most serious threat to the Protesters' unity. Now that the English were in the ascendancy, the sectarian sympathizers in the Protester party began to make their views known. On 6 October, Alexander Jaffray, whose views concerning church government, toleration, and the Solemn League and Covenant, had undergone a radical change during his six months imprisonment with the English, proposed that certain things in the Covenant were unlawful and gave in a paper containing his thoughts on "the Lord's controversy with the land."¹²⁷ Wariston, believing that his time in the enemy camp had "shaken him", arranged for a private conference to be held between the leading Protesters and Jaffray and his colleagues from Aberdeen, John Menzies and William Muir. It proved

¹²⁵Row, *Life of Blair*, 285-6; Wariston, *Diary 1650-4*, 144-6; Lamont, *Diary*, 35; Firth, *Scotland and Commonwealth*, 327; Ogilvie, *Bibliography*, 70.

¹²⁶Wariston, *Diary 1650-4*, 147.

¹²⁷Ibid, 147-8; After being captured at the battle of Dunbar, Jaffray had frequent conferences with Cromwell, Fleetwood and the renowned puritan divine, John Owen. They had convinced him, among other things, of "the sinful mistake of the good men of this nation, about the knowledge and mind of God as to the exercise of the magistrate's power in matters of religion": Jaffray, *Diary*, 58-60.

to be a fruitless exercise; Jaffray and his associates remained unconvinced and persisted in their opposition to the Covenants and presbyterian church government. In the days that followed, others took the opportunity to express even more radical sectarian views. John Nicoll relates that during these meetings, some of the Protesters' ruling elders "ventit thameselffis aganes Monarchy." They also contended that it was lawful "for any haiffing the Spirite to preach". Indeed, the elders maintained, it was imperative, since the majority of the ministers were "prophane and not worthy to preache." To the horror of the leading Protesters, these men even went so far as to declare themselves against sabbatarianism and paedobaptism.¹²⁸

While these events were transpiring in the Edinburgh meetings, the synod of Glasgow-Ayr was meeting in the west. Gillespie, before travelling east with his ministerial associates, had made arrangements to ensure that the Protesters would have a working majority in the synod. He achieved this by once again packing the meeting with his "yeomen elders". On 8 October, the synod emitted a "Testimony" which approved the Protestation, condemned the Public Resolutions and other papers of the 1650 Commission as unlawful and declared the 1651 General Assembly and all its proceedings to be null. Baillie and thirty-seven Resolutioner ministers and elders signed a "Protestation" against the synod's decisions and appealed their case to the next General Assembly.¹²⁹ Meanwhile, the Protesters in Edinburgh forged ahead with their agenda. On 10 October, Wariston presented a paper for the meeting's consideration which outlined in ten general heads, the "causes of God's wraith" against the land.¹³⁰ In the debates which followed, the majority concluded: that it was unlawful to close the treaty with the king at Breda; that the Commission and the

¹²⁸Wariston, *Diary 1650-4*, 148; Jaffray, *Diary*, 60; Nicoll, *Diary*, 61-2; For more on sectarianism in Scotland around this time see W.I. Hoy, "The Entry of Sects into Scotland", in D. Shaw (ed.), *Reformation and Revolution* (Edinburgh, 1967), 178-211; G.D. Henderson, "Some Early Scottish Independents", in *Religious Life in Seventeenth Century Scotland* (Cambridge, 1937), 100-17.

¹²⁹Row, *Life of Blair*, 288; The Resolutioners "Protestation" can be found in Baillie, *Letters and Journals* iii, 561-2.

¹³⁰Wariston, *Diary 1650-4*, 148-9; NLS Wodrow MS Folio XXX, no.11, f.21r-22r; This paper was later to become the introductory section of the infamous pamphlet, *Causes of the Lords Wrath against Scotland, Manifested in his sad late dispensations...* (Edinburgh, 1653); Although the authorship of this pamphlet has been traditionally attributed to James Guthrie, some, including J.D. Ogilvie, have ascribed it to Wariston. The truth is that Wariston composed the ten "general heads" of the pamphlet and Guthrie later fleshed these out in the main body of the text: see *infra*, 183-4.

Estates were guilty of "bringing in" the malignant party contrary to the Covenants and the Word of God; that it was unlawful for those who taken the Covenants and supported the Cause of God to associate or concur with malignant controlled Scottish army, and finally, that there was sufficient cause to protest against the recent Assembly at St. Andrews and Dundee.¹³¹ While they were reaching these decisions, the news arrived that the synod of Glasgow had approved the Protestation and condemned the Assembly. With this, James Durham, realizing that his pleas for moderation had fallen upon deaf ears, left the meeting. In the days which followed, the Protesters debated the status of the 1650 Commission. They concluded that the new Commission, having been appointed by an unlawful Assembly, was itself unlawful. Therefore, it was incumbent upon those members of the 1650 Commission, who had not participated in the land's defection, to take to themselves the name and exercise the authority of the Commission of the General Assembly. Before rising around the middle of October, the meeting approved Wariston's paper on the "causes of God's wrayth" and emitted causes for a fast, in which "the home-bringing of the King was made the mother sin of the land." Their next meeting was appointed to be on the second Wednesday of November, at which time they would meet as the 1650 Commission of the kirk.¹³²

Throughout October and November, the contest between the Protesters and the Resolutioners intensified. Upon hearing of the Protesters' meeting in Edinburgh, the Resolutioner-controlled synod of Fife resolved to meet at St. Andrews on 14 October. However, their meeting had to be cancelled after the ministers received letters from the English General Monck threatening to arrest Resolutioner ministers. The English had now adopted an open policy of favouring the Protesters. The synod's individual presbyteries, however, went ahead with their meetings in spite of such intimidatory tactics. On 20 October, the presbytery of St. Andrews adopted a short declaration in which they condemned the Protesters' proceedings, particularly their taking to themselves the name of the Commission. They declared that they would never

¹³¹NLS Wodrow MS Folio XXX, no.11, f.21r; Row, *Life of Blair*, 286.

¹³²Wariston, *Diary 1650-4*, 150 and note; Row, *Life of Blair*, 286-7; NLS Wodrow MS Folio XXX, no.11, f.21r; Firth, *Scotland and Commonwealth*, 336.

acknowledge such "usurped" authority and maintained that anything which the Protesters did would be "voyde and null befor God and man." This declaration was approved by the other three presbyteries of Fife, with only nominal Protester resistance.¹³³ In other church courts, however, the Resolutioners faced more serious opposition. When the synod of Lothian met in early November, the Resolutioners had to contend with a large, organized and vocal Protester minority led by Wariston and Robert Traill, the leading Protester in the presbytery of Edinburgh. Three of the synod's seven presbyteries, Edinburgh, Linlithgow and Biggar, had strong contingents of Protesters. Consequently, it was only with much difficulty that the Resolutioners were able to approve the proceedings of the late General Assembly and pass an act against the Protesters' Commission. The Lothian Protesters entered a formal protestation against these decisions. On 5 November, the synod wrote to the Protesters' Kilmarnock meeting and entreated them, "as they loved the established government and peace of the Kirk", to desist from acting as the Commission of the Assembly. The Protesters' Commission responded by claiming that they had taken upon themselves no authority but that which had been committed to them by the General Assembly of 1650 and calling upon the synod of Lothian to submit to their authority.¹³⁴

In the northern synods, the Resolutioners encountered organized, if less numerous, Protester opposition. When the synod of Aberdeen approved the proceedings of the late General Assembly, a strong Protester contingent, led by Andrew Cant and John Menzies, entered an official protest. After the synod of Moray approved the Assembly by a large majority on 13 November, five ministers and three elders (including Alexander Brodie) protested against their determination, on the grounds that the Assembly "was not free or regular in the election of its members, and that several of its Acts were contrary to the Covenants". In the west however, things continued to move in the Protesters' favour. In November, the synod of Galloway followed the lead of the Glasgow synod and "generally declared against the proceedings of the

¹³³Kinloch, *Selections from the Minutes of the Presbyteries of St. Andrews and Cupar*, 63-4; Row, *Life of Blair*, 285-7; Baillie, *Letters and Journals* iii, 559.

¹³⁴NLS Adv MS 31.2.18, Swinton Kirk Manuscripts, f.208r; NLS Wodrow MS Quarto XXXII, no.7, ff.48v-49r; Firth, *Scotland and Commonwealth*, 19; Row, *Life of Blair*, 287-8.

Assembly". On 6 November, the presbytery of Paisley passed an act about the causes of God's wrath which embodied most of the Protesters tenets.¹³⁵ In assessing the extent of the Protesters support in the western courts, it should also be kept in mind that the majority of western moderates who had supported the Public Resolutions did so primarily out of respect for the authority of the Commission and General Assembly and not because of any ideological commitment to the Resolutions. Indeed, with the exception of hard-line Resolutioners like Robert Baillie, many of these more moderate Resolutioners had sincere scruples about the public proceedings of the kirk. Subsequently, when faced with the choice, many of these men were inclined to value the unity of their local church courts above the directives of a controverted Assembly. In the months and years ahead, Patrick Gillespie and his associates were to exploit this factor to their party's advantage.

While the contending factions vied for control of presbyteries and synods the Protesters meeting at Kilmarnock stepped up their polemical campaign. Sometime in mid-November, they published a pamphlet entitled *A Discovery after some search of the Sinnes of the Ministers*.¹³⁶ Although ostensibly an examination into ministerial sins, this tract was little more than a veiled attack on the Resolutioners. Amongst the sins which they listed were: "idolizing the authoritie of Assemblies"; "blindly following leading men in Judicatories" and loosing those from the guilt of sin "that Christ did not loose". This last sin was particularly grievous. Those who engaged in it were guilty of making a "mock" of repentance. For ministers to accept "bare forms without evidences" was to turn repentance "into a State Engine", a step "to employment and preferment." The *Discovery* was speedily followed by an anonymous polemical work entitled *Reasons proving that the late meeting at St. Andrews is not a Lawfull free Generall Assemblie of the Church of Scotland, with answers to the*

¹³⁵Clarke MS XX, Army Notebooks, 1651, ff.29r, 49r; Brodie, *Diary*, xxxvi; Firth, *Scotland and Commonwealth*, 19; NLS Wodrow MS Octavo IX, no.4.

¹³⁶*A Discovery after some search of the Sinnes of the ministers, because of which...the Lord is angry, and hath almost made his Ministers and Ordinances vile and contemptible....* (Leith, 1651); Balfour, *Historical Works* iv, 329-30; Peterkin, *Records*, 645.

*objections in the contrary.*¹³⁷ In this paper, the first in-depth examination into the legality of the Resolutioners' proceedings, the Protesters used the acts and resolutions of former General Assemblies to prove that the 1651 Assembly had been "pre-limited" and the proceedings of the Commission unlawful. They did this by taking the arguments which the Resolutioners used to justify their actions, and demolishing them one by one. The Resolutioners had argued that there was a clause in the Commission's charter which authorized them to cite and censure any who opposed their proceedings "as if they opposed the Assembly itself." The *Reasons* countered by pointing out that the authority which was given to the Commission was not an arbitrary authority, but one which bound them to act in accordance with the standing laws of the kirk. The clause which they had cited only gave them such authority "in matters intrusted to them" and specified that their actions were to be within the bounds of "the Word of God and the Covenant, and Acts of former Assemblies." They had never been entrusted to "bring in the Malignant Party", or "to destroy the very end for which their commission was given them". Clearly, they had overreached the bounds of their authority without any warrant or act from the former Assembly.

The Resolutioners had also argued that the act of the Commission to cite Remonstrants had not placed the presbyteries under any "legal obligation" to bar such men from being elected as Commissioners - they were free to choose whom they pleased. The *Reasons* argued that while the Commission's act put no "external coercion and constraint" upon the presbyteries to abide by the Commission's directives, it did place a moral constraint upon them. The Resolutioners had used the authority of the Commission to influence the will of the presbyteries. Few were willing to openly disregard the directions and commands of the Commission, particularly when they attached threats of ecclesiastical and civil punishment to them. Despite their protestations of innocence in this matter, it was obvious that the Resolutioners had engaged in such practices for one reason - to prevent the

¹³⁷NLS Wodrow MS Quarto XXXII, no.13, ff.113r-119r; This paper was copied and circulated widely in manuscript form. It was eventually printed in *The Nullity of the Pretended Assembly at St. Andrews and Dundee...* (Leith, 1652); J.D. Ogilvie claims that the author of this paper was almost certainly Samuel Rutherford, although he gives no evidence to substantiate this claim: Ogilvie, *Bibliography*, 68.

Remonstrants from being members of the Assembly. Such exclusionary tactics were both illegal and immoral. The *Reasons* concluded that because of these, and many other offences, the Assembly was null and void, and the 1650 Commission was still in force until another free and lawful General Assembly could convene. Needless to say, this paper rocked the Resolutioners. Its lucid style and clearly presented, forceful arguments surpassed by far anything which the Protesters had yet emitted. Realizing that such a paper could not go unanswered, the Resolutioners enlisted their best polemicist, James Wood, to draft a detailed response. Unfortunately, the Resolutioners had lost their access to James Brown's printing press after the taking of Aberdeen by the English, and Wood's reply, *A Vindication of the Freedom & Lawfulness of the late Generall Assembly*, did not appear in print until early 1652.

The Protesters, however, had little time to enjoy their polemical success before a serious threat emerged within their own ranks. In mid-November, the separatists in their party submitted a paper consisting of twelve heads to their Kilmarnock meeting. In this paper they maintained that there was no warrant in Scripture for the swearing of perpetual covenants and oaths; rejected the concept of a national presbyterian church; condemned the manifold sins of the ministry and reproved the kirk for its "passinat and bitter invections" against "the people of God in England".¹³⁸ About the same time, these separatists formed an unholy alliance with a group of pragmatic royalists who wished to curry English favour, and submitted a paper to the English known commonly as "the fifteen overtures".¹³⁹ In this paper, they desired that a uniformity of government be established between Scotland and England; that only certain "godlie men" be entrusted with power in Scotland; that malignants and noblemen be stripped of their power and have their lands sequestered and that all persons disaffected to the English government be "severely taken order with". Most ominously for the kirk, they desired that Independent congregations be gathered and that the "Anti-Christiane and tyrannicall" power of presbytery be reduced greatly.

The timing of these papers, coming as they did when the English were preparing

¹³⁸Balfour, *Historical Works* iv, 330-3; Peterkin, *Records*, 645-6.

¹³⁹The paper was entitled, "Overtures to the Right Honorable Commonwealth of England...November, 1651": Nicoll, *Diary*, 63; Row, *Life of Blair*, 289.

to announce their plans for the civil and ecclesiastical settlement of Scotland, could not have been more ominous.¹⁴⁰ Protesters and Resolutioners alike were now gripped with the fear that the English planned on abolishing the power of presbytery and introducing the same type of religious toleration which existed in England. For the remainder of 1651 the rival factions suspended their polemical war and concentrated on encouraging the Scottish people to remain faithful to presbytery and the Covenants and reject a sinful compliance with the English. The situation was deemed so desperate that the Glasgow Protesters and Resolutioners even engaged in an abortive attempt to lay aside their differences and emit a joint testimony against "falling away from the Covenant". Despite such efforts, defections to the English continued apace, and by the end of December, newswriters were reporting that the general populace, wearied with war and desirous of peace, were willing to comply with whatever settlement was offered. When news reached Scotland that the English parliamentary commissioners were on their way from London with secret instructions for Scotland's settlement, the entire country was thrown into turmoil. The Protesters, called for a meeting to be held in Edinburgh in an order to prepare overtures to the English and, if possible, reclaim their erring separatist brethren. The malignant gentry and their separatist allies arranged a similar meetings and by the new year, "a very great confluence of the *Gentry* and *Ministry*" had descended upon the capital to argue their cases, draft petitions to the English and await the commissioners arrival. Thus, the year 1651 closed, with all the parties waiting anxiously to see what civil and ecclesiastical settlement the English would impose on their conquered country.¹⁴¹

The defeat of the Scottish army at Worcester was a significant watershed in the in the factional struggle between the Protesters and Resolutioners. After the defeat, the Resolutioners found themselves in a precarious position. Their governmental support

¹⁴⁰Although the exact nature of the settlement was as yet unknown, credible reports had been circulating since late September that the English planned on incorporating Scotland into one Commonwealth with England: Wariston, *Diary 1650-4*, 143; For the debates at Whitehall and Westminster concerning the settlement of Scotland see F.D. Dow, *Cromwellian Scotland, 1651-1660* (Edinburgh, 1979), 30-4.

¹⁴¹C.S. Terry (ed.), *The Cromwellian Union* (Scottish History Society, 1902), 1-4; Firth, *Scotland and Commonwealth*, 28-30, 339, 345; Row, *Life of Blair*, 289-90; Baillie, *Letters and Journals* iii, 200; Nicoll, *Diary*, 71.

had disappeared, their church courts were being threatened by the English, their Commission had been scattered and its leading members imprisoned. Disheartened and lacking direction, it was not until the following year that they began to recover their vitality and sense of purpose. The Protesters, however, went from strength to strength. With the malignant party crushed and their ministerial opponents licking their wounds, they began to prosecute their agenda with renewed zeal. Throughout the early autumn of 1651, they engaged in an unprecedented succession of meetings aimed at formulating polemic against the Resolutioners, attracting converts to their party and creating the basis for a national Protesting movement. Their campaign was given added impetus by the revelation that their fears of English retribution were entirely unfounded. They were now free to meet openly. Indeed, the English viewed the Protesters as their natural, if not entirely trustworthy, allies; "godly" men who shared their hatred of malignancy and who might be persuaded to support the new regime.

The October meetings in Edinburgh were a defining moment for the Protesters. Their ability to assemble large numbers of ministers from all parts of the country demonstrated the nationwide appeal of their cause. Moreover, by reviving the 1650 Commission of the General Assembly they had, in a sense, created their own higher court and laid the foundation for the organizational division of the national kirk. Also in these meetings, they prepared the draft of the infamous *Causes of the Lord's Wrath against Scotland*, a pamphlet which was to become the popular manifesto of their entire movement. The Protesters were no longer a fringe group submitting futile complaints against the proceedings of kirk and state, they were an organized, disciplined movement which commanded widespread support and enjoyed the favour of the new English regime - a force to be reckoned with. Unfortunately, their success in these areas masked a number of internal problems which were to plague their party for years to come. The threat posed by the separatists in their ranks was particularly worrying. Not only did the existence of such a group lend credence to the Resolutioners' charge that the Protesters were secretly sectarian sympathizers, the fact that many of these men were formerly accounted "godly and pious", lent an aura of respectability to their beliefs and increased the likelihood of further defections in the future. In addition, the ideological rift between the eastern and western branches of

the party, although temporarily overshadowed by the burgeoning separatist threat and the need for unity in condemning the Public Resolutions, had not been healed. Most importantly, however, the Protesters had yet to define what their exact relationship with the English regime would be. The sharp differences of opinion which were to arise over this fundamental issue plagued the party for years to come.

Chapter 3

The Kirk under the Commonwealth January 1652 - January 1654

Sectaries and Englishmen

The year 1652¹ opened with the Protesters convened in a large conference in Edinburgh. The leading ministers had a twofold objective in these meetings: to reclaim the separatists within their ranks and to decide on a common policy concerning their relation to the new English regime. The separatists, however, had their own agenda and the meeting turned quickly into a struggle for the ideological heart and soul of the Protestant party. From the outset, there were sharp divisions of opinion between the leading ministers, who wished the conference to reaffirm the party's commitment to presbyterianism and the Covenants and the separatists, who wanted the party to embrace religious toleration and comply with the English. The separatists, realizing that they lacked the numerical strength to control the agenda, introduced a series of motions designed to augment their influence. First, in an blatant attempt to exploit the strength of their lay support, they motioned that ministers and elders "should meet and sit severally, ministers apart, and professors apart". When this motion was defeated, the separatists motioned that a layman should moderate, alleging that "ministers had too long kept that power in their hands". This was also rejected, and James Guthrie was chosen moderator. The separatists then motioned that laymen might have the chance to utilize their gifts of "speaking upon scripture and praying". Once again, however, their request was denied. The main body of Protesters, while conceding that laymen might pray, maintained that they could not exhort or preach. When the separatists realized that things were being carried "contrary to their mind" and the leading ministers were unwilling to compromise, many of them, particularly those who were "bent for a sinful compliance" with the English, withdrew from the conference.²

¹For an in-depth investigation into the political and military situation in Scotland during the period of the Commonwealth, see Dow, *Cromwellian Scotland*, chapters 2-5.

²Row, *Life of Blair*, 290; For John Nicoll's account of this conference, augmented with accounts from English newsletters, see Nicoll, *Diary*, 71-3.

William Row reports that shortly after leaving the conference these separatists, "perceiving that the meeting was of a purpose called to hinder their design, did more eagerly drive it on." Accordingly, they gave in a paper to the conference consisting of "a Declaration with some Overtures."³ After declaring their resolve to remain firm to their principles, they presented four "overtures" asking that (1) both nations be incorporated into "one common-wealth, without the subordination of one to the other". (2) That worthy God fearing men "of known and approved integrity" be appointed magistrates. (3) That people be given the liberty of conscience and freedom to worship as they pleased. (4) That men not be chosen as rulers because of their worldly greatness. Later in January they handed in this paper to the English, who, believing that it contained "essential things in reference to the settling of the affairs of Scotland", put the paper to print.⁴ When this paper came to the attention of Resolutioner-controlled synod of Fife, they called a meeting in order "to give a testimony against so sinful a compliance with the enemies of God and his truth" and to "endeavour a union" with the Protesters. During this meeting, the eminent centrist, Robert Blair, "witnessed his abhorrence and detestation of the gross sinful things" in the separatists' paper. He maintained, "As for the embodying of Scotland with England...it will be as when the poor bird is embodied into the hawk that hath eaten it up." Blair also took the opportunity to speak much concerning the necessity of uniting with the Protesters. He counseled that the contending factions lay aside all their "woeful unhappy debates and controversies" and work together for the preservation of presbytery and the Covenants. The synod agreed, and appointed a national meeting to be held in Edinburgh during mid-February to consult on the threat posed by the English and attempt a reconciliation with the Protesters.⁵

Meanwhile, after the withdrawal of the separatists from the Edinburgh conference, the Protesters began the consideration of their party's relationship with the English. A series of debates concerning the legality of the new English regime, and whether or

³Row, *Life of Blair*, 291.

⁴It appeared under the title, *To the Very Honourable the Representative of the Commonwealth of England, The humble Petition and Remonstrance...* (Leith, 1652); Hoy, "The Entry of Sects into Scotland", in Shaw, *Reformation and Revolution*, 183-4.

⁵Row, *Life of Blair*, 291-2.

not it might be obeyed lawfully, proved inconclusive, the exact nature of the settlement being as yet, unknown.⁶ Before the meeting adjourned, however, it was proposed that a letter be written to Cromwell, remonstrating the sinfulness of the English invasion, the wrongs which they had already done to the "truth and ordinances of God" and outlining the dangers which they feared "should ensue unto religion and the truth of God", if the demands of the separatists were met. Although all were agreed on the necessity of addressing these issues, some argued that such concerns should be detailed in a "testimony to the world" and not a private letter. This motion was rejected, however, apparently on the ground that a public condemnation would serve only to aggravate the English and preclude the possibility of their grievances being redressed. A heated debate then broke out concerning the tenor and contents of the letter. Some of the Protesters, presumably Wariston and Guthrie, advocated a straightforward and vigorous condemnation of the English, while others, such as Patrick Gillespie, not wishing to alienate their new masters, urged the use of a more conciliatory tone. William Row relates that the divisions in this matter grew to such a height, "that they were like to have sundered without doing any thing." Eventually, however, a compromise was reached, "and after some smoothings", a letter was approved on 2 January and sent to the English.⁷

In this letter to Cromwell, the Protesters decried any form of civil union between England and Scotland, maintaining that it would lead to an erastian subordination of the kirk's courts to the English magistrate. It would also lead to the same latitude of religious toleration which existed in England, which, in turn, would facilitate the gathering of independent congregations and the spread of innumerable errors and heresies. The introduction of such toleration would lead ultimately to the overthrow of Scotland's "rightly established laws" concerning religion and reformation and the introduction of magistrates who held principles contrary to the doctrine, worship, discipline and government of the national presbyterian kirk. The Protesters then went on to provide examples of how the introduction of sectarian principles had already wrought havoc in the land: pamphlets were in circulation filled with reproaches against

⁶Terry, *Cromwellian Union*, 5-6.

⁷Row, *Life of Blair*, 290-1; Terry, *Cromwellian Union*, 5-8.

the presbyterian ministry and the established government of the kirk; the Covenants were "much spoken against" and the peoples' obligation to them "disclaimed and slighted" and "pulpit worship" was interrupted by English soldiers who wished to preach. To make matters worse, the kirk's ministers were threatened with violence if they spoke against any of these proceedings. They warned Cromwell that if he did not act to curb such abuses the entire country would be thrown into civil and religious confusion.

The Protesters went on to remind Cromwell that it was their party, "the well affected in Scotland", who had assisted the English parliament during both the civil war and the Engagement. More recently, it was their party who had discovered the "hollownes of the King's way" and resisted both the invasion of England and the admittance of malignants into the army and civil government. Indeed, rather than participate in such defections they had withdrawn their support from the kirk regime, and borne "heavy and sad reproaches, as betrayers of their Nation, Religion and liberty". Would the English repay their faithfulness by corrupting their religion and stripping the nation of its civil and religious liberties? Cromwell was then reminded that England and Scotland had bound themselves by the Solemn League and Covenant for the mutual preservation of each other's religious liberty. Would the English now break "the oath of God" and set themselves up as the persecutors of God's people in Scotland? Indeed, could those who had "contended to the utmost" for their own civil and religious liberties, now rob the Scots of theirs? "Justice", the Protesters maintained, "when it is wronged, seeks but satisfaction and security. It doeth not subvert and incroach upon other men's rights". The English were then warned not to countenance the overtures of the royalist malignants. Such men, they maintained, were only offering to support the new regime because of a carnal desire to protect their worldly interests. The Protesters, on the other hand, were withholding their support because of sincere desire to please the Lord. If the English, however, proved willing to preserve the Scots' religious and civil liberties "intire", they had the Protesters assurance that they would use every lawful means possible to arrive at a mutual understanding with new regime and aid them in developing a settlement which would

be advantageous to both parties.⁸

The English reacted to the Protesters' letter with scorn. When Sir John Cheisly and Sir James Stewart presented the letter to General John Lambert and expressed their fears of the dangers which religious toleration posed to their religion and government, Lambert answered, "Soon may your fears fall upon you." Moreover, after reading the letter, he refused a pass to the "young man", Andrew Ker, who had been appointed to carry the letter to Cromwell.⁹ Although no official reply was made to the Protesters' letter, English newswriters were quick to relate the regime's reaction. The Protesters' assertion that the introduction of religious toleration would lead to spiritual anarchy and civil unrest was dismissed as a feeble attempt to protect the kirk's monopoly on the country's religion. It was predicted confidently that the people of Scotland would count it a great blessing to be free from the tyranny of these "Priests" and their "Dagon" of presbytery. The Protesters' plea for religious and civil liberty was portrayed as a ploy to persuade the English authorities to preserve their domination of the country: or as one newswriter put it, "to lett them have a liberty to tyrannize both over the bodies and soules of the poore people under pretence of giving them liberty of conscience." The Protesters' call for the English to fulfill their covenanted obligations and their other "desires" were interpreted in a similarly cynical manner and one newswriter went so far as to maintain that the Protesters' dissatisfaction with English rule all boiled down to one point, "these fiery Kirkists cannot digest a thought of the losse of their infinite power and prerogative."¹⁰

The Settlement of Scotland

The English commissioners arrived at Dalkeith on 15 January with detailed guidelines for the political and religious settlement of Scotland. Their first order of business was to require every shire and burgh to send deputies to Dalkeith with full

⁸"Letter from the Protesters to the Lord General Cromwell, January 1652", in *Consultations* i, 1-12; Terry, *Cromwellian Union*, 8-10.

⁹Row, *Life of Blair*, 291.

¹⁰Terry, *Cromwellian Union*, 6-10; Firth, *Scotland and Commonwealth*, 33.

powers to conclude an agreement with the commissioners. Then, on 4 February, they emitted a declaration annulling all "power, jurisdiction, or authority, derived from, by, or under Charles Stewart, who pretendeth himself King of Scotland, or any of his predecessors, or any otherwise then from the Parliament of the Commonwealth of England." This was followed by the public destruction of the king's arms and other insignia of royalty throughout the city.¹¹ Finally, on 12 February, as the deputies from the shires and burghs began to arrive, the English parliament's *Declaration* concerning the settlement of Scotland was publicly proclaimed at the Mercat Cross in Edinburgh.¹² As the ministers had feared, it revealed that Scotland was to be stripped of its status as a sovereign nation and incorporated into a political union with England. The monarchy was to be abolished, the nobility was to be stripped of their political power and, more ominously for the kirk, the same type of religious toleration which existed in England was to be extended to Scotland. Although presbyterianism was to receive the protection and encouragement of the government, the same privilege was to be extended to Independent ministers who were loyal to the parliament and commonwealth. Moreover, the commissioners were to facilitate the spread of Independent congregations by ensuring that their ministers received adequate stipends. After the conditions of the proposed settlement were made public, the English commissioners pressed the Scottish deputies for a speedy answer to their "Tender", or offer, of political incorporation with England.¹³

Once the exact nature of the settlement was revealed, the presbyterian ministers, Protesters and Resolutioners alike, began to wage all-out war on the parliament's proposals. From their pulpits, they pronounced "heavy judgements" against all who assented to the "Tender of Incorporation" and "blessings" on all who opposed it.¹⁴ The ministry of Edinburgh was particularly ardent, praying publicly for the king and

¹¹Nicoll, *Diary*, 80; *APS* vi, ii, 747.

¹²The full text of this document, *A Declaration of the Parliament of the Commonwealth of England, concerning the Settlement of Scotland*, can be found in Terry, *Cromwellian Union*, xxi-xxiii and Nicoll, *Diary*, 81-3.

¹³*Ibid*, 80-3; C.H. Firth (ed.), *Scotland and Protectorate* (Scottish History Society, 1899), 394; Dow, *Cromwellian Scotland*, 36-7; The "Tender" is printed in Terry, *Cromwellian Union*, 14-15.

¹⁴Nicoll, *Diary*, 85.

preaching "very freely and zealouslie against the way of the English."¹⁵ The Resolutioners held their scheduled national meeting at Edinburgh in mid-February and, after prayer and deliberation, resolved on emitting a "Warning and Testimonie" against the English and those who in their "defection and apostacy" supported their plan for a political merger. They then overtured the Protesters, who were also meeting in Edinburgh at this time, to join with them in their testimony. In order to facilitate a "union" in this matter, the Resolutioners took the remarkable step of offering to wave, "and not urge", the acts of the late General Assembly. Indeed, the threat to kirk and nation was deemed so serious that even hard line Resolutioners such as Robert Baillie supported this plan. The Protesters, however, replied that "they had already given a testimony in their letter to Cromwell" and maintained that "no union could be with them till first they acknowledged their defection by the public resolutions." The Resolutioners responded by pointing out that the Protesters' letter to Cromwell was neither a testimony to the world, nor a testimony against complying with the English, and renewed their call for union. The Protesters answered that many of their number had already gone home and those who remained did not have the authority to conclude such an agreement. The Resolutioners then requested to see a copy of a paper which the Protesters had recently submitted to Colonel Fenwick, the English governor of Edinburgh and Leith, containing their thoughts on the parliamentary Declaration for the settlement of Scotland. This request was also denied and the Protesters maintained a steadfast refusal to reveal their thoughts on the settlement. When further attempts by the Resolutioners to achieve a reconciliation were rejected, all hopes of union were abandoned. Robert Baillie, after the dissolution of the meeting, reported to David Dickson, "this dealing did grieve us all, and made us see more of the progress and incurableness of the schisme."¹⁶

With the Protesters' refusal to cooperate in a joint testimony, relations between the contending factions degenerated to an all time low. The Resolutioners postulated that the Protesters had refused their overtures because they were engaged in underhanded

¹⁵Baillie, *Letters and Journals* iii, 174.

¹⁶Row, *Life of Blair*, 292-3; NLS Wodrow MS Quarto XXIX, no.61, f.175r; Terry, *Cromwellian Union*, 28-9; *The Protestation Given in by the Dissenting Brethren to the General Assembly July 21 1652. Reviewed and Refuted...* (Leith, 1652), 7-8; Baillie, *Letters and Journals* iii, 173.

dealing with the English and secretly supported a policy of erecting Scotland into an independent commonwealth. Contemporaneous dispatches in English newsletters appear to have lent credence to such fears. *Mercurius Politicus* reported that James Guthrie, despite having "penned the high Letter" to Cromwell, was now advising the Protesters to work with the English commissioners and persuade them to "interpose their Authority for suppressing the other party." It was also reported that Wariston, Alexander Brodie, and Sir John Cheisly had engaged in private talks with the English commissioners at Dalkeith. The Resolutioners' suspicions were heightened when they realized that the Protesters' letter to Cromwell, while decrying toleration and defending presbytery, "did not speak one word against the abolishing of monarchical government and the liberties of Parliament." This omission and the belief that the Protesters were pushing for an independent Scottish commonwealth were both viewed as a "fearful breach" of the third article of the Solemn League and Covenant: the article which enjoined the signatories "to preserve the rights and privileges of the Parliaments" and "defend the King's Majesty's person and authority".¹⁷

Contrary to what F.D. Dow has asserted, such suspicions were not groundless.¹⁸ The Protesters' failure to defend either monarchical government or the liberties of parliament in their letter to Cromwell was not an oversight, but a deliberate omission. Indeed, the allegiance which the Protesters had sworn to give king and parliament in the third article of the Covenant was conditional upon these civil powers remaining faithful to the Cause of God and the Covenants. In *Lex Rex*, Samuel Rutherford, the radical covenanters' leading political theorist, had allowed for the deposition of kings. Following George Buchanan, Rutherford maintained that all legitimate monarchical government was founded on a contract, or covenant, whether explicit or implicit, between the king and his subjects, with the king liable to forfeit his subjects allegiance if he turned tyrant or failed to defend the cause of true religion.¹⁹ As far as the

¹⁷Row, *Life of Blair*, 293-4; Terry, *Cromwellian Union*, 11, 16.

¹⁸Dow, *Cromwellian Scotland*, 39.

¹⁹S. Rutherford, *Lex Rex, or the Law and the Prince* (Edinburgh, 1843), 77-88, 208; For more on the contractual theory of monarchy as espoused by Rutherford and other Scottish radicals see J. Coffey, *Politics, Religion and the British Revolutions: The mind of Samuel Rutherford* (Cambridge, 1997), 163-5; I.M. Smart, "The Political Ideas of the Scottish Covenanters, 1638-88", *History of Political Thought* i (1980), 169-71.

majority of Protesters were concerned, the "arch-Malignant", Charles Stuart, had violated his covenanted obligations to preserve and defend true religion, and had thereby forfeited both his subjects' allegiance and his right to the Scottish throne. Parliament had also betrayed their covenanted trust by using the "liberties" entrusted to them to repeal the Act of Classes and surrender control of the government to the malignant enemies of the Cause of God. What the Resolutioners therefore considered to be a "fearful breach" of the third article of the Covenant was, to the Protesters, its fulfillment.

The Resolutioners were also correct in their belief that the Protesters were seeking to persuade the English to establish an independent Scottish commonwealth. What they did not realize was that, under the right circumstances, the Protesters were also willing to cooperate in a political union of the two countries. A careful reading of the Protesters' letter to Cromwell reveals that their opposition to the political union of England and Scotland was motivated primarily by the threat which religious toleration and erastianism posed to true religion and the legal status of the national presbyterian kirk enshrined in Scots law, and not by a desire to preserve Scotland's traditional form of civil government. In fact, the political ideology which the radicals had developed during the 1640s allowed for the establishment of other legitimate systems of government. Rutherford had argued that civil society was both "natural *in radice*, in the root, and voluntary *in modo*, in the manner of coalescing": that is, the office of government itself was natural, having been instituted by God, however, the choice of the person who held office and the mode of government (monarchy, aristocracy or democracy) were voluntary and contingent upon the choice of the people.²⁰ If the king, therefore, degenerated into tyranny (either spiritual or physical) the people had the right to replace monarchy with one of the two other God-ordained forms of government, either aristocracy or democracy.²¹

²⁰Rutherford, *Lex Rex*, 1, 5, 30-1; Although Rutherford considered the best form of government to be a "limited and mixed monarchy", such as England and Scotland had with their parliaments, this did not preclude the possibility of other systems: *Ibid*, 38, 116, 190, 192; For more on Rutherford's theories about the nature and origin of government see J.D. Ford, "Lex, rex iusto posita: Samuel Rutherford on the origins of government" in R. Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994), 262-90.

²¹Rutherford, *Lex Rex*, 208.

For the Protesters, therefore, with monarchy no longer an option, the most obvious answer to the nation's present predicament was the establishment of an independent Scottish Commonwealth, either in league with or in subordination to the English parliament. Such a government would be able to preserve the kirk's liberties and continue Scotland's governance much in the same manner as the kirk regime had during 1648-50. The arch-Resolutioner, Robert Baillie, realized as much when, shortly after the February meetings, he derided the Protesters as those who "make no scruple to lay aside the King, and to make the third article of our Covenant stand well enough with a freedome to change Monarchy with a Scottish Republick".²² Indeed, the Protesters' plea in their letter to Cromwell for the English to fulfill their obligations to the Covenant, was not a call for them recognize the authority of king and parliament, nor was it a demand for them to impose presbytery on England, it was an appeal for them to recognize the rights of Scotland as an independent nation in covenant with England. Hence, when the Protesters made known to Cromwell their willingness to give "satisfaction" for what was past and "security" for Scotland's good behaviour in the future, they were, in fact, calling on the English parliament to work with them in much the same way as they had with the kirk party following the whiggamore raid of 1648.²³ This, of course, would entail the English army overseeing the establishment of a Scottish regime which was favourable to, and allied with, the English parliament. As the Resolutioners feared, such an alliance would also necessitate the suppression of both the Scottish malignants and their allies, the Resolutioner ministers.²⁴

The Protesters, however, did not pin their hopes on this one eventuality, and the possibility of a political union between the two countries, although fraught with greater difficulties, was not ruled out. However, neither the abandonment of their allegiance to king and parliament nor the theoretical possibility of accepting other forms of government was enough for the Protesters to accept as lawful the rule of an English

²²Baillie, *Letters and Journals* iii, 176.

²³For an examination of the whiggamore raid and the manner in which the English oversaw the erection of the kirk regime see Stevenson, *Revolution and Counter-Revolution*, 115-25.

²⁴In this context, the report that James Guthrie had advised his Protesting colleagues to persuade the English commissioners to "interpose their Authority for suppressing the other party", took on an ominous significance: Terry, *Cromwellian Union*, 16.

commonwealth. The English would first have to fulfill the Protesters' ideological requirements for what constituted a godly magistracy. Indeed, their letter to Cromwell, far from being a "testimony" against compliance with the English, was largely a plea for the English to fulfill these requirements by continuing to support and uphold Scotland's established laws relating to religion and the kirk's relationship to the state. The Protesters believed that the Old Testament laws concerning the civil magistrate's responsibility to defend "true religion", or presbyterian orthodoxy, were perpetually binding. The magistrate was to do this by suppressing idolatry, heresy, schism and superstition and punishing, by civil means, those who transgressed in these areas. Anything less would be violation of God's moral law. For the English, therefore, to allow religious toleration, and by consequence, the proliferation of sects and heresies, would disqualify them from assuming the role of a legitimate, godly magistrate.²⁵

The Protesters believed further that it was incumbent upon the civil magistrate to preserve and defend the correct relationship between kirk and state: the Melvillian theory of the two kingdoms as delineated in the *Second Book of Discipline*.²⁶ Rutherford, in his *Due Right of Presbyteries*, had defended this theory vigorously, arguing that kirk and state constituted "two parallel supreme powers on earth", with neither power having the right to infringe upon the others' sphere of authority. The kirk, whose authority derived directly from Christ, was concerned with the spiritual part of man and was to instruct the magistrate in what God's word required of him in the exercise of civil power. The magistrate, on the other hand, was concerned with the external part of man and was to inflict civil punishments on those who failed to heed the kirk's censures.²⁷ As their letter to Cromwell reveals, the Protesters were convinced that the establishment of religious toleration by the English authorities

²⁵Rutherford had argued this point at length in his treatise, *A Free Disputation against Pretended Liberty of Conscience...* (London, 1649). However, the most succinct explanation of the covenanters' views on the duty of the civil magistrate to suppress error and schism can be found in the Commission of the General Assembly's 1649 pamphlet, *A necessary and seasonable Testimony against Toleration, and the present proceedings of the Sectaries and their Abettors in England...* (Edinburgh, 1649) and George Gillespie's, *Wholesome Severity Reconciled with Christian Liberty...* (London, 1645).

²⁶For more on this theory see J. Kirk (ed.), *The Second Book of Discipline* (Edinburgh, 1980).

²⁷S. Rutherford, *The Due Right of Presbyteries, or a Peaceable Plea for the government of the Church of Scotland...* (London, 1644), 406-7. For a discussion of Rutherford's Melvillian views see Coffey, *Samuel Rutherford*, 208-10.

would result in the overthrow of Scotland's "rightly established laws" concerning religion and reformation and lead to an erastian subordination of the kirk's courts to the English magistrate. This too, would have disqualified the English from assuming the role of a legitimate magistrate.²⁸

In the Protesters' judgement, these conditions for a godly magistracy were not negotiable. They were not prepared to countenance a wholesale destruction of Scotland's traditional constitution. If the English, however, were willing to cooperate in the erection of a Scottish Commonwealth or adjust their rule so as to meet the conditions of lawful government, there is every indication that the Protesters would have given the new regime their full cooperation. This, however, was not to be the case. As far as the English were concerned, the erection of an independent Scottish Commonwealth was not an option. Their army had left Scotland after the whiggamore raid of 1648 with high hopes, believing that the Covenanters would continue in alliance with the English parliament. They had paid dearly for this misplaced trust and were not about to make the same mistake twice.²⁹ An independent Scotland would be too much of a security risk. The English were equally unwilling to accede to the Protesters' demand that they forbear extending religious toleration to Scotland and preserve the kirk's monopoly on the country's ecclesiastical franchise. The power which the kirk exercised over the minds and hearts of the Scottish people was deemed too great a threat to the stability of English rule to be allowed to continue unchecked.

The Resolutioners' suspicions, therefore, that the Protesters were engaged in underhanded dealing with the enemy, while not unfounded, were, for the time, needless. In fact, the Protesters' letter to Cromwell, far from fostering a rapprochement between the former allies, had served only to alienate the English further. Accordingly, when Wariston, Cheisly and Brodie visited the commissioners at Dalkeith "expecting", wrote one English news writer, "we would have taken them into our Bosomes upon old acquaintance" they were instead "extremely discontented at

²⁸This interpretation of the Protesters' position is consonant with the views expressed in a fragment of a treatise written by Samuel Rutherford (possibly in 1652) on the relationship between church and state and on the nature of obedience to usurped civil power: EUL La.III.69/5, "The Power of the Civil Magistrate in matters of Religion."

²⁹For a discussion of Cromwell's misplaced trust in the kirk party see Stevenson, *Revolution and Counter-Revolution*, 124-5.

their coming, finding only slight entertainment."³⁰ In the estimation of the English, the Protesters had not lived up to their initial expectations and were proving as intransigent as their Resolutioner brethren. Subsequently, they abandoned their initial policy of supporting the Protesters and adopted an ambiguous attitude towards both kirk factions. It was not until the spring-summer of 1653, when the royalist rebellion in highlands known as "Glencairn's Rising" began to gain momentum, that the English began again to contemplate an alliance with the Protesters.

Resistance and Capitulation

Despite the widening of the breach between the rival factions, the February meetings in Edinburgh proved to be a turning point in the fortunes of the Resolutioners. Their failure to arrive at an agreement with the Protesters was offset by their success in organizing their party's first national meeting since the dispersal of their Commission the previous August. From this point on, their presbyteries resumed a regular correspondence and their leading ministers concentrated on rebuilding the fragmented infrastructure of their party.³¹ The Resolutioners also prosecuted their campaign against the Tender of Incorporation with renewed zeal. Soon after the February meetings the synod of Fife produced a paper, "for the information of gentlemen and others", in which they demonstrated the sinfulness of accepting the Tender by proving that it violated *all* the articles of the Solemn League and Covenant.³² The Protesters also continued their campaign against the Tender, albeit without defending the monarchy or the rights of parliament. Wariston drafted a paper of "Considerations" warning against the sins, snares and scandals which accepting the Tender would entail and resolved to risk forfeiture and sequestration rather than comply with the new English regime.³³ His ally James Guthrie took a similar stance and was barred from his pulpit by English soldiers for preaching against

³⁰Terry, *Cromwellian Union*, 16.

³¹Baillie, *Letters and Journals* iii, 174.

³²Ibid iii, 174-6, 446; Row, *Life of Blair*, 294-5.

³³NLS Wodrow MS Folio XXX, nos.22, 23; Wariston, *Diary 1650-4*, 156-61.

the Tender and the political union of England and Scotland.³⁴

In spite of widespread sympathy with the protestations of the ministers and their allies, by April, nearly all the burghs and shires had been compelled, under threat of force, to give their assent to the Tender of Incorporation. Of the 89 constituencies in Scotland, only three - Morayshire, Glasgow and Kirkcudbrightshire - registered formal dissents from the Tender. The Protester-dominated deputations from Glasgow and Morayshire both focused on the threat which political incorporation and religious toleration posed to the nation's civil and religious liberties. No mention was made concerning the dissolution of monarchical government and apart from one oblique reference in Glasgow's dissent, the Covenant was not referred to. Kirkcudbrightshire alone dissented on the grounds that the Tender violated all the articles of the Covenant.³⁵ Interestingly, many of the shires and burghs in the strongly-Protesting west and south-west actually welcomed the political merger. Wigtonshire, Lanarkshire, Dumbartonshire, Buteshire and the burghs of Rutherglen, Rothesay, Dumbarton and Wigton, all assented to the Tender with marked enthusiasm. Wigtonshire, for example, while objecting to religious toleration, welcomed the end of the monarchical and aristocratic rule and termed the Incorporation "the excellent blessing of God and most desirable Condition for the peace security and happinesse of ye whole Iseland that men on Earth are capable of". Lanarkshire expressed similar sentiments and stated their eagerness to accept "the same Government that is established in England without a King or House of Lords under a free State and Commonwealth".³⁶ The radical proclivities of these areas did not escape the attention of the English, and in the years which followed they were to make the west the focus of their attempts to plant Independent churches and establish a body of support in Scotland.

A declaration, dated 25 March 1652, announcing the acceptance of the Tender and the voluntary Union of England and Scotland in one commonwealth without king or House of Lords was proclaimed with much pomp and ceremony at Edinburgh's Mercat

³⁴T. Thomson, *Life of James Guthrie* (Edinburgh, 1846), 162.

³⁵The English forced all three dissenting constituencies to choose new deputies and convert their dissents to assents: Terry, *Cromwellian Union*, 34-5, 112-15, 116-17, 118-20, 133-4, 161-2; Nicoll, *Diary*, 89; Marwick, *Glasgow Burgh Records*, 218-19, 220; Dow, *Cromwellian Scotland*, 40-1.

³⁶Terry, *Cromwellian Union*, 36-8, 50-3, 56-9.

Cross on 21 April.³⁷ In the weeks and months which followed, the English commissioners continued their task of restoring and restructuring Scotland's civil government. Among other things, they made provision for the burghs to elect magistrates and councillors; appointed sheriffs and commissaries; issued orders concerning the assessment of shires and burghs; replaced the Court of Session with seven Commissioners for the Administration of Justice; established a Court of Admiralty and appointed a board of commissioners to oversee the income of sequestered lands. In a move which infringed further on the kirk's sphere of authority, they also appointed Commissioners "for Visiting and Regulating Universities and other Affairs relating to the Ministry in Scotland". Much to the ministers' chagrin, this latter body was to have the authority to remove and replace unfit ministers and abolish or alter any university statutes which they deemed "inconsistent with the Government of the Commonwealth of England, or the Union and Incorporation of England and Scotland". Finally, all persons in the public employment were required to take an oath of fidelity to the Commonwealth, while those who were Scots were, in addition, required to declare their assent to the Tender of Incorporation. The rule of the English had begun.³⁸

The Union Attempt of 1652

With the political union of Scotland and England a virtual *fait accompli*, the ministers turned their attentions to the internal problems of the kirk. As they witnessed the encroachments being made into the kirk's ecclesiastical liberties, many ministers came to believe it was imperative that the contending factions resolve their differences

³⁷Nicoll, *Diary*, 92-3; Firth, *Scotland and Commonwealth*, 41; B. Whitelock, *Memorials of the English Affairs* iii (4 vols., Oxford, 1853), 418; The text of this declaration, entitled *The Declaration of the Parliament of England, in order to the Uniting of Scotland into one Commonwealth with England*, can be found in Terry, *Cromwellian Union*, 140-4; see also, Dow, *Cromwellian Scotland*, 48-51.

³⁸Terry, *Cromwellian Union*, xxxii, 63-8, 86-7, 164, 174-6, 178-81; Firth, *Scotland and Commonwealth*, xxxi, 44-5, 170-81; For the mechanics of this governmental restructure, see Dow, *Cromwellian Scotland*, chapter 3.

and present a united front against the English policies. Accordingly, in late March, the eminent centrist ministers James Durham and Robert Blair, cognizant that no agreement could be reached as long as the factions continued their cyclical arguments about the Public Resolutions and the legality of the 1651 General Assembly, devised a new strategy for healing the divisions in the kirk. They proposed that both factions: cease from all controversial preaching and writing; desist from all "authoritative actings" as either the Commission of 1650 or 1651 and forbear both the "practising, executing or pressing" of the acts of the former Assembly and the "spreading of appeals, declinators or protestations against the same". Once this was achieved, a free, fully-convened General Assembly could then settle the factions' differences by passing an "act of oblivion" which would nullify all the controversies of the past two years. Blair, realizing that this plan needed cross-party cooperation in order to succeed, wrote to Glasgow's arch-Resolutioner, Robert Baillie, and entreated him to support these union proposals in the upcoming April meeting of the synod of Glasgow-Ayr. After informing Baillie of the plan's details, Blair pronounced an imprecation on all who refused the union. He declared, "If uniting on such termes may be had, they are accursed that would hinder the same, by seeking satisfaction for what is passed."³⁹

Not surprisingly, Baillie was appalled at the prospect of a union on such terms, believing that Blair's proposals were a wholesale capitulation to the Protesters' demands. Immediately after receiving this letter, he began a vigorous campaign against the intended union. In a letter dated 1 April, he informed Blair that he no intention of uniting with those who "make no scruple to lay aside the King, and to make the third article of our Covenant stand well enough with a freedome to change Monarchy with a Scottish Republick". Concerning the specifics of Blair's proposals, he commented,

How gladlie I would be at union in any tollerable termes many know, but for the quite laying aside all the acts of the last Assemblie, and that men censured shall not make so much as the least acknowledgement for all their erroneous and very evill Remonstrances, Protestations, and other miscarriages, whereby they have directly ruined the Commission and the General Assemblie, and hes been very instrumentall in the publict calamitie, and to this day goes on with a high hand in destructive wayes to their power; to clap their heads in all this, I doubt

³⁹Baillie, *Letters and Journals* iii, 174-5, 185-6.

it be acceptable to God, or men's good, or can stand with the being of our discipline in any time to come...

Baillie then wrote two letters to James Wood, expressing his extreme dissatisfaction with Blair's proposals and urging Wood and the Fife Resolutioners to reject his overture for union at their upcoming synod meeting. After advancing various arguments against the union, he warned that to unite with the Protesters on such terms would be "to burie the Assemblie indeed, and put tyrranous men's feet againe on the neck of our Church." It is unclear whether Wood and his colleagues received Baillie's letters before the synod of Fife convened in early April, but notwithstanding, the synod approved Blair's proposals for union and appointed a national union conference to be held in Edinburgh on 12 May.⁴⁰

Matters went otherwise in Baillie's local court, the synod of Glasgow-Ayr. Although a majority in both factions, including the synod's leading Protester, Patrick Gillespie, gave their initial endorsement to Durham's "Overtures for Union", Baillie was able to persuade many of the more moderate Resolutioners, including James Fergusson and Patrick Colville, to withdraw their support. Eventually, after much wrangling, Baillie and his colleagues succeeded in postponing the synod's consideration of Durham's overtures until their next scheduled meeting on 2 June. In the interim, Baillie stepped up his campaign against the projected union. He sent letters far and wide denouncing the centrists' overtures and encouraging all who loved the established government of the kirk to oppose their passage. This time his warnings to James Wood yielded the desired results, and by the end of April, the Fife Resolutioners were beginning to withdraw their support from the union effort. Baillie also wrote two letters to Robert Ker, the Resolutioner minister of Haddington, urging him and his colleagues to oppose the union in the upcoming May meeting of the synod of Lothian.⁴¹ At the same time, Patrick Gillespie, dismayed at the synod's failure to approve the union overtures, wrote to Wariston asking for his advice in the matter. To his vexation, he soon discovered that Wariston, Guthrie and the majority of eastern

⁴⁰Ibid iii, 175-9; Kinloch, *Selections from the Minutes of the Synod of Fife*, 173-4; Row, *Life of Blair*, 295.

⁴¹Baillie, *Letters and Journals* iii, 179-84; Wariston, *Diary 1650-4*, 162.

Protesters were also opposed to Durham's proposals and believed that the only acceptable basis for a union was the Resolutioners' sincere repentance.⁴²

When the synod of Lothian and Tweeddale convened on 4 May, it became apparent that Baillie's letters to Robert Ker had produced the desired effect. The synod's Resolutioner ministers abandoned their hitherto tolerant attitude and launched an all out attack on their dissenting brethren. On 5 May, they handed in a paper which cast "vyld aspersions" on the Protesters' 1650 Commission. The next day an act was passed reasserting the authority of the 1651 General Assembly and prohibiting the synod's members, under threat of censure, to write, preach or speak against it. When the Protesters objected that "this was not the way to peace and union", the moderator replied that "punishing opposers was the best way of peace." The synod then recorded the names of all the Protesters in their midst and declared their intention to prosecute them. David Dickson even went so far as to maintain that the Protesters were not members of the Church of Scotland, as no true members would question the Assembly's authority. Before rising, the synod appointed five of its members, including Dickson and Robert Ker, to act as delegates to the union conference called by the synod of Fife. However, they were given strict instructions "to doe nothing prejudicial to former Acts of the late Assembly, and not to conferre with the deposed brether nor look on them as ministers."⁴³

By 12 May, the scheduled date for the union conference, Baillie and his allies in the eastern synods, James Wood and Robert Ker, had succeeded in quashing any substantial support within their party for Durham and Blair's union overtures. As a precautionary measure, these men had themselves, and like-minded ministers, appointed to the Resolutioner delegation. The eastern Protesters took similar measures and did everything within their power to prevent the proposed union from occurring. Not only did Wariston and Guthrie refuse to attend the meeting, it was reported that some of their factions' "chief leading men" had written to their supporters in the synods of Aberdeen and Galloway requesting them not to attend. Subsequently, very

⁴²Wariston, *Diary 1650-4*, 156-8, 160.

⁴³NLS Wodrow MS Folio XXXVIII, no.5, f.6r; Wariston, *Diary 1650-4*, 162-4; Nicoll, *Diary*, 93.

few Protesters were present at the conference, and with the exception of Patrick Gillespie, none who supported the proposed union. The Resolutioners set the tone of the discussions on the opening day of the conference, when, in direct violation of the union proposals, they convened separately as the 1651 Commission of the General Assembly. They then invited the Protesters, who had convened their own meeting at the Tailor's Hall in the Cowgate, to appear before them and present their arguments against the late Assembly.⁴⁴

Although none of the minutes from these meetings are extant, a "memorandum", written by Baillie, containing detailed instructions for his faction's delegates, gives valuable insight into the hard-line agenda which the Resolutioners adopted during this conference. The delegates were instructed to reprove the Protesters for a whole range of offences: abusing the kirk's forbearance and desire for unity by turning it into an opportunity to strengthen their own faction; their "great impudence" in declaring the 1651 Commission of the kirk to be false; their "unparalleled boldness" in reinstating the expired 1650 Commission and the "tirranie" of their repeated threats to withdraw from the communion of the national kirk. In addition, the delegates were instructed to interrogate the Protesters on the exact nature of their interpretation of the Covenants and their attitudes towards religious toleration and cooperation with the English regime. They were to enquire specifically about the Protesters commitment to the third article of the Solemn League and Covenant and ascertain whether or not there was any truth to the rumour that they were reinterpreting it in a manner which allowed them to forsake their covenanted allegiance to king and parliament and recognize the legitimacy of the English regime. They were also to question the Protesters closely concerning their relationship with the heretical Scottish separatists and determine whether or not they were in sympathy with their doctrines and intentions. Although the delegates were authorized to extend an offer of union, it bore little resemblance to the clement proposals of Durham and Blair. The Protesters were expected to repent of their scandalous behaviour during the past two years, recognize the "uncontroverted" authority of the 1651 General Assembly and Commission, dissolve

⁴⁴*The Protestation Reviewed and Refuted*, 8; *RCGA* iii, 513-16; Wariston, *Diary 1650-4*, 166; Row, *Life of Blair*, 295.

all of their "anti-judicatories" and fulfill their obligations to the sixth article of the Covenant by joining with the kirk in its testimony against the illegal English regime.⁴⁵

Predictably, the adoption of such high-handed tactics served only to alienate the Protesters further. Gillespie and the deposed ministers responded in kind by delivering an ultimatum to the Resolutioner Commission warning that "if they would not repone them, they would think on wayes of their awen reposition". Any remaining hopes for union received their death-blow, when, on the last day of the conference, the Resolutioners proposed an overture for calling a General Assembly. The Protesters responded by requesting a continuance until the rest of their number could meet and advise on the matter. The Resolutioners refused, and on the afternoon of 14 May, their Commission sent letters to the presbyteries advertising the meeting of the General Assembly at Edinburgh on 21 July.⁴⁶ The conference adjourned with the factions more divided than at any time in the previous two years. Far from facilitating a union, the negotiations ensured the continuation of the internecine warfare by providing each faction with fresh grievances against their brethren. For the time, all hope of a union was abandoned as the ministers retreated to their respective presbyteries and prepared their strategies for the upcoming Assembly. All that Durham and Blair received for their efforts to reconcile the rival factions was the opprobrious appellation of "neuters" - men who lacked the conviction to join with one side or the other. "Beware of neuters and their counsells", wrote Baillie after the conference, "no man serves the dissenters so strongly as they."⁴⁷

The 1652 General Assembly

In the lead up to the 1652 General Assembly, the struggle between the rival

⁴⁵NLS Adv.MS 31.2.18, ff.122v-123r.

⁴⁶Wariston, *Diary 1650-4*, 166-7; *The Representation, Propositions, and Protestation of divers Ministers, Elders and Professors...* (Leith, 1652), 10; *The Protestation Reviewed and Refuted*, 8-9; *RCGA* iii, 514-15; Row, *Life of Blair*, 295.

⁴⁷Baillie, *Letters and Journals* iii, 187.

factions intensified. The most violent disputes were in the synod of Glasgow-Ayr where Baillie and his coterie of hard-line Resolutioners engaged in a desperate bid to prevent Gillespie and the Protesters from extending their control over the synod. A particularly fierce conflict erupted over the placement of ministers in vacant parishes. When the Resolutioner-controlled presbytery of Dumbarton refused to approve the trials of the Protester Robert Law, Gillespie and his colleagues threatened to ordain him without presbyterial consent and have the synod censure the ministers who opposed his admission. When the Resolutioners objected that "no decliner of the Generall Assemblie should be a judge to them", Gillespie and Cheisly engaged in an unsuccessful attempt to have Baillie and all the hard-line Resolutioners censured and removed from the synod. A similar contest took place in the presbytery of Lanark when the Protesters sought to prevent the admission of the Resolutioner Robert Home to the parish of Crawfordjohn. The most severe conflict, however, took place when the Protesters attempted to prevent the election of delegations to the upcoming General Assembly. In this conflict, as in previous synodical battles, the large number of Protesting ruling elders proved the decisive factor. With their support, the vote "not to elect" was carried by the Protesters in all seven presbyteries, leaving a minority of Resolutioners to protest the decision and appoint their own delegations to the Assembly.⁴⁸ In the midst of this strife, Baillie resumed his writing campaign, encouraging the Resolutioner ministers in the synods of Fife and Lothian to reject the "ensnaring" counsels of "neuters" such as Blair and Durham and to "Goe on in the high clear pathway of our Generall Assemblies without all prelimitations." This policy received an added boost when, shortly before the Assembly, a letter arrived from Robert Douglas and his fellow prisoners in the Tower of London directing the Resolutioners to reaffirm the authority of the preceding Assembly and reject any attempts by the Protesters to subvert the authority of the upcoming Assembly.⁴⁹

Meanwhile, the Protesters engaged in their own preparations for the Assembly. Shortly after the dissolution of the failed union conference, the faction's leading men convened a meeting in Edinburgh to plan their strategy. After consultation, they issued

⁴⁸Baillie, *Letters and Journals* iii, 186-7, 194-5.

⁴⁹Baillie, *Letters and Journals* iii, 186-90, 193-4, 562-6; Wariston, *Diary 1650-4*, 179.

a paper of "reasons", drafted by Wariston, encouraging the Protesters not to concur in their presbytery's election of commissioners to the upcoming "illegal" Assembly.⁵⁰ When the Protesters reconvened in Edinburgh on 16 July, they met with clear evidence that their diligence and organizational zeal during the past year had paid off. This was not only their best attended meeting to date, they learned that their pleas for non-concurrence had prompted their supporters to enter dissents and protestations against the election of commissioners in more than two-thirds of the nation's presbyteries. They had also learned that in addition to the synod of Glasgow, the entire synod of Dumfries had decided not to send delegates to the Assembly. Encouraged by this level of support, they proceeded to draft a number of papers for submission to the "pretended" Assembly. During the heated debates over the contents of one of these papers, the new "Protestation", John Livingstone raised an issue on which all could agree - an issue which was to have far-reaching effects on the future course of the factions' internecine warfare. He maintained that the Protestation should address the hitherto neglected "main poynt" of the controversy,

that the power of the Kirk of Scotland was come and turned, throw the Publik Resolutions, into the hands of the malignant, scandalous pairt of the ministrye...who wer enemyes to godlynesse and godly men.

Although the Protesters had long known that the leading Resolutioners were buttressing their majority with conservative ministers who had escaped the purges of the 1640s, they had, until this time, refrained from bringing explicit charges against this practice. Now, however, faced with the prospect of further defections by yet another "pretended Assembly", Livingstone's warning was received as a clarion call to rescue the Covenanting movement from such men. From this point on the Protesters began to focus their attention on ways to purge these "ungodly" men from the ministry.⁵¹

⁵⁰Ibid, 167-9; The full title of this paper was, *Reasons why these who dis-approved the Publick Resolutions and Acts at Dundee, Ratifying the same and ordaining censures to passe upon opposers and unsatisfied, cannot keep the Assembly now indicted, nor be consenting unto the Election of Commissioners for that effect*: NLS Wodrow MS Quarto XXIX, no.57, ff.165r-166v; NLS Wodrow MS Folio XXVII, no.20, ff.57r-58r; This paper was later printed in *The Nullity of the Pretended Assembly at St. Andrews and Dundee*.

⁵¹Wariston, *Diary 1650-4*, 179-81; *Some Few Observations about the late Differences in the Kirk...* (Edinburgh, 1653), 30.

On 21 July, the opening day of the 1652 General Assembly⁵², Andrew Cant, Wariston and 32 other Protesting ministers and elders presented a paper containing a "Representation" and "8 Propositions" to the moderator, David Dickson, requesting that it be read before the Assembly was constituted. After "a long debayte", their request was granted and a tearful Wariston read the paper before the meeting. In it the Protesters called for the Resolutioners "meeting" to be adjourned and a union conference appointed to discuss ways in which they might remedy their differences. They warned that if the Resolutioners proceeded with constituting themselves a General Assembly, it would only heighten the differences between them and serve to "lay new snares in the way". The Resolutioners refused, maintaining that a conference would be appointed, but only after they had first constituted the Assembly. On receiving this reply Wariston declared "We expected no other answer" and proceeded to read the official Protestation disclaiming the authority of the Resolutioners' "meeting" on the ground that it had been called by the "unfree, unlawfull, and corrupt" 1651 Assembly. The Protesters then withdrew from the meeting leaving behind copies of all their recent papers, including the Protestation signed by sixty-seven ministers and eighty-five elders.⁵³

The Protesters had two primary objectives in these papers: to demonstrate the threat which the unpurged conservative ministers posed to the purity of the kirk and to convince the leading Resolutioners to join with them in removing these men from the ministry. They declared,

there hath alwayes remained a corrupt party of insufficient, scandalous, and ill-affected Ministers in this Kirk, enemies to the power of Godlinesse, and Obstructers of the Work of Reformation, and purging of the Kirk, whereof many were sworn Vassals to the Prelats (as we are able to make good by their subscriptions to horrid oaths) this party complied with the times, and pretended for Reformation, though they were groaning under it as a heavy yoke which they could not endure...

⁵²No official minutes of this Assembly are extant and a only a few contemporary accounts exist. These can be found in Wariston, *Diary 1650-4*, 180-4; Row, *Life of Blair*, 296-7; Nicoll, *Diary*, 97-100; Lamont, *Diary*, 45-6; Accounts written for polemical purposes in the controversial pamphlets of the time will be referenced in the appropriate place.

⁵³Wariston, *Diary 1650-4*, 180-1; Row, *Life of Blair*, 296; *The Representation, Propositions, and Protestation* (Leith, 1652), 7; "Collections by a Private Hand at Edinburgh", 42-3, in Maidment's *Historical Fragments*.

The Protesters then went on to demonstrate how the ratification of the Public Resolutions and the passing of various acts and censures against "the godly" by the previous pretended Assembly had given these malignant ministers the upper hand in many of the kirk's courts, enabling them to "carry the determinations therof to their own ends". These ministers were now using their new-found power to "favour wicked men", "supresse the power of godlinesse" and "persecute such as make conscience to seek the Lord in sincerity of heart". Not only had they instigated the unjustified censuring of godly ministers and elders, they had facilitated the corruption of local congregations through the promiscuous admission of people to church membership and the Lord's Table. Such a breakdown of discipline, they warned, if allowed to continue, would spread through the body of the kirk like gangrene and lead to further ungodliness, division and ultimately, apostacy. The Protesters then called on the remnant of "godly" Resolutioners who had become "miserably intangled and insnaired" with these "malignant" men, to repent of their defection from the Cause of God and join with them in purging the kirk and restoring the covenanting movement to its former purity.⁵⁴

The Protesters received their answer, when, on 28 July the Resolutioners invited them to a conference for "union and peace". During these meetings the Resolutioners presented a paper of union "Overtures" in which they offered to remove the Assembly's censure from the deposed ministers providing they withdrew their protestations against both the present and former Assemblies and gave assurance that they would forbear propagating further divisions within the kirk.⁵⁵ The Protesters replied that censures were only a matter of "personal concernment", and castigated the Resolutioners for failing to address the larger issue of purifying the kirk as outlined in their Protestation and propositions. They then withdrew, leaving behind a copy of their conference "Instructions" in which they declared that they had "sought peace, and pursued it by all lawfull and possible means" and that henceforth, they would not be answerable for the evil consequences which would result from the Resolutioners

⁵⁴*The Representation, Propositions, and Protestation*, 8-13; Wariston, *Diary 1650-4*, 180.

⁵⁵Cf. Peterkin, *Records*, 649; Row, *Life of Blair*, 296-7.

continued course of defection.⁵⁶

The Protesters spent the remainder of their meeting preparing two papers: a polemical paper containing "Reasons" why they could not agree to the Resolutioners' union Overtures and a "Protestation" against a recently emitted declaration of the Commissioners for Visiting and Regulating Universities.⁵⁷ After appointing a fast for 3 September, the anniversary of the Scottish defeats at Dunbar and Worcester, they adjourned their meeting until the first Wednesday of November, at which time they planned to meet as the 1650 Commission of the General Assembly.⁵⁸ The Resolutioners reacted quickly and on 30 July their Assembly passed an act condemning the Protestation as "false, frivolous, unchristian and deserving the highest cesures of the Kirk." This was followed by an act requiring the Protesters to renounce their declination from the Assembly before the Commission's next quarterly meeting and directing the presbyteries and synods to censure them if they refused to comply. An act was also passed barring ministerial expectants and elders who were in sympathy with the Protesters from holding office in the kirk. Before rising on 5 August, the Resolutioners emitted a letter to Scotland's nobles and gentry, giving their version of the Assembly's proceedings and urging them to use every "godly means" in their power to hinder the Protesters designs.⁵⁹

By the close of the 1652 General Assembly, the feelings of enmity between the rival factions had risen to an unprecedented level, with each side blaming the other with great vehemence for their failure to reach an agreement and heal the kirk's divisions. This resulted in the resumption of their acrimonious polemical war and a stream of pamphlets were issued in quick succession. The Protesters drew first blood, when, sometime before the adjournment of their meeting, they printed their

⁵⁶Peterkin, *Records*, 648; Row, *Life of Blair*, 297.

⁵⁷Wariston, *Diary 1650-4*, 182-3; In this "Declaration", dated 4 June 1652, the commissioners for regulating universities announced their intention to remove scandalous ministers and replace them with men of their own choosing. They also declared their intention to determine all disputes relating to the ministry: the text of this declaration is in Firth, *Scotland and Commonwealth*, 44-5; The Protesters complained that this was an "erastian" encroachment on the "liberty, discipline and doctrine of the Kirk of Scotland". Their "Protestation" can be found in NLS Wodrow MS Folio XXX, no.28, ff.107r-108r; Samuel Rutherford, Robert Traill, John Stirling and the Laird of Blair were appointed to deliver the Protestation to the English judges: HMC 72, Laing i, 270-1.

⁵⁸Wariston, *Diary 1650-4*, 183.

⁵⁹Ibid, 184; Lamont, *Diary*, 45; Peterkin, *Records*, 649-51.

Protestation, Representations and Propositions.⁶⁰ The Resolutioners were enabled to return fire, when the English, keen to foster the divisions of their enemies, decided to allow them access to Evan Tyler's press in Leith. They responded by printing their union Overtures along with their letter to the nobles and gentry and three acts of the Assembly.⁶¹ The Protesters, anxious to save themselves from the reproach of rejecting a "peaceable offer" for union, retaliated by printing their Reasons for refusing the Resolutioners' Overtures together with their conference Instructions and a letter directed to the moderator of the "pretended" Assembly David Dickson.⁶²

Within a matter of days the Resolutioners' rejoinder, *The Protestation Reviewed and Refuted*, appeared in print, the title page bearing an inscription from Psalm cxx verse 7, "I am for peace; but when I speak, they are for war."⁶³ In this pamphlet, the Resolutioners took pains to refute the damning charge that they were harbouring a party of malignant ministers in their ranks. While they admitted that there were ministers in the kirk who had complied with the prelates, they maintained that these men had done so in ignorance, "being carried down with the Tide of the time", and had long since repented of their actions. The Protesters' charge was therefore baseless slander. Indeed, there was only one party in the kirk with a hidden agenda and that was the Protesters. For years now they had engaged in all manner of subterfuge, using "specious pretexts" to advance their designs in both kirk and state. The Resolutioners then intimated that the Protesters real reason in calling for a new ministerial purge was that they intended on using it as an instrument of revenge - a means of removing from the ministry those who supported the Public Resolutions and replacing them with their own adherents. When Wariston came to review this pamphlet on 9 August, he found in it "many grosse lyes and mistakes", and within a week he had completed a

⁶⁰*The Representation, Propositions, and Protestation of divers Ministers, Elders and Professors...* (Leith, 1652).

⁶¹*An Act and Overture of the Generall Assembly, for the Peace and Union of the Kirk, with a Letter to the Nobility, Gentry, and all other wise and pious Persons...* (1652); *Acts of the General Assembly for promoting the knowledge of the grounds of salvation and observing the rules of discipline...* (Leith, 1652).

⁶²*Reasons why the Ministers, Elders, and Professors, who Protested against the pretended Assemblies at St. Andrews, Dundee and Edinburgh, cannot agree to the Overtures made unto them at the Conference upon the 28 and 29 of July, 1652...* (Leith, 1652).

⁶³*The Protestation given in by the Dissenting Brethren...Reviewed and Refuted...* (Leith, 1652).

detailed "Answer" together with some "Observations" upon the printed acts of the Assembly.⁶⁴ William Row relates that this exchange of papers, "which Mr Blair used to call our nakedness-discovering papers", acted as "oil cast into the flame" and did much to heighten the division between the factions.⁶⁵

The Covenanters and the Separatists

In the months that followed, there was a lull in the controversy as both factions, having temporarily exhausted their polemical arsenals, retreated from the fray to consolidate their gains and contemplate their next move. This unofficial cease-fire was also extended to the English authorities, and for a time nothing was heard concerning the unlawfulness of their regime and their "erastian" encroachments on the kirk's authority.⁶⁶ The Protesters and Resolutioners used this opportunity to address the burgeoning problem of sectarianism. Indeed, since early 1652 the English had been carrying on an energetic campaign to introduce Independency into Scotland. In April, several English Independent ministers had arrived in Scotland to help propagate Independency.⁶⁷ The best known of these was Nicholas Lockyer, who, upon his arrival, had been sent for by the Aberdeen separatists to oversee the establishment of Independent congregations in the north-east.⁶⁸ In addition to preaching and overseeing the erection of new churches, Lockyer had also taken the opportunity to publish one of his sermons against presbyterianism and its view of the visible church.⁶⁹ John Nicoll relates that by May, English soldiers were preaching throughout the country at will and sectarian ministers were busy establishing churches, preaching, marrying,

⁶⁴Wariston, *Diary 1650-4*, 187, 189; Although circulated in manuscript form, these papers were not printed until the autumn of 1653: see *infra*, 193.

⁶⁵Row, *Life of Blair*, 297.

⁶⁶Baillie, *Letters and Journals* iii, 199.

⁶⁷CSPD 1651-2, 28.

⁶⁸Baillie, *Letters and Journals* iii, 178.

⁶⁹It was printed at Leith by Evan Tyler under the title, *A Little Stone out of the Mountain: Church-Order briefly opened...* (Leith, 1652); Lockyer's arguments for Independency were refuted at length by the Resolutioner James Wood in the treatise *A Little Stone pretended to be out of the Mountain, Tried and found to be a Counterfeit...* (Edinburgh, 1654).

baptizing and defending their "errors" in public disputes with presbyterians.⁷⁰

The most serious sectarian threat, however, and the one that struck closest to the Protesters heart, came from their godly but deceived brethren, the Aberdeen separatists. On 24 May 1652, these men had sent a letter to Wariston, Guthrie and other leading Protesters expressing their dissatisfaction with the constitution and government of the kirk and announcing their intention to take an independent course.⁷¹ Wariston sent a lengthy reply in which he gave sixteen detailed arguments against Independency and requested that they delay any public action until they had a chance to meet and discuss the matter in July.⁷² As requested, Jaffray and Menzies came to Edinburgh just prior to the 1652 Assembly and engaged in a series of meetings with Wariston, Gillespie and Rutherford. Much to the Protesters' grief, these discussions proved as fruitless as those of the previous October, with the separatists declaring that they were more confirmed in their opinions than when they had come. The Protesters, however, were unwilling to give up on their erring brethren and pressed them to "delay any public appearing" until Rutherford, Guthrie, Gillespie and John Carstairs had a chance to travel to Aberdeen for one more conference. Jaffray and Menzies agreed and both sides parted amicably, their meeting being adjourned until late September.⁷³ In the mean time, Rutherford and Wariston continued writing to Aberdeen, pressing the separatists to abandon the "congregational way" and return to the presbyterian fold.⁷⁴ When the Protesters travelled to Aberdeen for their scheduled conference in late September, they found both of the separatists' chief disputants, John Menzies and William Muir, sick and unable to attend. Nevertheless, they engaged in a week of public debates with various ministers and regents of the College and "laboured hard to recall them to thoughts of union with the Kirk". The separatists, however, remained intractable and professed that the Protesters' errand had been "to no purpose...all of us being rather more confirmed to our former grounds." Despite such differences, the Protesters and separatists remained on friendly terms,

⁷⁰Nicoll, *Diary*, 94. Wariston, *Diary 1650-4*, 169; Lamont, *Diary*, 48; Hoy, "The Entry of Sects into Scotland" in Shaw, *Reformation and Revolution*, 190-7.

⁷¹Jaffray, *Diary*, 167-71; Wariston received this letter on 7 June: Wariston, *Diary 1650-4*, 173.

⁷²NLS Wodrow MS Folio XXX, no.24, ff.85r-91r.

⁷³Wariston, *Diary 1650-4*, 180-1; Jaffray, *Diary*, 65-6.

⁷⁴Wariston, *Diary 1650-4*, 192; NLS Wodrow MS Folio XXX, no.26.

each party considering the other to be comprised of "godly" and "precious" men. In November, they demonstrated this mutual regard when representatives from both parties partook of the Lord's Supper together in Greyfriars Kirk, Aberdeen.⁷⁵

The Aberdeen separatists found no such favour with the Resolutioners. Indeed, Baillie had even gone so far as to term them the Aberdeen "apostates".⁷⁶ Since the spring of 1652 the Resolutioners had been doing everything in their power to have these men removed from the ministry. In June the Resolutioner-controlled synod of Aberdeen had condemned the separatists' views and cited their leading ministers to appear before the General Assembly.⁷⁷ On the advice of the synod the 1652 Assembly suspended John Row, John Menzies and William Muir together with their western colleague, Thomas Charteris, the minister of Stonehouse, who, together with many of his flock, had recently embraced Anabaptism.⁷⁸ When Row, Menzies and Muir refused to demit their charges, the presbytery of Aberdeen began proceeding against them on 2 September with the synod of Aberdeen following suit later the same month. The separatists, however, refused to acknowledge the kirk's authority and appealed their case to the English.⁷⁹ In John Row's case, the Commissioners for Visiting Universities, responded quickly, and, in a precedent-setting move, demonstrated both their authority to decide ministerial disputes and their support for Independency.⁸⁰ They removed the Resolutioner William Guild from the principalship of King's College and installed Row in his place.⁸¹ The Resolutioners' attempt to have Menzies removed from his pastorate and professorship at Marischal College was also unsuccessful and the synod's proceedings against him were stopped by order of

⁷⁵"Diurnal of Occurrences, chiefly in Scotland, commencing 21st August 1652, and ending April 13, 1654", in J. Maidment (ed.), *The Spottiswoode Miscellany* ii (Spottiswoode Society, 1845), 87; Jaffray, *Diary*, 66; Row, *Life of Blair*, 300.

⁷⁶Baillie, *Letters and Journals* iii, 242.

⁷⁷J. Stuart, *Selections from the Records of the Kirk Session, Presbytery, and Synod of Aberdeen 1562-1681* (Spalding Club, 1846), 220.

⁷⁸Row, *Life of Blair*, 297; Nicoll, *Diary*, 94.

⁷⁹*The Spottiswoode Miscellany* ii, 80; Row, *Life of Blair*, 301; Stuart, *Selections from the Records of the Kirk Session, Presbytery, and Synod of Aberdeen 1562-1681*, 222.

⁸⁰See *supra*, 172n, for the Commissioners' Declaration of 4 June 1652 in which they arrogated to themselves the power to decide all ministerial disputes.

⁸¹Lamont, *Diary*, 47; Row, *Life of Blair*, 301; Baillie, *Letters and Journals* iii, 244; Stuart, *Selections from the Records of the Kirk Session, Presbytery, and Synod of Aberdeen 1562-1681*, 218, 221.

the commandant of the English garrison.⁸² In the case of Thomas Charteris, English intervention proved unnecessary. Gillespie and his associates in the Protester-controlled synod of Glasgow-Ayr refused to enforce their former colleague's suspension. They also ignored Robert Baillie's continued calls for him to be excommunicated, maintaining that Charteris "was a godly man and might not be so used."⁸³

The fact that the Scottish separatists enjoyed such close ties with the Protesters infuriated the Resolutioners and rekindled their suspicion that the two parties were in collusion. Indeed, to many Resolutioners, it appeared that the Protesters had more regard for a group of heretical sectaries, than for their own presbyterian brethren.⁸⁴ Based on this, and the Protesters continuing refusal to acknowledge the authority of the kirk's courts, some Resolutioners even began to question the extent and nature of their dissatisfied brethren's commitment to divine-right presbyterianism and suspected that their ecclesiology was developing into something more akin to that held by the Independents. Such impressions, while not entirely accurate, did contain elements of truth. While the Resolutioners' suspicion about the two parties being in collusion was groundless, it was true that the Protesters held the separatists in higher esteem than the Resolutioners. This was due to a number of reasons. The majority of the separatists, unlike the Resolutioners, were the Protesters' former radical colleagues, men, who until recently, had stood shoulder to shoulder with them throughout the all the vicissitudes of the covenanting movement. The separatists also shared the Protesters' abhorrence of malignancy and blamed the Resolutioners, whom they termed the "corrupt party", for the land's malignant defection.⁸⁵ Furthermore, the separatists shared many of the Protesters' concerns about corruptions in the kirk. In fact, the Protesters' complaints during the 1652 General Assembly about the lack of true godliness in the kirk, its courts misuse of power, the censuring of godly ministers, the promiscuous admission of people to church membership and the Lord's Table, the large number of corrupt ministers and elders and the failure to have such men purged, were all grievances echoed by Jaffray, Menzies and Row in their May 1652 letter to

⁸²*DNB* xiii, 259; Wariston, *Diary 1650-4*, 157; Row, *Life of Blair*, 301.

⁸³Baillie, *Letters and Journals* iii, 322-3; *FES* ii, 289, 303; Nicoll, *Diary*, 94.

⁸⁴Baillie, *Letters and Journals* iii, 187.

⁸⁵Jaffray, *Diary*, 169.

Wariston and the Protesters.⁸⁶ The single most important reason for the parties strong mutual regard, however, was their shared experience of vital godliness. Despite their many differences in ecclesiology, theology and political theory each party considered the other to comprised mainly of "godly" and "precious" men, i.e. regenerate believers - epithets denied to all but a few of the Resolutioners. In this respect the Protesters viewed the Scottish separatists in much the same way as they had the English Brownists and puritan semi-separatists during the 1640s. They recognized that such men, while "mighty opposites to presbyterial government", were nevertheless brethren, "the best of people", or as Rutherford described them, those "who of all that differ from us, come nearest to walkers with God".⁸⁷

The Resolutioners fears about the Protesters' ecclesiology also had some basis in truth. While the majority of Protesters still clung to the theory of a comprehensive national church comprised of both the elect and reprobate, in practice they had moved towards a much more exclusive position - one which was not at all dissimilar to the Independency of the separatists. As David Stevenson has demonstrated, the holding of "godly" conventicles during the 1620s and 1630s in reaction to corruptions in the national kirk had powerfully influenced the radical presbyterians' ecclesiology. Stevenson argues that from the "visible church", comprised of the elect and reprobate, they had moved towards the setting up of an exclusive church, the closest approximation they could achieve on earth of the "invisible church" of the elect. Although such separatist tendencies had been held in check by the triumph of presbyterianism and the signing of the Covenants, they had continued to persist and eventually led to the Protester schismatic activities of the 1650s.⁸⁸ Similarly, J.B. Torrance has argued that it was only the concept of Scotland as an elect, "covenanted nation" during the 1640s which enabled the radicals to overcome the dichotomies inherent in their ecclesiology and preserve their doctrine of the one church.⁸⁹ However, while such observations contain elements of truth, they are far from the full

⁸⁶Ibid, 167-71.

⁸⁷Rutherford, *Letters*, 616.

⁸⁸Stevenson, "The Radical Party in the Kirk", 164.

⁸⁹J.B. Torrance, "Covenant or Contract? A study of the theological background of worship in seventeenth-century Scotland", *Journal of Scottish Theology* xxiii (1970), 70.

picture.⁹⁰ Admittedly, with the Covenant broken and an ungodly majority in control of the kirk, the Protesters found themselves in much the same position as their radical progenitors had prior to 1638. Once again they, as the land's "godly remnant", were forced to meet together in exclusive congregations and set themselves apart from the corrupt visible church. Nevertheless, while the Protesters' experiences as a godly minority may have enabled them to sympathize with the separatists' reasons for leaving the national kirk, it did not enable them to condone their withdrawal from it. However close the Protesters may have come to separation in practice, in principle they continued to accept the national kirk as a true church of Christ. Although when pressed by Jaffray and the Aberdeen separatists, they conceded that corruptions in a national church sometimes necessitated a withdrawal of the godly, as in the case of the English puritan semi-separatists and Independents during the 1630s, they denied that this was the case with the Kirk of Scotland. They maintained that despite the malignant defection of the Resolutioners and the many corruptions which they allowed, the kirk was still reformed in its constitution and still retained the pure ordinances of Christ. Because of this it still deserved the loyalty of its members. Indeed, the duty of the "godly" was not to abandon the kirk, but to remain faithful and attempt to reform it from within.⁹¹

The Union Negotiations of November 1652

In November, Robert Blair and a convocation of centrist ministers, met at Edinburgh and attempted to negotiate a union between the Protesters and Resolutioners, both of whom were about to meet in their respective Commissions. In an unprecedented turn of events, these centrists were able to persuade the Protesters to suspend all their polemical activities pending the outcome of a new attempt at union. Remarkably, they also prevailed upon the Protesters to write a letter to the

⁹⁰For a critical examination of Stevenson's views on the origins of the Protester-Resolutioner controversy, see chapter 5 of this thesis.

⁹¹"Protesters' Declaration or Exhortation to the Separatists in Aberdeen, 17 March 1653", in *Consultations* i, 37-43.

Resolutioners in which they offered to forbear acting as the 1650 Commission "as long as endeavours and conferences for union shall continue", providing the Resolutioners would agree to suspend their activities as the 1652 Commission and refrain from executing the acts of the controverted General Assemblies. Unfortunately, the centrists' mediatorial efforts with the Resolutioners were less effective and they responded to the Protesters overture for union with a strange mixture of contempt and compliance. In the first half of their response they rehashed the controversy, justifying the lawfulness of the past two General Assemblies, blaming the Protesters for the failure of previous union attempts and castigating them as "the agents in raising, continuing, and hightning" the schism. They did, however, agree to desist from prosecuting the Assemblies' censures against the Protesters while a union conference lasted and promised to write the presbyteries and synods requesting them to exercise like restraint. No mention was made of their forbearing to act as the 1652 Commission of the kirk.⁹²

The Protesters response to this answer was both immediate and violent. They sent the Resolutioners a short, angry letter in which they condemned their answer as unsatisfactory and withdrew their previous offer. Conjoined to this was a paper of "Observations"⁹³ detailing the exact reasons why they had rejected the Resolutioners answer and exonerating themselves from any culpability in their failure to achieve a union. Letters were then sent to their supporters instructing them on how to conduct themselves in their local church courts and informing them of their decision to "presently print and vent all their papers".⁹⁴ This last threat was made good, and by the end of the year the Protesters had printed their largest and most in-depth polemical work to date, the massive tome, *The Nullity of the Pretended Assembly at St. Andrews and Dundee*.⁹⁵ The principal part of this book was a reprint of James Wood's *Vindication* with a paragraph by paragraph *Review and Examination* by Wariston. It

⁹²Row, *Life of Blair*, 301-3; RCGA iii, 525-7, 532-7.

⁹³*Observations upon the Answer of the Commission of the pretended Assembly, to the Overture of the Brethren who dissent from the Publick Resolutions: As likewise upon their Letter to Presbyteries*: NLS Wodrow MS Folio XXX, no.12, ff. 23r-24v; Peterkin, Records, 653-5.

⁹⁴RCGA iii, 539-40; Row, *Life of Blair*, 303.

⁹⁵*The Nullity of the Pretended-Assembly at Saint Andrews & Dundee...Together with a Review and Examination of the Vindication of the said P. Assembly....* (Leith, 1652).

also contained numerous other papers relating to the two controverted Assemblies. Although the historical value of this book is immense, as it is filled with eye-witness accounts and descriptions of the entire controversy, it brought nothing new to the controversy and served only to instigate a new and bitter phase of the polemical war. For the centrists who had been labouring for an accommodation between the factions, the publication of the Nullity was severe blow. Robert Blair regarded it as "a great heightening of our woeful divisions, and a rendering of them as to men or means incurable". From this point on Blair and his colleagues, "despairing to do any good in a more public way", confined their union efforts to monthly prayer meeting, "wrestling with God in prayer, that now he would heal our incurable wounds."⁹⁶

When the Resolutioners' Commission reconvened in February 1653, their first order of business was the consideration of the Nullity. Dismayed with the prospect of answering Wariston's 312 pages of detailed argumentation, they chose instead to direct a letter to the presbyteries requiring them to submit a written report to the moderator, before their next quarterly meeting, exonerating themselves from the "untruths, calumnies, and bitter reflexions" contained in the book. These accounts would then be used in the compilation of a rejoinder to the Nullity. In the mean time, the Commission would endeavour to clear themselves from the Protesters' charge that they were to blame for the failure of the union attempt.⁹⁷

Patrick Gillespie and the English

In early 1653, the Resolutioners found themselves confronted with a series of precedent-setting crises in the presbytery of Glasgow. For the past two years, the strife-ridden court had been unable to reach an agreement concerning the appointment of a minister to the kirk at Lenzie; neither side having sufficient numbers to approve

⁹⁶Ogilvie, *Bibliography*, 74-5; Row, *Life of Blair*, 304; William Row relates that these monthly prayer meetings eventually had to be abandoned when the more "rigid Public Resolutioners", especially Andrew Honyman, accused Blair and his colleagues of plotting against them: *Ibid*, 304-5.

⁹⁷*RCGA* iii, 538-9, 540-3; Baillie, *Letters and Journals* iii, 213-14; NLS Wodrow MS Folio XXXI, no.36.

any candidates presbyterial trials. The Resolutioners' Commission attempted to remedy this situation by appointing a special committee, composed entirely of their own adherents, with power to fill the vacancy. At a meeting of the Glasgow presbytery on 12 January 1653, the members of this committee combined with the Glasgow Resolutioners to overcome the objections of the Protesters and approve the presbyterial trials of their choice for the Lenzie vacancy, the young expectant, James Ramsay. For the Glasgow Protesters this was the last straw. After objecting to the participation of non-presbytery members and to the unlawfulness of the Resolutioners' Commission *ab initio*, and, consequently, its right to appoint a committee to fill a vacancy, Patrick Gillespie and his colleagues withdrew from the meeting and formed their own, separate *Protesting presbytery*.⁹⁸

Gillespie, however, did not allow matters to rest there and in an unprecedented move, he and his colleagues appealed to the Commissioners for Visiting Universities to negate Ramsay's ordination. The commissioners welcomed the Protesters' recognition of their authority and the subsequent chain of events give clear evidence that Gillespie and the English authorities entered into some type of reciprocal agreement at this time. Soon after Gillespie's protest, the commissioners wrote to Baillie and the Glasgow Resolutioners forbidding them to settle ministers in parishes without their approbation. When the Resolutioners decided to proceed with Ramsay's ordination, the Protesters secured an order from the commissioners forbidding him to preach in Lenzie under pain of civil punishment. The commissioners then forced the University of Glasgow to appoint the Protester, John Young, to the position of second professor of divinity. Shortly thereafter, they announced their decision to appoint Patrick Gillespie to the principalship of the University. In return for these favours, it appears that Gillespie and the Glasgow Protesters agreed to hold their peace while the commissioners settled the Independent minister John Beverley at the parish of Lenzie and, more importantly, to give their tacit support to the English regime. Robert Baillie, realizing the significance of this new alliance, was filled with foreboding and wrote to his eastern colleagues Dickson, Wood and Ker prophesying the coming

⁹⁸*RCGA* iii, 529; Baillie, *Letters and Journals* iii, 202-3; McCoy, *Robert Baillie*, 155-7.

persecution of Resolutioner ministers.⁹⁹ Nor were such fears groundless. From this point on Gillespie and his colleagues referred virtually every disputed vacancy in the synod of Glasgow-Ayr to the adjudication of the English commissioners. In time, they went beyond this tactic, and used their favour with the English as a proactive means of purging the synod of "ungodly" ministers and filling their vacant charges with "godly" Protesters. By July 1654, the Resolutioners' situation was so desperate that Baillie complained,

Our Churches are in great confusion: no intrant getts any stipend till he have petitioned and subscriyved some acknowledgment to the English. When a very few of the Remonstrators or Independent partie will call a man, he gets a kirk and the stipend; but whom the Presbyterie, and well near the whole congregation, calls and admitts, he must preach in the fields, or in a barne, without stipend.¹⁰⁰

In mid-March 1653, the Protesters convened a national conference of their supporters in Edinburgh with a view to addressing such ongoing concerns as the nature of their party's relationship with the English, the obstinate unrepentance of the Resolutioners and the defection of the Aberdeen separatists. The Resolutioners watched these meetings with grave apprehension, believing that the main body of Protesters were planning to capitalize on Gillespie's gains in the west and enter into a formal alliance with the English parliament.¹⁰¹ Such fears, however, proved to be erroneous and it was during the course of this conference that the ideological divisions within the Protesters' camp over the kirk's relationship to the English regime came to a head.

For the first part of this conference, however, the Protesters were in full accord. Continuing their stated purpose to "print and vent" all their papers, they approved and sent to the printer the notorious pamphlet, *The Causes of the Lords Wrath against Scotland*.¹⁰² Although ostensibly an examination into the sins which had led to the land's captivity, this pamphlet was in fact, nothing less than a sustained polemical

⁹⁹Baillie, *Letters and Journals* iii, 205-14, 237-9.

¹⁰⁰Ibid iii, 244.

¹⁰¹*Spottiswoode Miscellany* ii, 108-9.

¹⁰²*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); This was an expanded version of the ten "Causes" which Wariston drafted for the Protesters' October 1651 meeting: *supra*, 139-40 and note.

attack on the Resolutioners. Like its predecessor, the Nullity, this piece was primarily a retrogressive rehash of past events and brought no new elements into the debate. The genius of this pamphlet, however, lay in its mode of presentation. The Protesters forsook their in-depth examinations of the controversy's minutiae and presented their case against the Resolutioners in a manner reminiscent of a typical covenanting sermon; delineating the causes of the Lord's wrath in ten simple points and supporting each point with appropriate scriptural texts. This style suited the public's tastes ideally and it was not long before the *Causes* became the best known and most read pamphlet of the entire controversy.

Appended to the *Causes* was a short paper entitled *A Humble Acknowledgment of the Sins of the Ministry of Scotland*. In this paper, the Protesters again criticized the Resolutioners for allowing ungodly, conservative men to remain in the ministry. Attention was drawn to the fact that many of these men had entered the ministry during the time of prelacy and had attained their positions through simony: either by bribing corrupt bishops or through the "solicitation of friends". They had then compounded their guilt by taking the Covenant and adhering to presbytery in order to retain their livings. More importantly, these hirelings were unregenerate men who were "ignorant of God" and did not have "the practical knowledge and experience of the mystery of the gospel in themselves". It was therefore incumbent upon the godly and faithful ministers of the land to repent of their slackness and sinful indifference in this matter and purge these men from the kirk. The meeting then approved a provocative letter to the Resolutioners, entreating them to "seriously ponder" the charges contained in the *Causes* and *Humble Acknowledgment* and repent of their manifold sins and defections from the Covenants.¹⁰³ In a striking contrast of attitude, the Protesters then sent a very gracious letter to the Aberdeen separatists, expressing their grief at being separated from them and entreating them as their fellow "Children of God in the love of Christ" to forsake the "congregationall way" and return to the

¹⁰³The Resolutioners replied to this letter in the spring of 1653, and printed both letter and reply under the title, *A Letter from the Protesters, with an Answer thereunto, from an Asserter of the Authority of the two late General Assemblies, at Dundee and Edinburgh* (Edinburgh, 1653).

mother kirk in her hour of need.¹⁰⁴

It was during the consideration of their relationship with the English that a serious division arose within the Protesters' ranks. It had been known since January 1652 that Gillespie favoured closer relations with the English regime¹⁰⁵, however, it was only with the recent developments in Glasgow's synod and university that he had revealed the extent of his proclivities in this area. Wariston, Guthrie, Cant, Rutherford and other like-minded men were in adamant opposition to any such cooperation with the English, believing that it was tantamount to acknowledging their jurisdiction over the kirk. In an attempt to reaffirm the party's official policy of non-compliance and bring the erring Gillespie back into line, they proposed emitting a declaration condemning, *inter alia*, the English encroachments upon the privileges of the kirk's courts; particularly, their involvement in admitting and removing ministers, their control over ministerial stipends and their interference in the land's colleges and universities. Gillespie and his colleagues, including John Livingstone, refused to approve such a condemnatory declaration and argued that the Protesters should seek redress for their grievances in a "humble address" to the English parliament. When their advice was refused, a "great division" ensued and Gillespie and his associates withdrew from the conference leaving Wariston and the others to complete their declaration, a copy of which was sent to Colonel Robert Lilburne, commander-in-chief of the English army in Scotland.¹⁰⁶ The English watched these developments with keen interest, and within a short space of time *Mercurius Politicus* was reporting that the kirk was now divided into three separate factions, Gillespie and his supporters constituting "a new spring of Dissenters out of the old stock."¹⁰⁷ Colonel Lilburne, in particular, was quick to discern in the Protesters' divisions an opportunity to further the regime's agenda and from this point on he began to view Gillespie and his western supporters

¹⁰⁴"Protesters' Declaration to the Separatists in Aberdeen, 17 March 1653", in *Consultations* i, 37-43.

¹⁰⁵*Supra*, 150.

¹⁰⁶*Spottiswoode Miscellany* ii, 110-11; Row, *Life of Blair*, 305; Firth, *Scotland and Commonwealth*, 108-9; The Protesters declaration against the English can be found in *Consultations* i, 13-36.

¹⁰⁷*Spottiswoode Miscellany* ii, 111, 113.

as potential converts to the English cause.¹⁰⁸

The Spring of 1653

In early April, Robert Douglas and his fellow ministers John Smith, James Hamilton, Mungo Law and the clerk of General Assembly, Andrew Ker, were released from the Tower of London and returned to Edinburgh amidst much public jubilation.¹⁰⁹ The return of so many prominent ministers caused the Resolutioners to take fresh hope and under Douglas's leadership they resumed their warfare against both the English and the Protesters with renewed zeal. Immediately upon his return, Douglas began to preach against sectarianism and religious toleration and at his instigation the synod of Lothian emitted a protestation "against the usurpation of the English".¹¹⁰ The return of the Edinburgh ministers took on an added significance during the spring and summer, as the royalist rebellion in the highlands known as "Glencairn's Rising" began to gain momentum.¹¹¹ Although this "rising" was little more than a guerilla insurgency, it provoked a revival of nationalism and royalism in the Resolutioner party unparalleled since the arrival of Charles in June 1650. Throughout the spring and early summer, the Resolutioner ministers supported the rising from their pulpits and denounced the English regime and its policies with increasing acerbity. They also began to give prayers for the king a prominent place in their public ministrations. Predictably, such actions roused the ire of the English and by mid-April, Colonel Lilburne, who was monitoring this situation with growing concern, began warning his superiors of the Resolutioners' complicity in the rebellion; Robert Douglas being identified as "the principall man in their plott".¹¹²

The Resolutioners' rekindled fervour for king and country was accompanied by a corresponding zeal to oppose the Protesters and reassert the authority of the General

¹⁰⁸Firth, *Scotland and Commonwealth*, 126-7, 242.

¹⁰⁹*Spottiswoode Miscellany* ii, 111; Lamont, *Diary*, 53; *RCGA* iii, 549.

¹¹⁰Baillie, *Letters and Journals* iii, appendix no.1, 446.

¹¹¹For an in-depth examination of "Glencairn's Rising" and its effect on English-Scottish relations during 1653 and the first half of 1654 see Dow, *Cromwellian Scotland*, chapters 3, 4 and 5.

¹¹²Firth, *Scotland and Commonwealth*, 122-3, 126-7, 133, 160-1.

Assembly. In the Resolutioner-controlled synod of Lothian, this fervency manifested itself in a militancy which strained relations between the factions almost to the breaking point. When the Lothian Protesters attempted to meet prior to the April meeting of the synod, a group of over-zealous Resolutioners had the kirk where they planned to meet shut against them. The Protesters responded by breaking a window and having one of their number crawl through and open the door from the inside.¹¹³ Although a minor incident, the heat of spirit engendered by this escapade did much to heighten the animosity between the rival factions in the synod. The Protesters reacted by submitting to the synod a copy of *The Causes of the Lord's Wrath* together with the *Humble Acknowledgment* and a bitter paper summarizing their opponents' manifold defections over the past three years. At the end of this paper the Resolutioners received a severe rebuke for their readiness to bring "insufficient and scandalous" men into the ministry while "shutting the door" against "such as are able and godly". They were called upon to repent of this enormity and demonstrate their sincerity by joining with the Protesters in national fast for the sins delineated in the *Causes* and the *Humble Acknowledgment*. The Protesters sent copies of this paper to all the synods of Scotland.¹¹⁴ The synod responded in a curt manner, rebuking the Protesters for the "great injurie" they had done to the unity of the national kirk and condemning the "intolerable usurpation" of some of their number in taking to themselves the name and authority of the 1650 Commission. Their offer to join in a fast was refused on the grounds that the *Causes* and the *Humble Acknowledgment* contained "litle or nothing els but calumnies and reproaches cast upon the Ministry and judicatories of this kirk".¹¹⁵

Meanwhile, the contest for control of the synod of Glasgow-Ayr was intensifying. The death in March of Zachary Boyd, the aged Resolutioner minister of Glasgow's Barony Kirk, sparked off a heated battle between Glasgow's Resolutioner and Protester

¹¹³*Spottiswoode Miscellany* ii, 111.

¹¹⁴NLS Wodrow MS Folio XXX, no.33, ff.118r-121r.

¹¹⁵NLS Wodrow MS Folio XXX, no.34, f.122r; see also, *RCGA* iii, 543-5; Lamont, *Diary*, 53; Nicoll, *Diary*, 106-8; Kinloch, *Selections from the Minutes of the Presbyteries of St. Andrews and Cupar*, 166.

presbyteries as each tried unsuccessfully to fill the vacancy with its own candidate.¹¹⁶ The matter came to a head just prior to the April synod meeting when the Resolutioners learned that the Protesters planned on breaking the deadlock by appointing a synodical committee with authority to settle all disputed charges. The Resolutioners responded by threatening to separate and form their own "Anti-Synod" if the synod's meeting was not postponed. The majority of ministers, realizing that this was not an idle threat, acceded to their demand and the synod was dissolved before its constitution. The Protesters, however, were not to be thwarted so easily, and before the dissolution of the synod they managed to secure the appointment of a "consultative committee" with authority to settle disputes between the factions. To the Resolutioners alarm, this committee announced that its first order of business would be to oversee the reunification of the divided presbytery of Glasgow. With this manoeuvre, relations between the synod's rival factions came to a complete standstill. The Resolutioners refused to cooperate with a presbyterial merger unless deposed ministers and protesting ruling elders were excluded in accordance with the terms of union delineated by the 1652 General Assembly. The Protesters, of course, refused these terms and the factions continued to meet in their separate presbyteries. The Resolutioners also continued to use the threat of schism to prevent the meeting of the synod of Glasgow-Ayr and it was not until a year later, in April 1654, that the synod finally convened.¹¹⁷

In late May, the Protesters and Resolutioners met in their respective Commissions at Edinburgh.¹¹⁸ During these meetings, the Resolutioners made preliminary preparations for an all out attack on the Protesters during the upcoming 1653 General Assembly. Their Commission passed an act condemning the "arbitrary, unordered, and violent way" in which the Protesters were forcing men into congregations. Presbyteries and synods were directed to resist these intrusions with every lawful means at their disposal and congregations were instructed not to regard intruded men as lawful

¹¹⁶Baillie, *Letters and Journals* iii, 215, 219; After a struggle which lasted over a year the vacancy was eventually filled in early 1655 with the Protester, and later Cameronian martyr, Donald Cargill. For an account of the controversy surrounding Cargill's placement, see M. Grant, *No King but Christ: the story of Donald Cargill* (Avon, 1988), 29-32 and notes.

¹¹⁷Baillie, *Letters and Journals* iii, 214-20.

¹¹⁸NLS Wodrow MS Quarto XXIX, no.65, f.186r; *RCGA* iii, 546.

ministers. The way in which these "high disorders" would be redressed was left to the General Assembly. The Commission also condemned *The Causes of the Lord's Wrath*, maintaining that it was an "offensive and dangerous" pamphlet which laid "very odious aspersions of heynous crymes" at the door of the kirk's courts. Once again, a full consideration of the matter was referred to the Assembly. The Resolutioners also took the opportunity to answer some of the Protesters most recent accusations. They transmitted a paper to the presbyteries vindicating themselves of the charge that they were to blame for the failure of the November 1652 union negotiations.¹¹⁹ They also drafted an *Answer* to the letter which the Protesters had sent to them from their March conference. In this paper they denied the Protesters' assertion that they were opposed to purging the kirk of scandalous and insufficient ministers. They maintained that they supported purges in principle, but believed that in the present circumstances the temptation to remove men for factional reasons would be too great. A union would therefore have to precede any attempt to purify the ministry. The Resolutioners then printed both the Protesters' letter and their *Answer* in pamphlet form.¹²⁰ Before the Commission adjourned, the leading centrists, James Durham and Robert Blair, engaged in a last ditch attempt to negotiate an agreement between the factions and prevent another disastrous General Assembly. Unfortunately, their pleas for "peace and union" fell on deaf ears as both parties refused to cooperate in any union which involved compromise on their part.¹²¹ They were, however, able to secure a grudging promise from both factions that they would meet prior to the Assembly for one last attempt to compose their differences.¹²²

The 1653 General Assembly

Shortly before the 1653 General Assembly, the factions held their scheduled union

¹¹⁹Ibid iii, 550-6.

¹²⁰*A Letter from the Protesters, with an Answer thereunto, from an Asserter of the Authority of the two late General Assemblies, at Dundee and Edinburgh* (Edinburgh, 1653).

¹²¹Alexander Brodie's eyewitness account of these meetings, forms a striking illustration of the state of the parties at this time: Brodie, *Diary*, 43-4.

¹²²NLS Wodrow MS Folio XXX, no.35, ff.123r-124r; *RCGA* iii, 556.

meeting. Not unexpectedly, little was concluded.¹²³ By this point in the controversy, neither faction held out any real hope for healing the schism and had agreed to meet only to avoid the opprobrium of refusing a union attempt.¹²⁴ Indeed, the rift between the factions had grown so wide as to allay any fears which the English may have harboured about their adversaries forming a united front. Two days before the Assembly, an English newswriter made the caustic observation,

I perceive the feud is so high and deadly between them, and the rent so wide, that it can never be made up again; at least not as things now stand; but perhaps if the Kirk were in their old power (which they abundantly affect), they would repair the breach, or blast the men with their spiritual thunder.¹²⁵

The English were, however, extremely concerned about the effect which the Assembly might have on the royalist rising in the highlands. Colonel Lilburne, in particular, was convinced that the rising owed much of its success to the support which it received from the Resolutioner ministers. On 12 July, he wrote to Cromwell asking whether he should prevent the Assembly from meeting or not. When no answer was forthcoming, he decided to take matters into his own hands.¹²⁶

On 20 July, the opening day of the Assembly, a party of soldiers, led by Lt. Colonel Cotterell, entered the kirk where the Resolutioners had convened and demanded to know if their meeting was authorized by the English regime. David Dickson, the outgoing moderator, replied that they were "an ecclesiasticall synod, ane Spirituall court of Jesus Christ" who received their authority directly from God and did not need the approval of the civil magistrate to convene. Cotterell then produced Lilburne's order and dissolved the Assembly. Its members were escorted through the city to Bruntsfield links where their names were taken and it was explained to them that the Assembly had been dissolved for fear that it was planning on keeping an incendiary correspondence with the rebels in the highlands. The ministers were then forbidden to reassemble in groups of more than three and ordered to quit the city by

¹²³Row, *Life of Blair*, 308.

¹²⁴The Protesters had written to their adherents informing them that they did not expect any "reall satisfaction" from the Resolutioners and had agreed to a union meeting only so "that nothing may be wanting on our part": NLS Wodrow MS Folio XXX, no.35, ff.123r-124r.

¹²⁵*Spottiswoode Miscellany* ii, 116.

¹²⁶Firth, *Scotland and Commonwealth*, 160-3; Dow, *Cromwellian Scotland*, 103.

eight o'clock the next morning. A few Protesters who had been handing in their official Protestation to the Assembly when Cotterell and his men burst in, were also detained and required to show the papers which they had prepared for submission to the Resolutioners' Assembly, including their Protestation against the Assembly's constitution. They were also required to disclose the names of those who were present at their own meeting. The next day, when the Protesters attempted to continue their meeting, Lilburne issued a proclamation ordering all "Lords, Gentlemen, Ministers or any others who are not inhabitants of Edinburgh, nor have any publique call to be there" to depart the city by 8 a.m. the next day "uppon paine of being imprisoned and proceeded against as enemies to the peace of the Commonwealth." Before leaving the city, both factions gave in protestations to Lilburne, condemning this interference by the English civil authorities and denying their jurisdiction over the affairs of the kirk.¹²⁷

The Polemical War Continues

Conditions within the kirk deteriorated rapidly following the dissolution of the General Assembly, as the rival factions resumed their bitter polemical war. Immediately after their dispersal on 21 July, the Protesters published a long and bitter *Reply to the Resolutioners' printed Answer* to their letter of 17 March.¹²⁸ In this paper, after lambasting their opponents for their past and present defections from the Cause of God, the Protesters renewed their call for the Resolutioners to join with them in purging malignant ministers from the kirk. They denied the allegation that they were intending on using ministerial purges as a means of revenging themselves on their opponents. They also dismissed the Resolutioners' assertion that a union would

¹²⁷Lamont, *Diary*, 56-7; Peterkin, *Records*, 656-7; Row, *Life of Blair*, 307-8; Spottiswoode *Miscellany* ii, 116-17; Firth, *Scotland and Commonwealth*, 162-5; Nicoll, *Diary*, 110; Baillie, *Letters and Journals* iii, 225-6, 244; Clarke MS XXV, Letterbook of Colonel Robert Lilburne, 1653, ff.90v, 93v; NLS Wodrow MS Quarto CV, no.6; Dow, *Cromwellian Scotland*, 103-4.

¹²⁸*A Reply to the late printed Answer given to the Letter, Directed by the Protesters to their Brethren, who are for carrying on the Publick Resolutions, and for the Authority of the late Pretended Assemblies* (Leith, 1653).

have to precede any attempt at a national purge. They argued instead that the converse was true: a demonstration of the Resolutioners willingness to purge malignant ministers from their ranks would be the most persuasive argument for union which could be advanced and prove to the Protesters that they were still possessed of the "same spirit" which motivated them during the 1640s. The Resolutioners were warned, however, that unless they had the assistance of the Protesters in this matter, the godly "Davids" in their party would soon find the malignant "sons of Zeruah" too strong for them. Only together could they return the Covenanting movement to its former glory.

The Resolutioners responded by publishing a short and incisive answer to both the Nullity and the Causes of the Lord's Wrath entitled, *Some Few Observations about the late Differences in the Kirk...*¹²⁹ After giving a detailed defence of their public proceeding over the past three years, they turned their attention to the Protesters' call for ministerial purges. This time the Protesters were given a flat refusal. Their allegations about the Resolutioners harbouring a party of malignant ministers in their ranks was denied and the Protesters were accused of spreading calumnies against the men in question because they opposed their designs. Who were they, it was asked, as private men, to judge the sincerity of their fellow ministers? Moreover, who were they to assume to themselves the title of "the godly" and condemn their opponents as "the ungodly". Such assertions, they maintained, smelled of "rank arrogancy and presumption". Had not the separatists, "the hatchers and maintainers of all the Errors of the time", also assumed to themselves the appellation of the godly? The Resolutioners then denounced the Protesters' assertion that purging could be used as preparative to union as preposterous. Indeed, the Protesters had already demonstrated the "separate and divisive" nature of such purges in the church courts under their control. The only way to achieve a union, it was maintained, was for the Protesters to acknowledge the authority of the General Assembly and refrain from all further debates. Anything less, would undermine order, discipline and authority and lead to

¹²⁹*Some Few Observations about the late Differences in the Kirk of Scotland, Vindicating the Judicatories thereof, Discovering the Principles and way of the Dissenting Brethren; and Clearing of some Mistakes which may mislead the Simple in these Reeling Times* (Edinburgh, 1653).

the ruin of the national presbyterian kirk.

The Protesters, interpreted the Resolutioners' unequivocal refusal to purge the kirk as evidence that they were still harbouring malignant sympathies. Before the year 1653 was out, they responded by printing all their remaining polemical papers, including, Wariston's *Answer to The Protestation Reviewed and Refuted* and his *Observations* on the acts of the 1652 General Assembly.¹³⁰ With the publication of these papers both factions abandoned all hopes of resolving their controversy. They also abandoned their pamphlet war, each side considering their last pamphlet to be the final word on the subject. The next controversial pamphlet did not appear in print until 1657.

Persecution

Shortly after the dissolution of the Assembly, the English, intent on quashing all support for the royalist rising and the king, stepped up their campaign against the ministry. On 2 August 1653, the Commissioners for Visiting Universities issued a proclamation which forbade preaching or praying for the king, against the present regime or in support of monarchical government. Any minister who disobeyed this order would be subject to severe punishment.¹³¹ The majority of Protesters complied with this order willingly, and from this point on gave up all pretence of supporting the king or monarchy.¹³² Indeed, the majority of Protesters had ceased praying for the king shortly after Worcester.¹³³ The Resolutioners, however, outraged at this flagrant

¹³⁰See *supra*, 174; Together with sundry other papers these were published under the comprehensive title, *An Answer to the Declaration of the Pretended Assembly at Dundee; and to a Printed paper intituled, The Protestation given in by the Dissenting Brethren to the General Assembly, July 21. 1652. Reviewed and refuted, &c. In which Answer are set down Ten Steps of their defection who follow the way of the Publick Resolutions. Together with Observations upon some of the Acts of the P. Assemblies at Dundee and Edinburgh...* (Leith, 1653).

¹³¹*Spottiswoode Miscellany* ii, 121-2; Row, *Life of Blair*, 309-10; Nicoll, *Diary*, 111-12; Lamont, *Diary*, 58-9.

¹³²Burnet, *History of My Own Time* i, 112; Row, *Life of Blair*, 309; The only Protester who is known to have continued prayers for the king was John Stirling, one of the ministers of Edinburgh: *Spottiswoode Miscellany* ii, 119-20; Charles remembered Stirling's faithfulness after his restoration and sent a letter to parliament pardoning him of any civil offences which he may have committed: Row, *Life of Blair*, 388.

¹³³Firth, *Scotland and Protectorate*, 321-2; Baillie, *Letters and Journals* iii, 281.

violation of the third article of the Covenant, began to voice their support for Charles Stuart with renewed vigour. The day after the proclamation, Robert Lowrie, one of the Resolutioner ministers of Edinburgh, prayed for the king "more earnestly than ever before" and was arrested by English soldiers and detained in the Castle.¹³⁴ The Resolutioners, however, refused to be cowed by such tactics and the ensuing Sabbath, large numbers of their ministers prayed publicly for the king.¹³⁵ Lilburne, believing that any large scale persecution of the ministers would provoke public unrest, refrained from making any further arrests and from this point on pursued a more cautious policy of intimidation and harassment.¹³⁶

On 6 August, Lilburne authorized Colonel Fairfax to disperse unauthorized ministerial meetings in Fife and to place observers in those which did have a warrant. Five days later, two officers from Fairfax's regiment broke up a meeting of the presbytery of Cupar, took down the ministers' names and ordered them not to meet again. Around the same time, Lilburne himself sent a detachment of troops to disperse a meeting of sixty Resolutioners ministers at Biggar and a few weeks later the presbytery of Aberdeen was forcibly dissolved by Colonel Morgan.¹³⁷ This harassment of the kirk's courts had only limited success and by the end of August *Mercurius Politicus* was reporting that while the Resolutioners had ceased making open petitions for the king, they continued to pray for him in "covert terms".¹³⁸ The English reacted to this duplicitous behaviour by sending the ministers a clear warning that support for the king would not be tolerated. In early September, they arrested the prominent Resolutioner, John Waugh, for preaching and praying for the king and detained him in Edinburgh Castle. Waugh was soon joined by four Resolutioner ministers from the presbytery of St. Andrews who had been arrested on the same charge. The Fife ministers were detained for a week and released after giving

¹³⁴Lowrie was later released "on promise of better demeanor in time to come": *Spottiswoode Miscellany* ii, 119.

¹³⁵Row, *Life of Blair*, 309-10.

¹³⁶Firth, *Scotland and Commonwealth*, 192.

¹³⁷Dow, *Cromwellian Scotland*, 105n; Kinloch, *Selections from the Minutes of the Presbyteries of St. Andrews and Cupar*, 168; Row, *Life of Blair*, 308; Firth, *Scotland and Commonwealth*, 193; *Spottiswoode Miscellany* ii, 124.

¹³⁸*Ibid* ii, 123, 126, 130.

assurance that they would cease praying for the king, under pain of sequestration. The English, however, decided to make a public example of Waugh, and he was detained indefinitely.¹³⁹ The Resolutioners remained unmoved by such intimidatory tactics, and persevered in their support for the king's cause despite ongoing harassment from the English authorities.¹⁴⁰ They even went so far as to instigate a pamphlet war with the English arguing that it was their covenanted duty to continue in prayer for their exiled sovereign.¹⁴¹ Throughout the remainder of 1653, Lilburne's distrust of Robert Douglas and the Resolutioner ministers continued to grow apace and by January 1654, he saw fit to issue another proclamation forbidding ministers to pray for the king. This time the offenders were threatened with "deprivatioun, and farder punisshement in thair bodyes."¹⁴²

During the period of "persecution" following the 1653 General Assembly, there is no record of the English harassing the Protesters in any manner. In fact, the opposite proved the case as the extreme royalism of the Resolutioners caused the regime to view the Protesters in a more favourable light. Throughout the period in question, the Commissioners for Visiting Universities continued to support the Protesters' candidates in cases of disputed vacancies. In September, for example, on Lilburne's recommendation, they appointed Francis Craw, a candidate put forward by a small minority of Protesters, to the parish of Chirnside in the staunchly Resolutioner synod of Merse and Teviotdale.¹⁴³ Despite such favouritism, it is debatable whether the regime's faith in the Protesters was justified or not. Certainly, they were the lesser of two evils when compared with the Resolutioners and with their intransigent hatred of Charles Stuart and all things that smacked of malignant royalism they could not have but endeared themselves to the English. However, the majority of Protesters,

¹³⁹Firth, *Scotland and Commonwealth*, 222; *Spottiswoode Miscellany* ii, 127; Baillie, *Letters and Journals* iii, 228-30; Lamont, *Diary*, 59; Waugh was not released until the summer of 1654.

¹⁴⁰For other cases of harassment, see Firth, *Scotland and Commonwealth*, 241-2, 267, 271 and Lamont, *Diary*, 59-61.

¹⁴¹The Resolutioners published a pamphlet entitled *Some Reasons why the Ministers of Christ in Scotland ought not to be punished for praying for the King...* (1653). The English published an "Answer" to this pamphlet "by a friend of the Commonwealth" in the October issue of *Mercurius Politicus*. The Resolutioners responded with a paper entitled "A Reply Given to the Answer...": NLS Wodrow MS Quarto CV, no.7.

¹⁴²Nicoll, *Diary*, 121.

¹⁴³*Consultations* ii, 19; *FES* ii, 33; Dow, *Cromwellian Scotland*, 147.

while adamantly opposed to the house of Stuart and the royalist rising in the north, were more opposed to the English regime. Indeed, when the Protester-controlled presbytery of Hamilton considered the difficult question of who was the greater enemy, the royalist insurgents in the north or the English, they resolved it was the English. Even Lilburne, who held the Protesters in high regard, was compelled to admit that the majority of Protesters retained a secret antipathy against the English, despite all that could be done to oblige them.¹⁴⁴ Such was not the case, however, with Patrick Gillespie and throughout the autumn and winter of 1653 he continued to grow in favour with Lilburne and the English authorities.¹⁴⁵ Gillespie's continuous willingness to support the English did not escape the attention of Cromwell and by early 1654 the newly-installed Lord Protector began to view Gillespie's wing of the Protesting party as potential allies in his plan to impose a new, long-term religious settlement on Scotland.

¹⁴⁴Firth, *Scotland and Commonwealth*, 266, 271.

¹⁴⁵Lilburne met with Gillespie during a visit to Glasgow in October 1653 and related his favourable impression of him to Cromwell: Firth, *Scotland and Commonwealth*, 242.

Chapter 4

The Kirk under the Protectorate February 1654 - December 1657

Towards a New Religious Settlement

By early 1654¹, the Protesters and Resolutioners had reached an impasse in their struggle for control of the kirk, with each party unable to gain any further advantage over their opponent. On a national level, all attempts to effect a union or reach some type of accommodation had been forsaken. The factions had also abandoned their pamphlet warfare, each side believing they had exhausted every conceivable argument and counter-argument which might have been used in defence of their cause. On a regional level, the volatile and fluid debates in the kirk's provincial assemblies had settled into a kind of formal stasis. The meetings of the synod of Lothian, for example, consisted of little more than the rival factions making charges, counter-charges, entering protestations and engaging in tedious debates.² In the synod of Glasgow-Ayr, matters were at a standstill, the synod having remained in a state of perpetual adjournment since the previous April. There were similar deadlocks on the local level, as the rival presbyteries of Glasgow, Linlithgow, Lanark, Stirling, Deer and Dunkeld continued to meet separately, each refusing to acknowledge the legitimacy of the other. Matters were equally static on a congregational level, the only exception being the violent and protracted battles fought over the filling of ecclesiastical vacancies. These contests were particularly severe in the environs of Glasgow, where in late 1653 a determined minority of Resolutioners had attempted to block the ordination of Andrew Gray as minister of the Outer High Kirk and prevent the admission of Robert MacWard and Andrew Burnet as regents at the University of Glasgow.³ Such contests, however, important as they were to local power alignments,

¹For a comprehensive outline of the political and military situation in Scotland during the years 1654-7, see Dow, *Cromwellian Scotland*, chapters 6-10.

²*Spottiswoode Miscellany* ii, 139-40.

³For accounts of these conflicts see Baillie, *Letters and Journals* iii, 240-2, 258-9; Marwick, *Glasgow Burgh Records*, 275-6, 280-1, 296; McCoy, *Robert Baillie*, 164-5.

failed to have any impact on the balance of power in the wider kirk. The existence of this impasse, while a grief to both factions, was particularly frustrating for the Protesters. As the minority faction, they realized that unless the situation were to change drastically, they would never be able to fulfil their stated purpose of reforming the kirk through a series of nationwide ministerial purges.

It was in the midst of this stalemate that Patrick Gillespie, decided the time was ripe for the Protesters to break the deadlock by entering into a formal alliance with the English. Accordingly, he abandoned his already tenuous adherence to the Protesters' official policy of non-compliance, and let it be known that he was willing to treat with the English.⁴ When news of Gillespie's willingness to cooperate reached the newly-installed Lord Protector, he wasted no time in attempting to capitalize on the opportunity. In early March 1654, Cromwell summoned Gillespie, along with his colleague John Livingstone and the Aberdeen separatist, John Menzies, to London in order to consult with him on the development of new religious settlement for Scotland.⁵ Immediately after receiving this summons, Gillespie travelled to Edinburgh and attempted to convince the Protesters, who were preparing to meet in a national conference, of the necessity of an alliance with the English.⁶

During the conference, Gillespie argued that unless the Protesters agreed to work with the English in establishing a commission to "purge and plant" the kirk, they would never have the ability to remove malignant and unfit ministers and bring about a national reformation. In a striking turn of events, he also argued for the lawfulness of such an alliance and stressed the necessity of Scotland and England being in both a political and ecclesiastical union. Not surprisingly, the tabling of such a bold proposal split the Protesting party down the middle. The Wariston-Guthrie faction of the party were steadfast in their refusal to countenance such a scheme. Although in sympathy with Gillespie's desire to purge the ministry and wrest control of the kirk from the Resolutioners, they were horrified by the prospect of an open, erastian

⁴Firth, *Scotland and Protectorate*, 41; Wariston, *Diary 1650-4*, 209.

⁵Livingstone, *Brief Relation*, 137; Nicoll, *Diary*, 127; Row, *Life of Blair*, 313; Baillie, *Letters and Journals* iii, 243; Dow, *Cromwellian Scotland*, 196.

⁶For Wariston's account of this conference and his subsequent discussions with Gillespie and others see Wariston, *Diary 1650-4*, 218-27; For Robert Traill's more official account, written to the western Protesters, John Nevay and Thomas Wylie, see NLS Wodrow MS Quarto XXIX, no.71, ff.198r-199r.

conjunction with a regime which they still considered to be both illegal and ungodly. They were equally appalled by the prospect of involving themselves in a *de facto* acceptance of religious toleration. Accordingly, Wariston rebuked Gillespie for his new-found belief in the legitimacy of the English regime and condemned him for speaking of "magistracye abstractly as among heathens and not as among Christians and Covenanters". Alexander Brodie, however, sided with Gillespie in the matter and both gave "hard speeches" against Wariston, condemning him as "the great obstrucrer of and enemye to the union."⁷

After five days of intermittent debate, Samuel Rutherford, desirous of quashing the matter once and for all, proposed that the conference emit another testimony against the English, condemning the usurpation of the government by Cromwell and confirming the party's opposition to both religious toleration and erastian encroachments into the kirk's sphere of authority. Although this motion was passed by the majority, heated dissensions ensued over the contents of the testimony. Many of those present, including Robert Traill and James Nasmyth, two of the party's leading ministers, objected with vehemence to the conference passing judgment on the English civil authority.⁸ For the sake of unity, Wariston and colleagues relented on this point and the final form of the testimony contained only a mild, and somewhat vague, protestation against the civil government. No such moderation was used, however, in the section dealing with religion. The four articles in the recently issued "Instrument of Government" (the constitutional document establishing the Protectorate), which enshrined religious toleration as a fundamental right (and pronounced all laws and statutes which violated toleration "null and void"), were termed an "abomination of desolation" and a setting up of "Dagon" beside the "ark"

⁷Wariston, *Diary 1650-4*, 223-4; Brodie's views concerning the legality of the English regime had already undergone a major change prior to this conference and it is probable that he had been instrumental in Gillespie's "conversion". In a debate with Samuel Rutherford and Sir John Cheisly in June 1653, Brodie maintained that while it was the duty of christians "to labour to set up the best of men as rulers over us", when such men were not to found, or where the godly lacked the ability to see them set up, it was their duty to submit to the providence of God in setting up other forms of government. For an example he stated, "I would consent, if I lived among pagans, to chuse a pagan ruler, where I could attain no christian ruler, rather than live without government...": Brodie, *Diary*, 48-9.

⁸Wariston, *Diary 1650-4*, 218-19.

of presbytery. Such statutes, it was maintained, amounted to a revocation of the Covenants and a destroying of the work of one hundred years of reformation.⁹

Despite the rejection of his plan, Gillespie remained undeterred and began to make arrangements for his trip to London, predicting with confidence that Wariston and his colleagues would soon change their minds and see the wisdom of his plan.¹⁰ Before he left Edinburgh, however, he had a further falling out with Wariston. As per the conference's directions, Wariston directed Gillespie to take the Protesters' testimony against the English with him to London. Gillespie, however, refused, and with disdain termed the testimony "a paper busnes and paper feyght". At one point, he maintained that if he took the testimony with him, he would have to write a declaration against it. Wariston was appalled by this derisive refusal and maintained that it was "a great sine befor God and scandal befor his people" for Gillespie to refuse the instructions of his brethren and take it upon himself to meddle in the affairs of the Kirk of Scotland.¹¹ When Gillespie continued in his refusal, the two men parted under extremely acrimonious circumstances.

John Livingstone, however, proved somewhat more tractable. He had agreed to obey Cromwell's summons only with reluctance and made it clear to the Protesters' conference that he was still a believer in divine-right presbyterianism. He also assured them that he would neither meet or consult with English Independent divines, nor act in concert with Gillespie and Menzies. Livingstone, however, had his own views concerning a new religious settlement and he refused to champion the majority position of the Wariston-Guthrie wing before Cromwell. He informed the Protesters' conference that he would request the English to: establish the 1650 Commission of the General Assembly as the national kirk's governing body; refrain from meddling in the affairs of the kirk; abstain from imposing "vast" religious toleration on Scotland and

⁹"Another Declaration or Testimony of the Protesters, March 1654", in *Consultations* i, 44-56; For the text of "The Instrument of Government", see S.R. Gardiner (ed.), *The Constitutional Documents of the Puritan Revolution 1625-1660* (Oxford, 1906), 405-17.

¹⁰Wariston, *Diary 1650-4*, 230; In fact, Gillespie had notified Colonel Lilburne of his resolve to obey Cromwell's summons before the Protesters' conference had convened: Firth, *Scotland and Protectorate*, 57.

¹¹Wariston, *Diary 1650-4*, 223-5.

dissolve the erastian Commission for Visiting and Regulating Universities.¹² Although not explicitly stated, the implications of such a position were clear: in return for these concessions, the Protesters, as the 1650 Commission, would agree to act as the Cromwellian regime's ecclesiastical agents in Scotland. While not as obnoxious as Gillespie's proposals, the seeking of such "erastian favours" from an illegal regime was nevertheless unacceptable to the majority of Protesters. This however, was not to remain the case for long. As the Protesters' desperation increased in late 1655, Livingstone's proposal would eventually be adopted by the majority.

Schism in the Synod of Glasgow-Ayr

Before travelling south for his meeting with Cromwell, Gillespie returned to Glasgow with plans to end the year long adjournment of the synod and begin a systematic purge of its ministry. When the synod met on 4 April, the outgoing Protester moderator, Alexander Dunlop, preached vehemently on the necessity "of taking up the too-long neglected work of purging."¹³ The Resolutioners, perceiving the Protesters' designs, demanded a postponement, claiming that the synod, in its present divided state, was unfit for such sensitive work.¹⁴ This was refused by the protesting majority, who claimed that the synod could no longer be kept from exercising discipline. They instanced the matter of the kirk at Douglas, where both the congregation and presbytery were divided and unable to agree on the choice of a minister. Only the intervention of the synod, they maintained, could settle the dispute. The Resolutioners responded by tabling a compromise plan. They would agree to the constitution of the synod on two conditions: (1) the Protesters would give assurance that the synod would do nothing detrimental to the Resolutioners' interests and (2) the Protesters would agree to the formation of a joint committee, composed of equal

¹²Ibid, 217.

¹³NLS Wodrow MS Folio XXXVIII, no.6, Glasgow-Ayr Synod Minutes, April 1654, f.11r; Baillie, *Letters and Journals* iii, 245.

¹⁴NLS Adv.MS.31.2.18., "The Summe of these Endeavours used for preventing or healing the breach of the Synod of Glasgow, 4th, 5th, and 6th April, 1654", f.133v; Glasgow-Ayr Synod Minutes, f.11v; Baillie, *Letters and Journals* iii, 246.

numbers from both parties, to settle the planting of Douglas and make recommendations for reuniting the divided presbytery of Lanark. The Protesters, however, unwilling to concede anything which would impede their control of the synod, gave the Resolutioners a peremptory refusal and proceeded to constitute the synod.¹⁵ At this point, the Resolutioners produced a protestation in which they denied the legality of the synod on the ground that it was composed of ministers and elders who were "notoriously opposed to", and under the censure of, the General Assembly.¹⁶ When this protestation was "flatly refused", Robert Baillie, John Bell and other hardline Resolutioners left the meeting and constituted their own "lawful" synod at Blackfriars kirk.¹⁷

Over the next two days the factions engaged in a round of emergency negotiations as the moderate ministers, Patrick Colvill and James Fergusson travelled back and forth between the rival synods attempting to facilitate a reunion. The Resolutioners agreed to reunite with the Protesters on the condition that they adjourned their synod immediately and refrained from meeting or acting in a synodical capacity until the next scheduled meeting in October 1654. The Protesters, however, maintained that before the synod could adjourn they would first have to appoint two committees: one for planting the kirk at Douglas and the other for trying Robert Hume, minister of Crawfordjohn for adultery. They also stipulated that the Resolutioners would have to withdraw their protestation before they would be allowed to return to the synod. The Resolutioners agreed to allow the trial of Robert Hume, but only on the condition that the trial committee would be comprised of equal numbers from both parties. They also demanded that the Protesters of Lanark to join with them in approving the trials of one Archibald Inglis, who they maintained had received a unanimous invitation from the session and congregation of Douglas. Intensive negotiations ensued in which numerous proposals and counter-proposals were put forward, but in the end a satisfactory

¹⁵NLS Adv.MS.31.2.18., ff.133v-134r.

¹⁶NLS Adv.MS.31.2.18., "The Protestation and Declaration of the Synod of [the Resolutioners, at] Glasgow, at their parting from the Anti-Synod, 4th April 1654", ff.133r-133v.

¹⁷Glasgow-Ayr Synod Minutes, f.11v; NLS Adv.MS.31.2.18., "The Act of Constitution, 4th April 1654", ff.136v-137r.

compromise could be arrived at.¹⁸ Before adjourning on 6 April, the Resolutioner synod appointed a fast¹⁹ and sent letters justifying their proceedings to their brethren in the synods of Lothian, Galloway, Argyll, Fife, Perth and Merse-Teviotdale.²⁰ The Protesters, however, were undeterred and pressed ahead with their agenda for purging and planting. Their synod appointed a committee with full powers to plant the kirk at Douglas, try the case of Robert Hume and effect a reunion in the presbytery of Lanark. Much to the chagrin of the Resolutioners, this committee was also given *carte blanche* within the bounds of the presbytery of Lanark to visit and inspect other kirks, try and censure scandalous and insufficient ministers and plant vacant kirks.²¹

"Purging and Planting"

Shortly after the synod's adjournment, the Protesters committee for planting and purging travelled to Lanark. At the synod's request, the English provided them with an armed escort for their journey. The committee's first stop was Crawfordjohn, where they attempted to try the case of Robert Hume, but had to postpone his trial when the witnesses failed to appear.²² As part of their wider commission, they next made an unscheduled stop at Robertson to hear the aged Resolutioner John Veitch preach. After hearing him the committee pronounced a sentence of deposition on him for insufficiency. Soon thereafter, Veitch was replaced by the Protester, Thomas Laurie.²³ The committee's "chief work", however, was in the parish of Douglas. The nobles, heritors, session and congregation of Douglas had called the Resolutioner, Archibald Inglis, "a verie good and able youth" to fill the place of his recently deceased father, Richard Inglis. The Protester's committee, however, as per their

¹⁸NLS Adv.MS.31.2.18., ff.134r-136v; Glasgow-Ayr Synod Minutes, ff.13r-13v; Baillie, *Letters and Journals* iii, 246-7.

¹⁹NLS Adv.31.2.18., "An Act for a Synodical Fast, 6th April 1654", f.137r.

²⁰NLS Adv.MS.31.2.18., ff.133v-136v; Baillie, *Letters and Journals* iii, 246.

²¹Glasgow-Ayr Synod Minutes, ff.13v-14r; Baillie, *Letters and Journals* iii, 246.

²²NLS Wodrow MS Folio XXXVIII, no.6, Glasgow-Ayr Synod Minutes, June 1654, f.20r; Baillie, *Letters and Journals* iii, 246-7.

²³Ibid iii, 247; *FES* ii, 335.

instructions, required the Douglas session to redo his trials before the united presbytery of Lanark. Predictably, the united presbytery, in which the Protesters had a majority, refused to approve Inglis's trials and instead called a young Protester from Fife, Peter Kid, to assume the Douglas charge. Tumultuous scenes ensued. When Kid attempted to preach that Lord's day, the congregation refused to admit him to the kirk, forcing him to preach on a hillside to a small group of listeners. The next morning the Protesting presbytery of Lanark passed his trials and travelled to Douglas kirk to ordain him. Once again the congregation prevented his admission, whereupon the Protesters' English guard, "by the power of their sword", forced the entrance to the kirk and allowed the Protesters to install Kid as minister. The following week the Resolutioner presbytery responded by passing Inglis's trials and admitting him minister of Douglas. The Protesters appealed the matter to the Commissioners for Visiting Universities, who, eager to please the Protesters, gave the kirk and the stipend to Kid.²⁴ The Protesters, however, did not confine their activities to the presbytery of Lanark, and in late May, the Protester presbytery of Glasgow installed the young expectant David Veitch in the kirk at Govan after the presbytery of St. Andrews refused to pass his trials.²⁵ The English also took the opportunity to advance their own agenda when they transported the Independent Thomas Charteris to the kirk at Kilbride, "the best stipend in the west", leaving the parish of about two thousand to build a manse and contribute a stipend for the displaced Resolutioner minister, John Burnet.²⁶

Such ministerial "intrusions", as the Resolutioners termed them, did not remain confined to the synod of Glasgow-Ayr and it was only a short time before purging and planting fever swept the rest of the Protesting party. Even members of the Wariston-Guthrie wing of the party, despite their official position on compliance with the English, displayed few scruples about using government help to purge the kirk. Indeed, Wariston himself "blissed God" when news of the purges in the west reached

²⁴Baillie, *Letters and Journals* iii, 247-8; Glasgow-Ayr Synod Minutes, ff. 19r-20r; Wariston, *Diary 1650-4*, 235, 246; *FES* ii, 324.

²⁵T. McCrie (ed.), *Memoirs of Mr. William Veitch and George Brysson* (Edinburgh, 1825), 14; *FES* ii, 68; *Consultations* ii, 11.

²⁶*FES* ii, 288-90, 303; Baillie, *Letters and Journals* iii, 322-3.

him and prayed, "Lord...putt Thy servants on Thy purging work of insufficient and scandalous ministers."²⁷ The English, for their part, were more than happy to oblige and shortly after the adjournment of the April synods, they intervened on behalf of the embattled Protester presbytery of Linlithgow. On 10 April, the English commissioners appointed the Protester William Crichton to the charge of Bathgate, despite the fact that the Resolutioners had already admitted John Hutcheson the previous January. At the Protesters' instigation, Hutcheson was then imprisoned in the Edinburgh tollbooth until he agreed to quit the congregation. Unlike the intrusion of Peter Kid at Douglas, Crichton's installment was met with public jubilation as between sixteen and eighteen hundred people flocked to hear the gospel.²⁸ A similar scene was enacted soon thereafter in the parish of Linlithgow, where, on 10 May, the Synod of Lothian had deposed the Protester William Weir from the second charge of Linlithgow on the ground that he had not been "lawfully called and tried". At the Protesters' behest, the English commissioners reversed the synod's decision and gave the stipend to Weir.²⁹

So pervasive was the drive to purge, that even James Guthrie, one of the most steadfast advocates of non-compliance with the English, was persuaded to seek governmental assistance. When the Resolutioner presbytery of Stirling attempted to admit William Galbraith to Bothkennar, Guthrie and the Protesting presbytery were so incensed that they used their influence with the English to secure an order preventing Galbraith from assuming the charge. They then obtained an order admitting their candidate, John Blair, to both kirk and stipend. At Guthrie's invitation, leading Protesters, including Robert Traill, from Edinburgh, and John Carstairs, from Glasgow, arrived in Stirlingshire on 28 June to participate in Blair's ordination. The congregation however, gathered and barred the Protesters entrance from the kirk. A "great tumult" ensued in which members of the Protester's party were attacked. Even after they had gained the relative safety of the kirk, the congregation spent the remainder of the day outside the kirk, casting stones and creating a disturbance.³⁰

²⁷Wariston, *Diary 1650-4*, 229, 246.

²⁸SRO CH.1/1/10, *The Consultations of the Ministers of Edinburgh*, f.192; Wariston, *Diary 1650-4*, 226-7, 231-2; *FES* i, 167; Baillie, *Letters and Journals* iii, 248-9.

²⁹SRO CH.1/1/10, f.192; J. Ferguson, *Ecclesia Antiqua* (Edinburgh, 1905), 183-4; *FES* i, 161; Baillie, *Letters and Journals* iii, 245, 248-9.

³⁰*Ibid* iii, 257-8; SRO CH.1/1/10, f.192; *FES* iv, 299; Wariston, *Diary 1650-4*, 279.

Similar violence occurred in the presbytery of Duns, when, in an unprecedented move, John Livingstone and a group of Protesters from the presbytery of Chirnside together with some colleagues from other presbyteries, used English help to intrude Andrew Rutherford into the already settled parish of Eccles, against the wishes of both the congregation and the presbytery. The congregation was so perturbed by this intrusion that the Protesters' English guard had to use force to remove the incumbent John Jamieson and install Rutherford. One man was injured in the resultant fracas.³¹

The Resolutioners were outraged by these blatant usurpations of the kirk's discipline and government, and yet completely powerless to stop them. They were particularly incensed by the manner in which the Protesters used ministers from other presbyteries to intrude Andrew Rutherford at Eccles. This, the Edinburgh Resolutioners complained to John Livingstone, was a "grosse violation" of the kirk's discipline as sworn to in the Covenants, a "destructive preparative", which if repeated, would lead to "a violent overturning of all Presbyteriall Government".³² It was the Resolutioners of the Glasgow synod, however, who were suffering the brunt of the Protesters purging frenzy. After the "pranckes in Lanark", as Baillie termed them, they realized that unless they were able to reach an agreement with Protesters, further purges were inevitable. When news reached them that the Protesters, encouraged by their committee's success at Lanark, were planning to create a new committee with virtually unlimited power to purge and plant all the kirks in the synod of Glasgow, Baillie sprang quickly into action. On 13 June, the opening day of the Protesting synod, he appeared before the synod, entreating them "with many fair words" to delay the formation of such a committee. He also presented a paper prepared by the factions' "mid-man", James Fergusson, pleading for a postponement until a union conference could be held.³³ The Protesters, however, were ambivalent and while agreeing to suspend their purging and planting until a conference could be held, they nevertheless proceeded to appoint their new committee.³⁴

³¹SRO CH.1/1/10, f.193; Baillie, *Letters and Journals* iii, 284; Wariston, *Diary 1650-4*, 303.

³²*Consultations* i, 87-9; Baillie, *Letters and Journals* iii, 284.

³³*Ibid* iii, 254; NLS Adv.MS.31.2.18., "Mr. James Fergusson's Letter to the Anti-Synod, presented by Baillie, 12th June 1654", ff.138v-141v.

³⁴Glasgow-Ayr Synod Minutes, ff.15r-24r; Baillie, *Letters and Journals* iii, 254.

With "much adoe", the Resolutioners were able to delay the union conference until 1 August. In preparation for this union conference, Robert Baillie and James Fergusson both prepared union overtures³⁵, which the Resolutioner synod "cast in ane other mould", and submitted to the Protesters.³⁶ The Resolutioners agreed to reunite with the Protesters on the condition that purging and planting would be left in the hands of the presbyteries, who would follow the guidelines laid down by "uncontroverted" General Assemblies. If the presbytery could not reach an agreement, they would "pass by" the disputed expectant and direct the local eldership to enter upon new nominations. In extreme cases, when the presbytery was unable to reach a decision, a synodical committee, composed of equal numbers from both factions would decide the matter. If this committee was deadlocked, they were to appeal to brethren outwith the synod's bounds. If an agreement could still not be reached, the matter was to be laid aside in suspension. The Protesters, however, were unwilling to cede anything which would negate the synod's power to render final determinations. They did however, agree to acquiesce in certain matters if the Resolutioners would agree to specific conditions, the chief of which was that they return to the synod and never again question its authoritative proceedings and sentences.³⁷ This, the Resolutioners were unwilling to do, and the negotiations ended in a deadlock with each side claiming to be the lawful synod.³⁸

"Gillespie's Charter"

Meanwhile, events were transpiring in London which were to have a profound impact on the course of the controversy between the factions. The negotiations in London on the settlement of the kirk were drawing to a close, and by 8 August, Gillespie and Menzies had persuaded the Council in London to pass an ordinance "for

³⁵Baillie, *Letters and Journals* iii, 254, 259; NLS Adv.MS.31.2.18., "Mr. James Fergusson's Overtures to the Anti-Synod: or Overtures breiflie proponed", ff.141v-142v).

³⁶NLS Adv.MS.31.2.18., "Overtures agreed upon by the Committee to be proponed to the Anti-Synod", ff.142v-144r.

³⁷NLS Wodrow MS Folio XXXVIII, no.6, Glasgow-Ayr Synod Minutes, August 1654, ff.23r-24r.

³⁸Baillie, *Letters and Journals* iii, 277.

the better support of the Universities in Scotland, and encouragement of Publik Preachers there".³⁹ This ordinance, or "Gillespie's Charter" as it was derisively termed, specified that no minister could be admitted to a stipend without first being declared fit by a group of provincial certifiers, most of whom were to be Protesters and Independents. The Charter also provided for the removal of ungodly and scandalous ministers and elders. This meant that in purging and planting, the authority of the kirk's presbyterian courts was to be circumvented in favour of a scheme very similar to the system of "triers" that had been set up in England the previous March.⁴⁰ According to the "Charter", Scotland was to be divided into five ecclesiastical districts overseen by a total of fifty-seven ministers and elders. Of the fifteen persons named in the district of Glasgow-Ayr, only one, the moderate, Patrick Colvill, could be considered a Resolutioner. The rest of the district was comprised of Protesters, including Gillespie, John Carstairs, William Guthrie, William Adair, John Nevay and Thomas Wylie. This same pattern of selection was repeated throughout the country. Those chosen for the district of Lothian, Merse and Teviotdale, included Wariston, Robert Traill, John Livingstone and Colonel Gilbert Ker. Those for Fife, Perth and Angus, James Guthrie, James Simpson and Samuel Rutherford. The district "be-north Angus", including Aberdeen and Moray, was the most radical, and besides the Protesters Alexander Brodie and Andrew Cant, included the Aberdeen separatists John Menzies, Alexander Jaffray, John Row and William Mure.⁴¹ According to the conditions of the Charter, these men were to take especial care that,

none but godly and able men be authorized by them to enjoy the livings appointed for the Ministry of Scotland; and to that end, that respect be had to the choice of the more sober and godly part of the people, although the same should not prove to be the greater part.⁴²

The reaction against the Charter was fierce and the Resolutioners launched an orchestrated campaign of resistance. The presbytery of Edinburgh and the synods of Lothian, Fife and Merse-Teviotdale all issued declarations against it. The Edinburgh

³⁹For the text of this ordinance, see Nicoll, *Diary*, 164-7.

⁴⁰C.H. Firth, *The Last Years of the Protectorate, 1656-1658* ii (2 vols., London, 1909), 94-5; Dow, *Cromwellian Scotland*, 101, 197.

⁴¹Nicoll, *Diary*, 166-7.

⁴²*Ibid*, 166.

Resolutioners denounced the Charter from their pulpits and gave in a paper to General George Monck, the new military commander of Scotland, which they desired to be communicated to Cromwell. In all these cases the complaint was the same: the Charter was a "great sin" and breach of the Covenants, an "erastian intrusion" which violated the kirk's sphere of sovereignty and overturned its established order and government.⁴³ Reactions within the Protesting party to the Charter were more diverse. The Protesters of Glasgow-Ayr received news of Gillespie's accomplishment with gladness and, according to Baillie, "begane to make use of it." The reaction from the Wariston-Guthrie wing of the party was less favourable. James Guthrie was opposed to such blatant erastianism and "wrote sharply against it".⁴⁴ Wariston, however, had mixed feelings on the matter and while he was pleased "that God putt any restraints on evil presbiteryes", he nevertheless "thought the preparative ill" and believed that a public testimony against the Charter was in order.⁴⁵ In late August, the Protesters held a meeting at Wariston's house to discuss the matter. After a prolonged debate, it was decided, that those named as provincial certifiers would refuse to act in that capacity. The Charter, it was declared, was an attempt by an "unlawful magistrate" to usurp the ecclesiastical authority of presbyteries and synods. Such anti-governmental proceedings did not escape the notice of the English and when word of the Protesters' decision reached General Monck, he dispatched Lieutenant-Colonel Gough to disperse them. The Protesters decision, however, had been far from unanimous, with some of those present, "much more for complying with the English than Waristone or Mr. James Guthrie allowed." Afterwards, when they reassembled at Robert Traill's house it was decided that nothing would be done in relation to the Charter until they could meet again and arrive at a consensus. In the end, however, no consensus was reached and a testimony which the Wariston-Guthrie wing had

⁴³Row, *Life of Blair*, 318-19; Baillie, *Letters and Journals* iii, 283; Lamont, *Diary*, 79, 81; Firth, *Scotland and Protectorate*, 211-12; Nicoll, *Diary*, 137; J.Y. Akerman (ed.), *Letters from Roundhead Officers written from Scotland and chiefly addressed to Captain Adam Baynes, July MDCL-June MDCLX* (Bannatyne Club, 1856), 101, 105; For the paper given in to Monck, see *Consultations* i, 71-80.

⁴⁴Baillie, *Letters and Journals* iii, 282-3.

⁴⁵Wariston, *Diary 1650-4*, 309.

prepared against the Charter was suppressed for fear of dividing the party.⁴⁶

Union in the Synod of Glasgow-Ayr

Following the break up of the August union conference, the Glasgow-Ayr Resolutioners had resolved, with the full support of their brethren in Edinburgh, to continue their separate synod. Majorities in the presbyteries of Irvine and Ayr had also agreed to support the Resolutioner synod and, if necessary, re-establish a separate synod of Ayr "according to their ancient privilege".⁴⁷ Such enthusiastic support, however, evaporated in the wake of Gillespie's Charter and by the time of the October synod meeting the majority of Resolutioners, for "fear from the Remonstrants violence, and love of peace, and hope, by yielding to make them more moderat", had agreed to a new set of union overtures.⁴⁸ According to the terms of the union, it was agreed that synodical purging committees would be few in number until the union was confirmed and the breach "farder healed". In order to prevent the necessity of such committees, the presbyteries would undertake to examine and when necessary, purge, the ministers within their bounds. In cases where the presbyteries could not agree because of factional disputes, the matter was to be referred to the synod for a final determination. The synod also retained the right to interpose its authority in cases of appeal and "palpable male-administration". It was agreed further that the synod would appoint a committee to assist the presbyteries in planting churches which had remained vacant due to factional strife. Once again, the synod retained the right of final determination in cases where an agreement could not be reached. Most importantly, however, the Resolutioners agreed to acknowledge the authority of the synod and never again question the legality of its constitution or acts. In return for their cooperation, they received the assurance that a committee appointed for reuniting the

⁴⁶Ibid, 305-6, 316; Nicoll, *Diary*, 135-6; Baillie, *Letters and Journals* iii, 283; Firth, *Scotland and Protectorate*, lviii; For the Protesters' suppressed testimony, see *Consultations* i, 57-69.

⁴⁷Baillie, *Letters and Journals* iii, 277.

⁴⁸Ibid iii, 277-8; NLS Wodrow MS Quarto XL, no.4, "Overtures agreed upon mutually betwixt the brethren of the synod of Glasgow in order to their union and peaceable walking together for the future", ff.7r-7v.

divided presbyteries of Lanark and Glasgow would be bi-partisan in composition. They also received a pledge that the Protesters would not allow factional prejudice to influence their judgement in the calling or trial of ministers and the vague promise that "tenderness" would be used in all synodical business.

Out of all the Resolutioners in the synod of Glasgow-Ayr, only Robert Baillie and four others refused to comply with the union agreement; Baillie regarding the union as "a clear receding from our former determination." He never again attended another synod or presbytery meeting.⁴⁹ Immediately after the union, the synod resumed planting and purging.⁵⁰ The ordination of Archibald Inglis was annulled and committees were appointed to try the Resolutioners, Robert Hume, minister at Crawfordjohn; Robert Urie, minister at Percietown; Archibald Dennistoun, minister of Campsie; David Adamson, minister of Fintry and John Norwell, minister of Balfron. All of these ministers were eventually deposed and replaced with Protesters. In the months following the union, the committee to plant vacant kirks began installing Protesters in empty charges, including Donald Cargill at the Barony, William Thomson at Houston and James Veitch at Mauchline. By the spring of 1655, the last vestiges of Resolutioner resistance were overcome when the synod ordered the divided presbyteries of Glasgow and Lanark to reunite.⁵¹ Ironically, Gillespie's Charter, which had provided the impetus for the Glasgow-Ayr union, was never implemented due to the strong opposition of the Resolutioners and the refusal of the Protesters to act as "triers".⁵² Gillespie, however, while failing to achieve his objective of Protester hegemony on a national level, was nevertheless abundantly rewarded for his efforts. The stalemate in Glasgow-Ayr had been ended, the schism healed, the synod purged and any effective opposition to his agenda quashed. For the remainder of the 1650s Gillespie and his colleagues retained undisputed control of the synod.

⁴⁹Baillie, *Letters and Journals* iii, 278; McCoy, *Robert Baillie*, 172.

⁵⁰NLS Wodrow MS Folio XXXVIII, no.6, Glasgow-Ayr Synod Minutes, October 1654, ff.24r-29v.

⁵¹Glasgow-Ayr Synod Minutes, May 1655, f.46v; SRO CH.2/234/1, Minutes of the Presbytery of Lanark, 241r-241v.

⁵²Firth, *Scotland and Protectorate*, 211-12; Nicoll, *Diary*, 163; Dow, *Cromwellian Scotland*, 198.

January - September 1655

During the first half of 1655, the controversy between the factions continued in much the same state as it had been before the furor created by Gillespie's Charter. Although there was relative calm in the synod of Glasgow-Ayr, intrusion controversies continued to rage in other parts of the kirk. Contentions were particularly rife in the synod of Perth. The Protesting presbytery of Dunkeld admitted James Strachan to the parish of Dunkeld. The next day he was deposed by the synod for usurping the charge without a lawful call. A protracted conflict ensued.⁵³ At Stirling, James Guthrie and the Protesting presbytery admitted Robert Rule to the second charge, East Church, Stirling. Three days later, Rule's admission was declared null and void by the synod. Shortly thereafter, the Resolutioners admitted Matthias Simson to the charge. His admission, however, was interrupted by English troops, pending a decision on the matter by the Council of State.⁵⁴ In the synod of Lothian, there were pitched battles in the divided presbytery of Linlithgow as the predominantly Resolutioner Town Council clashed with the Protesters over the planting of the vacant first charge of Linlithgow.⁵⁵ John Livingstone was also occupied with his unique brand of ministerial intrusion. At the invitation of the Protester John Somerville, Livingstone brought his travelling ordination troupe to the presbytery of Duns, where, against the wishes of the entire presbytery, they admitted Samuel Row to the charge of Sprouston.⁵⁶ Such localized disputes however, did little to change the balance of power on a national level and the factions remained at an impasse. In June 1655, James Durham and Robert Blair engaged in yet another abortive union attempt. They were supported by the leading Glasgow Protesters, Patrick Gillespie and John Carstairs. Wariston and Guthrie, however, together with the more rigid Resolutioners, refused to cooperate in any union which would entail the type of compromise enacted by "the union of Glasgow" and the negotiations broke up before a conference could

⁵³SRO CH.1/1/10, f.192; *FES* iv, 155; John Hunter, *The Diocese and Presbytery of Dunkeld 1660-1689* i (2 vols., London, 1918), 370.

⁵⁴*FES* iv, 319, 324; R. Renwick (ed.), *Extracts from the Burgh of Stirling* (Glasgow, 1887), 220-7; Baillie, *Letters and Journals* iii, 283-4.

⁵⁵Ferguson, *Ecclesia Antiqua*, 184-8.

⁵⁶SRO CH.1/1/10, f.193; *FES* i, 471, 738; Baillie, *Letters and Journals* iii, 315.

be arranged.⁵⁷ As the summer of 1655 was waning, however, an event took place which would change the entire nature of the kirk's feud. On 12 September, members of the new Council of State for Scotland arrived in Edinburgh. This Council was led by Roger Boyle, the baron of Broghill, a man who was to facilitate a major shift in the relationship between the warring factions and the English.⁵⁸

Broghill and the Resolutioners

Broghill's approach to the kirk's schism was that of a cold, calculating politician. Although he esteemed the Protesters the better sort of men, he realized that the government's policy of giving unilateral support to them in the hope of facilitating a settlement of the kirk had reached a dead end. Any working settlement, he believed, would have to include the Resolutioners, who comprised more than two-thirds of the kirk's ministry. He had, however, no illusions about where the allegiance of both parties lay. The Resolutioners, he informed Secretary Thurloe shortly after his arrival in Scotland, "love Charles Stuart and hate us", while the Protesters "love neither him nor us". Either party, he continued, might be persuaded to support the English regime if it were given the power to suppress the other. This, however, he was unwilling to do. The best hope for the English, he maintained, lay in exploiting the divisions between the factions: inducing one party to cooperate with the English in such a way that the other would be forced to apply to the Council for the protection of their interests.⁵⁹

Immediately upon assuming office, Broghill began to make overtures to the Resolutioners. He chose as a point of discussion one of the main sticking points between the Resolutioners and the English regime: their continued prayers and support for the king. With the royalist rising in the highlands now over, he was free to

⁵⁷Ibid iii, 278-80; Wariston, *Diary 1655-60*, 1-5; *Consultations* i, 90-1.

⁵⁸For an examination of Broghill's relations with the kirk, see J. Buckroyd, "Lord Broghill and the Scottish Church, 1655-1656", *Journal of Ecclesiastical History* xxvii (1976), 359-68 and Dow, *Cromwellian Scotland*, chapter 9.

⁵⁹Thurloe, *State Papers* iv, 49; Dow, *Cromwellian Scotland*, 195, 199-200.

compromise in this area without jeopardizing national security. He invited two of their leading men, Robert Douglas and David Dickson to meet with him in private and discuss the matter. Broghill soon learned that the Resolutioners' main concern in leaving off prayers for the king was that the people would believe that they were motivated by the fear of the government taking away their stipends. If, however, the legal sanctions against praying for the king were removed, they would be free to comply.⁶⁰ A compromise was reached quickly in which the Resolutioners agreed to suspend their prayers for the king on the condition that the English would first relax the penalties for disobedience. Broghill acted quickly, and on 27 September 1655, the Council published a proclamation removing all penalties for praying for the king.⁶¹ The Resolutioners followed suit and on 5 October, the Edinburgh ministers, together with representatives from the surrounding presbyteries, passed a resolution suspending all public prayers for the king.⁶² The ministers then sent a statement to Charles II, explaining their action and assuring him of their continued private support for his person and cause.⁶³ Although the Resolutioners' agreement with Broghill fell short of their party's official recognition of the government, it was nevertheless regarded as a great victory by the English. The hitherto implacable Resolutioners shared their elation and were soon hailing Broghill as "a man exceeding wise and moderate", "a Presbyterian", who was "friendly to honest ministers, and liked well all godly men."⁶⁴ The Protesters, however, were less than pleased with this new development and began to lay plans for their own application to the English. Broghill's strategy of exploiting the factions' divisions was about to pay dividends.

A "New Covenant"

While Broghill and the Resolutioners were involved in their negotiations on

⁶⁰Thurloe, *State Papers* iv, 56.

⁶¹Nicoll, *Diary*, 160-1.

⁶²*Consultations* i, 89-90; Nicoll, *Diary*, 162; Baillie, *Letters and Journals* iii, 295-6.

⁶³Firth, *Scotland and Protectorate*, 321-3.

⁶⁴Baillie, *Letters and Journals* iii, 295-6, 315; Row, *Life of Blair*, 320.

prayers for the king, the Protesters were in the midst of series of pivotal debates about the direction their party was to take. Shortly before the Council's arrival, Guthrie and Wariston had presented a draft of a new Covenant which they had been developing in secret for the past nine months⁶⁵ to a national conference of Protesters met at Edinburgh. The dissension which this document created in the Protesters' ranks threatened to split the party down the middle. Great secrecy surrounded this Covenant and the Protesters did not allow copies of it to get into circulation.⁶⁶ Subsequently, no copy is now extant. Its general contents, however, can be deduced from the correspondence and diaries of the time. It appears to have been based very loosely on the Solemn League and National Covenants, with a number of notable exceptions and additions. All the articles which enjoined the signatories to uphold the interests of king and parliament were replaced with ones in which they pledged to live peaceably and contentedly under the English regime. It also expunged all references to upholding the land's civil liberties and instead focused solely on the preservation and defence of the kirk's liberties. Gone, too, was any reference to the imposition of religious uniformity in the three kingdoms. The Covenant further required the "godly" of the land to unite in establishing the 1650 Commission of the General Assembly as the supreme authority in the national kirk and the Assembly's 1650 commission for visitation as an instrument for purging and planting the church courts.⁶⁷

The Protesters maintained that this Covenant, unlike its predecessors of 1638 and 1643, was purely ecclesiastical and not civil in nature: or as Wariston put it, "our separating Gods interest from the Kings".⁶⁸ As such, it was meant only to be subscribed by "godly" Scots. In adopting this stance, they sought to allay English fears about becoming entangled in another covenant or of having their authority challenged. The Protesters' claim that the Covenant was "only for religious ends" was lent credence by the fact that it contained no call for the preservation of Scotland's established civil laws relating to religion.⁶⁹ However, as Robert Baillie observed, the

⁶⁵HMC 72, Laing i, 295; Wariston, *Diary 1655-60*, 1.

⁶⁶When Robert Baillie could not find a copy, he encouraged the Edinburgh Resolutioner, James Hamilton, to search for it "with all possible cair.": Baillie, *Letters and Journals* iii, 276.

⁶⁷Wariston, *Diary 1655-60*, 1-11; Baillie, *Letters and Journals* iii, 276, 297-8.

⁶⁸Wariston, *Diary 1655-60*, 11.

⁶⁹*Ibid*, 7, 11; Brodie, *Diary*, 152.

Covenant was "a very shreud peice"⁷⁰, and much more far-reaching than first met the eye. While it is true that the Covenant's stated purpose was to achieve "the lands reconfederacy with God", it was also meant to be a charter for the kirk's settlement. As such, the Protesters were well aware that it would need the support of the English in order to gain the force of law. The Protesters believed, as Samuel Rutherford had maintained in *Lex Rex*, that all government was founded on a contract, or covenant, whether explicit or implicit, between the ruler and those ruled.⁷¹ If the English, therefore, agreed to support the Protesters in this matter and granted the formal recognition of the 1650 Commission, they would in fact be entering into the "bond" of the Covenant. And indeed, this is precisely what the Protesters desired. As in 1652, they wanted the English to fulfill the role of a godly magistracy within the context of a covenant, by defending "true religion", preserving the kirk's autonomy from civil interference and suppressing dissent.⁷²

The tabling of this new Covenant marked a major sea change in the policy of the Wariston-Guthrie wing of the party concerning both the Covenants and their relationship to the English. Although their adherence to the Covenants had been tenuous at best since 1652, this was the first time they had proposed a serious alternative. However, whether or not this new Covenant was meant to supersede the 1638 and 1643 Covenants, or merely complement them, is not entirely clear. Wariston and Guthrie would probably have maintained the latter option, for fear of being branded by the Resolutioners as covenant-breakers. They could easily have argued that the new Covenant did not violate the essence of the former Covenants, but simply recast them in a form which would allow them to function in the circumstances which providence had dictated. The changes introduced, however, were so fundamental, that it is hard not to view the Covenant as an entirely new document. In practice, if not in theory, it would have supplanted both the National Covenant and the Solemn League and Covenant. The new Covenant also marked a significant change in the views of Wariston and Guthrie about the lawfulness of compliance with the English.

⁷⁰Baillie, *Letters and Journals* iii, 276.

⁷¹Rutherford, *Lex Rex*, 77-88, 208.

⁷²*Supra*, 155-9.

Although the prospect of such an alliance had been debated behind the scenes prior to the settlement of 1652, the emphasis had been on the establishment of an independent Scottish Republic, or, in the event that was not attainable, the preservation of Scotland's "rightly established laws" concerning religion and the kirk's relationship to the state. The matter, however, had been dropped after they had been snubbed by the English and since then, Wariston and Guthrie had stuck firmly to their policy of non-compliance. The exigencies of the time, however, had taken their toll and they were now willing to accept a measure of governmental intervention unthinkable in 1652. John Livingstone's suggestion of petitioning the English to establish the 1650 Commission, rejected in March 1654 as too erastian, was now approved as an acceptable *via media* between the pro-English, pro-union extremism of Gillespie and their former policy of non-compliance. Wariston and Guthrie were soon to find themselves on a track of courting English favour and support which, for Wariston, was to last the remainder of the 1650s.

Covenant, Commission, Union or Charter?

The Protesting conference which took Wariston and Guthrie's Covenant into consideration witnessed scenes of high emotion and lengthy debate. Samuel Rutherford opened the conference with prayer, begging "to see a covenant renewed with tears throw Scotland to God agayn". Patrick Gillespie and John Livingstone, however, had other plans for the settlement of the kirk; ones which included a larger degree of English oversight and involvement than Wariston and Guthrie would have approved. Livingstone maintained that the swearing of a Covenant was "not expedient" at the present time. Presumably, on the grounds that it would only serve to alienate both the English and the Resolutioners. He and Gillespie argued vigorously for a more inclusive union with the Resolutioners, much along the lines of the Glasgow union; a settlement in which all of the "godly", not only the Protesters, would be included. Wariston, however, refused, maintaining that the "best" union would be one in which the entire kirk, including the Resolutioners, was "reunited to God" through the

proposed new Covenant. Gillespie was not so easily put off and proposed that the party petition the Scottish Council to mediate a union between the Protesters and Resolutioners. Wariston, was immovable on this point and refused to allow the civil magistrate powers of arbitration in an internal kirk matter. He did, however, allow that under the right circumstances (i.e. the refusal of the English to countenance the new Covenant), the government could be petitioned to throw their authority behind the re-establishment of the Protesters' 1650 Commission and visitation. This concession, although far less comprehensive than the proposed Covenant, would have had the same practical outcome if accepted: the government's support of and their non-interference in, the Protester's control of the kirk. By the close of the conference, the majority of Protesters had given the new Covenant their conditional approval. Gillespie and Livingstone's motions were rejected, with Wariston bidding those of their mind to rethink their position on an alliance with the English and study what constituted a lawful civil magistracy.⁷³

Gillespie, however, was not to be so easily defeated. Immediately after his return to Glasgow, he called a meeting at Kilmarnock in a bid to crush any western support for the Covenant. When Wariston and Guthrie received news of this meeting, they sent Sir John Cheisly to argue their case. Gillespie, however, was now on his home turf and after a series of "bitter and reflecting debates", he succeeded in persuading those present to refer the consideration of the Covenant to the upcoming meeting of the synod of Glasgow-Ayr. Cheisly, however, was able to snatch a measure of victory out of this defeat, when, against Gillespie's wishes, he carried a vote in favour of erecting the 1650 Commission and visitation.⁷⁴ Needless to say, Gillespie was stunned by this unaccustomed defeat, and took measures to prevent its repetition. When the Glasgow synod convened on 2 October, he suppressed all discussion of both the Covenant and the kirk's settlement until a private committee meeting after the synod's adjournment.⁷⁵ It was during this "grand committee", as Baillie termed it, that Gillespie began his push for an "acceptable" settlement of the kirk. Under his

⁷³Wariston, *Diary 1655-60*, 6-10; Baillie, *Letters and Journals* iii, 298.

⁷⁴Ibid iii, 298; Wariston, *Diary 1655-60*, 11.

⁷⁵For James Fergusson's account of this meeting, see NLS Wodrow MS Folio XXVI, no.6, ff.15r-15v.

guidance, Wariston and Guthrie's new Covenant was rejected and discussion of the 1650 Commission deferred until the next scheduled national conference in November. Gillespie then produced a letter from the Edinburgh Protester, Robert Traill, in which Traill alleged that the Resolutioners had been slandering the Protesters to both Broghill and Monck, especially concerning their aversion to "union and peace" with "their brethren". The meeting was outraged and commissioned Gillespie and others to go immediately to Edinburgh, arrange another union conference with the Resolutioners and vindicate themselves from these "unjust aspersions" before President Broghill.⁷⁶ Baillie believed that these events had been carefully orchestrated by Gillespie, and warned the Edinburgh Resolutioners that the proposed union was merely a pretext for his real agenda: to persuade the English to give "power to their syd."⁷⁷ Events were soon to prove his suspicions well grounded.

Shortly after their arrival in Edinburgh, Gillespie and his associates informed the Council of their willingness to cooperate with the government and reach a union with the Resolutioners. Broghill, for his part, was more than happy to accommodate them. Although he had recently reached an agreement with the Resolutioners, he was under no misapprehensions about where many in that party stood. He knew that the majority of them were staunch royalists and many completely unfit to be ministers of the Gospel. He was also under no illusions about the anti-government bias of Wariston and Guthrie and viewed their new Covenant with deep suspicion.⁷⁸ Like Lilburne and Monck before him, Broghill discerned that Gillespie's wing of the Protesting party, whom he termed "the sober sort", could most easily be used to further English interests. His eagerness to please them soon became evident, when, after a series of negotiations, it was concluded that the best means of settling the national kirk would be to put Gillespie's Charter into effect.⁷⁹ Gillespie was also willing to please, demonstrating to Broghill his desire for national peace by arranging another union conference with the Resolutioners. During the remainder of his stay in Edinburgh, Gillespie openly courted English favour. He preached before the Council, spent the

⁷⁶Baillie, *Letters and Journals* iii, 296, 298.

⁷⁷Ibid iii, 275-7.

⁷⁸Thurloe, *State Papers* iv, 37-8.

⁷⁹See *ibid* iv, 127-9, for Broghill's account of these negotiations.

entire Sabbath with them and rode in Broghill's private coach to dinner.⁸⁰ He also broke an unwritten code, held by Protesters and Resolutioners alike, when on 14 October, he became the first Scottish minister, within Scotland, to pray publicly for the Lord Protector.⁸¹ John Livingstone followed his example soon thereafter.⁸² On 24 October 1655, Gillespie's Charter was formally proclaimed at the Mercat Cross in Edinburgh. An accompanying declaration announced that the persons named as "triers" had until 1 December to comply and act. If they failed to do so, the Council would appoint other persons more fit to carry on the work.⁸³

The November 1655 Union Conference

Whether Broghill hoped that the revival of the Charter would facilitate a union between the warring factions or was merely pursuing his policy of playing off one party against the other, is not entirely clear. It is likely, however, that neither thought was far from his mind. Gillespie's approach to the kirk's settlement was equally pragmatic. Without a doubt, he hoped that his Charter would be enforced and the Protesters given undisputed control of the kirk. He realized, however, that any number of practical obstacles could prevent it from being enforced. He therefore pursued a two-pronged policy of promoting the Charter and pursuing a union with the Resolutioners. At the very least, the threat of the Charter's implementation would provide him with invaluable leverage in securing favourable terms of union with the Resolutioners. In either scenario, he envisaged the English exercising substantial power in the affairs of the kirk. Gillespie's actions placed Wariston and Guthrie in a difficult position. Both the Charter and the prospect of a union styled after the "union of Glasgow" were anathema to them. They could not, however, afford to appear opposed to union, lest they jeopardize their own hopes of inducing the English to accept their new Covenant, or at least, establish the 1650 Commission. They therefore agreed to

⁸⁰Baillie, *Letters and Journals* iii, 298, 321-2.

⁸¹Nicoll, *Diary*, 162.

⁸²Baillie, *Letters and Journals* iii, 321-2.

⁸³Nicoll, *Diary*, 163-4; *APS* vi, ii, 830-1.

the conference, while simultaneously laying plans to frustrate Gillespie's designs in committee. The Resolutioners were also in a difficult position. Although they were unwilling to negotiate a union with the Protesters in such adverse circumstances, they realized that a refusal would almost certainly alienate the English and provoke them to enforce the Charter. They saw, however, one glimmer of hope on an otherwise bleak horizon: the possibility that a division between the Gillespie-Livingstone and Wariston-Guthrie wings of the Protesting party would undermine both of their schemes and demonstrate to the English their unsuitableness to lead the national kirk.

The union negotiations opened on 8 November 1655. Each side appointed nine men from their respective meetings to negotiate terms of union. The Protester delegation included Wariston, James Guthrie, Patrick Gillespie, Sir John Cheisly, Samuel Rutherford and Robert Traill, while the Resolutioner contingent included Robert Douglas, David Dickson, James Wood, James Fergusson and Robert Baillie. The centrists, James Durham and Robert Blair acted as "mid-men" between the parties. On 9 November, the Protester delegation, wherein the Wariston-Guthrie wing had a majority, submitted their "overtures".⁸⁴ They demanded that (1) the acts of the 1650 Commission concerning the Public Resolutions, together with all the acts of the 1651 and 1652 General Assemblies which supported these, be rendered null and void. (2) That the 1651 and 1652 General Assemblies themselves, be declared null. (3) That the visitation for purging and planting the kirk appointed by the 1650 General Assembly be reconstituted and given full power to purge and plant the national kirk and authority to decide all controversies within the bounds of synods and presbyteries. Or, if the Resolutioners refused, that committees with the same power to purge and plant, comprised of equal numbers from both parties, be established in every synod. The Protesters also demanded that "a considerable and competent" period of time elapse before the calling of a General Assembly and that an Assembly could only be called with the mutual consent of both parties. The election of commissioners to this "future" Assembly was to be overseen by a bi-partisan committee, comprised of equal numbers of both factions within every synod. Robert Baillie relates that he and his fellow Resolutioner delegates viewed these demands as "so high and absurd, that we

⁸⁴*Consultations* i, 92-4.

could scarce believe our own apprehensions of it". They were particularly shocked by the Protesters' demand for "extrajudicial" purging and planting committees. This, they believed, was an express denial of "the essence of Presbyteriall subordination".⁸⁵ During the next eight days, in-depth and often heated negotiations ensued.⁸⁶

Finally, on 16 November, the Resolutioners submitted their own set of union "overtures".⁸⁷ With many caveats and qualifications, they agreed to lay aside the censures imposed by the 1651 and 1652 General Assemblies against the Protesters until such a time as a new Assembly could meet and decide on the matters. They also would not require the Protesters to recognize the constitution of the 1651 and 1652 General Assemblies nor acknowledge the acts and resolutions relating to these Assemblies "as the definitive sentence of this Kirk or the judicatories thereof". In return, they required the Protesters to lay aside all their protestations and declinations against these Assemblies and resume proper obedience and submission to the kirk's established courts. They further agreed not to prelimit elections to a future General Assembly, but refused the Protesters' desire for a bi-partisan committee to oversee elections. Concerning the purging and planting of the kirk, they refused to re-establish the 1650 visitation on the ground that its commission had long since expired. Such authority was to remain in the hands of presbyteries and synods. The Resolutioners did, however, concede that in cases where presbyteries were divided, disputed vacancies and the trial of ministers could be decided by a national committee of arbiters comprised of equal numbers from both parties. However, in the event this committee failed to reach an agreement, the case would then be decided by the appropriate synod.

Patrick Gillespie, John Carstairs and others of their mind were fully satisfied with these concessions, presumably judging them to be very similar in nature to the "union" they had achieved in Glasgow. James Durham and Robert Blair were also satisfied and hopes were raised that an accord might soon be reached. Wariston and Guthrie, however, were unwilling to approve any settlement which would leave the

⁸⁵Baillie, *Letters and Journals* iii, 296-7, 300.

⁸⁶*Consultations* i, 95-111.

⁸⁷*Ibid* i, 111-19.

Resolutioners in control of the majority of synods and presbyteries and oblige the Protesters to submit to their authority in future matters.⁸⁸ During their consideration of these overtures the Protesters had "great and terrible debates", with Gillespie supporting a negotiated union and Wariston opposing all concessions. After a hard fought battle, Wariston carried the day and the Resolutioners were notified that their concessions had not gone far enough.⁸⁹ The Resolutioners, however, encouraged by the news of Gillespie's support, were not about to give up and on 21 and 24 November they sent letters to the Protesters enlarging upon their previous concessions.⁹⁰ Although these new concessions were little more than glosses upon their original proposals, they produced the desired effect. By 23 November, the Protesters' meeting was so divided over the Resolutioners' overtures that Wariston feared a split was imminent. By the next day, some Protesters were speaking openly of a three-way division of the party, with some backing the union, some the Charter and some the new Covenant. In the end, however, all dissent was laid aside for the sake of unity and the Protesters informed the Resolutioners that their meeting had "unanimously" rejected their terms of union.⁹¹ Gillespie refused to join in this "unanimous" testimony and left the meeting in protest.⁹²

Petitions to the English

Although Wariston and Guthrie had succeeded in preventing the intended union, they had failed to convince the assembled Protesters of the merits of their new Covenant.⁹³ With the Covenant no longer a realistic possibility, the Protesters' meeting decided to petition the English to establish the 1650 Commission as the supreme authority over the kirk. On 4 December, after "great and hote debaytes", a petition, together with a paper of "reasons" against Gillespie's Charter, was approved,

⁸⁸Baillie, *Letters and Journals* iii, 297; Row, *Life of Blair*, 326.

⁸⁹Wariston, *Diary 1655-60*, 12; *Consultations* i, 119-26.

⁹⁰Baillie, *Letters and Journals* iii, 297; *Consultations* i, 126-42.

⁹¹Wariston, *Diary 1655-60*, 13-16; *Consultations* i, 142-6.

⁹²Baillie, *Letters and Journals* iii, 297.

⁹³Wariston, *Diary 1655-60*, 12.

and, with Monck's endorsement, sent to Broghill and the Scottish Council. The Council, in turn, sent the petition to London.⁹⁴ The Resolutioners were outraged and the next day the presbytery of Edinburgh passed a testimony against it.⁹⁵ Robert Baillie informed William Spang that the Protesters Commission was an "unexampled tyrannie": worse than Gillespie's Charter, which had related only to stipends; worse than Independency, which encroached not on the jurisdiction of others; worse even than Episcopacy, which had never bypassed the authority of presbyteries and synods so completely. Indeed, it was nothing less than "ane usurpation of the whole immediat jurisdiction" of the kirk; an "Erastian State-committee" which would lead to the forfeiture of all the land's ecclesiastical liberties.⁹⁶

With the Protesters' application to the English, the Resolutioners found themselves in a quandary. The favour and support which they had expected from Broghill after agreeing to suspend their prayers for the king, had not materialized. Instead, matters had gone from bad to worse. The English had not only approved Gillespie's Charter, but there was now the possibility of their approving Wariston and Guthrie's call for the establishment of the 1650 Commission as well. In mid-January 1656, James Hamilton, minister of Edinburgh, wrote to Robert Baillie with a very difficult case of conscience. Given the Protesters' petition to the English, should the Resolutioners now petition the English as well? Baillie, in a reply dated 21 January 1656, acknowledged the Resolutioners' dilemma.⁹⁷ If they abstained from seeking English favour it was virtually a foregone conclusion that the Protesters would take control of the kirk, either through the Charter or through their "erastian" commission. On the other hand, if they did petition the English, it would be viewed as a hypocritical departure from their former testimonies against compliance. Such a bad example would render them "unsavorie" in the eyes of the populace and possibly undermine whatever respect they had for the authority of the kirk and whatever love they still had for the "Covenant

⁹⁴Ibid, 12, 16-19, 21; Thurloe, *State Papers* iv, 255-7; Baillie, *Letters and Journals* iii, 297, 300, 305.

⁹⁵NLS Adv.MS.31.2.18., "Exhortation from the Presbytery of Edinburgh against the Protesters Commission, 5th December, 1655", ff.153r-154r; Baillie, *Letters and Journals* iii, 301, 305; Wariston, *Diary 1655-60*, 19.

⁹⁶Baillie, *Letters and Journals* iii, 300, 305.

⁹⁷Ibid iii, 308-9.

and work of God". The best course, Baillie counseled, would be to engage in "private earnest dealing" with Broghill and try and influence the agenda from behind the scenes.

The Resolutioners' period of indecision did not last long. When news reached them that Wariston and Guthrie had engaged in private talks with Broghill about their petition, whatever scruples they might have had about petitioning the English vanished.⁹⁸ On 30 January, the Edinburgh ministers, Robert Douglas, David Dickson and George Hutcheson, sent Broghill a preliminary paper entitled "Some Reasons why the Power of the Commission 1650 cannot now stand in force".⁹⁹ Two weeks later, on 15 February, they took the plunge and petitioned the Council.¹⁰⁰ They requested the English to take off all "restraints" that were placed upon their discipline and government and allow the kirk's ordinary courts to meet and act without interference from the civil magistrate. They also implored the English to reject the Protesters' petition and no longer countenance their "irregular practices". For their part, in a rather obvious bid to assuage English fears about the malignant elements in their party, the Resolutioners pledged to use all their resources in purging unfit and scandalous ministers from the kirk. Soon thereafter, on 20 February, they wrote to Broghill, asking that control of the kirk's stipends be given exclusively to presbyteries and not to the "triers" named in Gillespie's Charter.¹⁰¹ Finally, on 23 February, in another letter to Broghill, they pledged to live "peaceably and inoffensively" under the present government and not to interfere in civil matters.¹⁰² When news of these developments reached the Protesters, Gillespie warned that unless their party owned the legality of the present government openly and declared their "subjection to it and resolution for it", they would lose all their influence with the English and leave the field to the Resolutioners. Shaken by this dire warning, Wariston sent private supplications to Major-Generals John Lambert and Charles Fleetwood, leading members of Cromwell's Council of State, pressing them to throw their influence

⁹⁸Wariston, *Diary 1655-60*, 25.

⁹⁹*Consultations* i, 184-90.

¹⁰⁰*Ibid* i, 191-3.

¹⁰¹*Ibid* i, 194-7.

¹⁰²*Ibid* i, 198-201.

behind the Protesters' petition.¹⁰³

Broghill, delighted that his policy of playing off one party against the other was bearing fruit, wrote immediately to Cromwell and gave him a lengthy account of the situation between the warring factions.¹⁰⁴ The Resolutioners, he observed, while having too many adherents who were unfit to be ministers of the Gospel, were nevertheless "an entire and strongly cemented party", controlling approximately 750 of the nations 900 parishes. The Protesters, on the other hand, while generally more godly than their rivals, were fewer in number and divided among themselves. Moreover, the Wariston-Guthrie wing of the party, whom he castigated as "Fifth-monarchy-presbyterians", were men hostile to all civil authority. The solution, Broghill averred, lay in the formation of a new, third party, comprised of the more moderate Gillespie-Livingstone wing of the Protesting party and the body of the Resolutioner party, purged of its more scandalous element. This could be accomplished by abandoning Gillespie's Charter, granting the Resolutioners' petition and allowing them "to enjoy their discipline in things purely ecclesiastical". He predicted that once the government had gained the Resolutioners' confidence, they would then purge their party voluntarily and agree to unite with the Gillespie-Livingstone wing of the Protesters. A union accomplished in this manner would secure the loyalty of nearly the entire kirk, leaving outside, as hostile to Cromwell's government, only a handful of Protesters of the Wariston-Guthrie persuasion.

A New Ecclesiastical Settlement

From March to August 1656, things remained at a virtual standstill. No answer was forthcoming from London concerning the factions' respective petitions and although Gillespie's Charter remained on the books, it was not enforced. The Resolutioners continued to court Broghill's favour while the Wariston-Guthrie wing

¹⁰³Wariston, *Diary 1655-60*, 27.

¹⁰⁴Thurloe, *State Papers* iv, 557-9; Dow, *Cromwellian Scotland*, 204-5; McCoy, *Robert Baillie*, 182.

of the Protesters, having received information of the President's hostility towards them, concentrated on currying favour with Monck. Gillespie abandoned his scheme for union with the Resolutioners as well as any hopes he had for the implementation of his Charter and appears to have confined his activities to the synod of Glasgow-Ayr. Finally, on 31 July, after repeated entreaties from Broghill, the Council of State rendered a verdict.¹⁰⁵ They decided that in light of the fact that the triers named in Gillespie's Charter had for the second time refused to act, the Scottish Council should order stipends to be paid to any minister whom they were satisfied was qualified according to the intention of the Charter; i.e. honest and faithful men with an unblamable conversation. Upon receiving this order, Broghill summoned the leading Resolutioners in order to arrange a new system of certifying ministers.¹⁰⁶ By 12 August, they had reached an agreement whereby the presbyteries were given authority to examine all prospective ministerial candidates and certify to the Council their fitness to receive a stipend. The ministers also agreed to sign an engagement to live peaceably and inoffensively under the English regime. Thus, the planting of kirks was once again placed solely in the hands of the kirk's ordinary courts, the majority of which were in control of the Resolutioners. In return, the Resolutioners gave tacit recognition to the authority of the English regime - even their authority to decide in ecclesiastical matters. In one stroke, Gillespie's Charter and the Wariston-Guthrie petition were swept away.¹⁰⁷

The Protesters received news of the Resolutioners' triumph with horror and called an emergency meeting to decide on a course of action. On 22 August, they decided on sending a delegation to Whitehall in order to persuade the Protector to overturn the new order and replace it with a system of planting and purging of their own devising. Letters were then dispatched informing the party of their decision and calling them to national meeting on 23 September in order to choose delegates and work out the particulars of their instructions.¹⁰⁸ Gillespie, however, opposed this move and left

¹⁰⁵*CSPD 1656-7*, 45, 48; *APS* vi, ii, 761, 890.

¹⁰⁶Baillie, *Letters and Journals* iii, 573-4.

¹⁰⁷*Consultations* i, 202-3; Thurloe, *State Papers* v, 301; Dow, *Cromwellian Scotland*, 206.

¹⁰⁸NLS Wodrow MS Quarto XXIX, no.74, f.204r; NLS Wodrow MS Folio XXVII, no.23, f.63r.

the meeting in protest.¹⁰⁹ Wariston then called on Broghill, and, after advising him of the meeting's decision, informed him that the Protesters were resolved, in their dealings with the English, "to goe a length which never yet they went, nor, as som thought, never would doe".¹¹⁰ Upon hearing of the Protesters decision to send a delegation to Cromwell, the Resolutioners responded in kind and commissioned one of their young, rising stars, James Sharp, to go to London and defend the kirk's new settlement.¹¹¹ A large minority of the more moderate Resolutioners, together with centrists such as Robert Blair, objected strenuously to this decision, but were powerless to stop it.¹¹² Broghill, however, was elated that his plan to further English interests by manipulating the factions was working so well and wrote to Thurloe, "I hope if we manadge thinges well the two partyes of Scotland, viz. Remonstrators and Publick Resolutioners, shall both courte us as too long we have courted them."¹¹³ Soon thereafter, the President took his leave of Scotland and travelled south, accompanied by James Sharp.

For the Protesters, matters were less clear-cut: a delegation still had to be chosen and their instructions decided upon. These matters were decided only with great difficulty. In a series of preliminary discussions in early September it was decided that two ministers, Samuel Rutherford and James Guthrie, should be sent. Opinion in the party was divided sharply over the advisability of sending Wariston. Monck, however, favoured Wariston's selection and was against Rutherford and Guthrie going. Those of the Gillespie-Livingstone wing, counseled sending Patrick Gillespie, but Wariston resisted this, for fear that his presence would divide the delegation. Indeed, Wariston himself, was in great throes of conscience as to whether his own going would be an opportunity to serve God as "Ezra and Nehemiah" or a temptation and snare, which would draw him into a sinful compliance with the English. Finally, on 26 September, a compromise was reached and James Simpson, minister of Airth, was chosen as the

¹⁰⁹Baillie, *Letters and Journals* iii, 322.

¹¹⁰Thurloe, *State Papers* v, 323; Baillie, *Letters and Journals* iii, 322.

¹¹¹For Sharp's instructions, see *Consultations* i, 204-10 and Baillie, *Letters and Journals* iii, 568-72.

¹¹²Row, *Life of Blair*, 328-9, 331-2.

¹¹³Thurloe, *State Papers* v, 323.

lone Protester delegate.¹¹⁴ The matter of deciding on Simpson's exact instructions, however, was left until a later date. Meanwhile, Gillespie, who had abstained from attending these meetings, was pursuing his own course of action. In early November, he travelled to the synod of Lothian as a correspondent from the Glasgow synod in an attempt to reach some type of agreement with the Resolutioners. The synod of Lothian, however, rejected his commission on the ground that he was deposed by the General Assembly and had not been lawfully readmitted to the ministry. Gillespie was outraged with this blatant affront and denounced the synod as a "tyrannical Assemblée" whose "sword was but of wood" and left in a huff.¹¹⁵ From this point on, whatever reservations Gillespie had about cooperating with the Protesting majority in sending a delegation to Cromwell, vanished.

The Protesters' Proposals

On 26 November, the leading Protesters, this time including Patrick Gillespie, met to decide on what proposals they would submit to Cromwell for the settlement of the national kirk. In the furious debates which ensued, it became evident what Wariston had meant when he informed Broghill that the Protesters were prepared to go to "new lengths" in cooperating with the English. The first two proposals tabled were very similar to the overtures submitted by the Protesters during the November 1655 union negotiations. As such they were not controversial. They called for the establishment of bi-partisan synodical committees to plant and purge presbyteries and a similarly comprised national committee to mediate in synodical disputes. The third proposal, however, called for the formation of bi-partisan committee, appointed by the English, to mediate a union between the factions and oversee all matters of difference in the national kirk. James Guthrie was outraged at this proposal and objected that it was an intrusion of the civil magistrate into the affairs of the kirk. Wariston, however, backed the proposal and the two found themselves severely at odds. In the days which

¹¹⁴Wariston, *Diary 1655-60*, 41-4; NLS Wodrow MS Quarto XXIX, no.75, ff.205r-206v.

¹¹⁵Nicoll, *Diary*, 186; Baillie, *Letters and Journals* iii, 352-3.

followed, attempts were made at ameliorating this incipient division by amending the proposal in an attempt to make it more acceptable to Guthrie. Wariston recommended that the committee be formed along the lines of the 1650 Commission. In a further concession, the meeting dropped another condition which Guthrie had also objected to: the stipulation requiring the committee to be comprised of equal numbers from both factions. Gillespie, however, brought his considerable influence to bear on the meeting, and, apparently at his insistence, the committee's powers were expanded to include the admission of ministers to stipends. Gillespie's hand is also discernable in the meeting's decision to remove the reference to the 1650 Commission and replace it with the more inclusive phrase "according to the rules and acts of uncontroverted Assemblies and laws of the land before 1651." In an apparent concession to Guthrie, however, the committee's powers to mediate a union and decide in ecclesiastical matters were taken away. Other additions and emendations followed, with the result that the three proposals ended up a strange conglomeration of Gillespie's Charter, the Protesters November 1655 union overtures and the Wariston-Guthrie 1650 Commission.¹¹⁶

In the midst of these debates, the Protesters received a letter from their commissioner, James Simpson, pressing them to send more commissioners to London. Wariston, Gillespie and Guthrie were chosen by the meeting unanimously. Guthrie, however, "refused peremptorily" and despite his colleagues best endeavours to convince him otherwise, remained firm in his refusal until the meeting's close. Nothing, as far as he was concerned, could alter the simple fact that the meeting's third proposal called for the establishment of an erastian committee, the likes of which his wing of the party had resisted for the past two years. Perhaps more distressing for Guthrie than the meeting's approval of this proposal, was the fact that Wariston, his close friend and chief confidant, had been instrumental in the proposal's passage. Guthrie however, had his suspicions about the reasons for his colleague's dramatic volte-face. During the meeting he had informed John Stirling, in Wariston's presence, that if Wariston would let him see his diaries, he would find that Wariston hoped to

¹¹⁶Wariston, *Diary 1655-60*, 54-6; For the text of the Protesters' three proposals see Baillie, *Letters and Journals* iii, 573.

be Protector before he died.¹¹⁷ In fact, Guthrie, who knew Wariston all too well, was not far off the mark in this conjecture. A perusal of Wariston's diary, reveals that ever since the previous January, shortly after he and Guthrie had petitioned the English to establish the 1650 Commission, his thoughts had been increasingly dominated by the possibility of his return to political service. In January 1656, after five years as a private gentleman, he offered again his public service to God.¹¹⁸ In the months that followed Wariston's continual musings on receiving back his former office of Clerk Register, gradually developed into an obsession.¹¹⁹ He wanted, however, to receive back the office "cleanly", without giving offence to the godly or dishonouring God's name.¹²⁰ Nevertheless, his views continued to change, and by September, he recorded that he was willing to serve the English as Ezra, Nehemiah and Zerubbabel had the Persians, "to build the House of God and settle and further Christs interests."¹²¹ By the eve of the Protesters' November 1656 meeting, Wariston's views about accepting employment from the English were much closer to Gillespie's than Guthrie's. He recorded in his diary that he dreamt of the Babylonian king, Evil-merodach, lifting up the head of king Jehoiachin, after the invasion and occupation of Judah.¹²² He interpreted this to mean that it was the duty of the godly "to mak use of the favour of the providential magistrat sett over us by Gods hand".¹²³ From this point, whatever scruples Wariston retained about condoning English erastianism, diminished rapidly.

London 1657

The main Protester delegation arrived in London in January 1657. It was comprised of Wariston, Patrick Gillespie, Sir Andrew Ker of Greenhead and Sir

¹¹⁷Wariston, *Diary 1655-60*, 54.

¹¹⁸Ibid, 21-3.

¹¹⁹Ibid, 29-54, *passim*.

¹²⁰Ibid, 46.

¹²¹Ibid, 42.

¹²²2 Kings xxv 27-30.

¹²³Wariston, *Diary 1655-60*, 54.

Alexander Inglis of Ingliston. James Guthrie was also present, albeit less as a colleague and more as a watchdog; to keep an eye on Gillespie and Wariston and ensure that they did nothing prejudicial to the kirk's liberties. Prior to their arrival, elaborate preparations had been made by both factions and their supporters for the coming duel of words.¹²⁴ Before his departure from Scotland, Broghill had written to Thurloe beseeching him to use his influence with Cromwell to ensure that no alteration was made in the kirk's settlement. He warned that Guthrie and the "fierce men" who shared his views were "the bitterest enemyes against the government in all Scotland".¹²⁵ James Simpson had travelled south with a paper of "Representations", containing "bitter refections" against the Resolutioners in general and their synods in particular.¹²⁶ He also carried with him a letter from Samuel Rutherford to Simeon Ashe, a leading London presbyterian minister, denouncing the Resolutioners as Covenant-breakers and persecutors of the godly.¹²⁷ A letter of this nature, by someone of Rutherford's stature, enraged the Resolutioners and, during December 1656 and January 1657, they bombarded influential English presbyterians in both church and state, including Ashe, with a steady stream of letters, vilifying the Protesters and informing them of the "true" state of affairs in the Scottish kirk.¹²⁸ The Protesters responded by requesting Monck to intercede on their behalf. Monck, who was no friend of the Resolutioners, was eager to oblige and provided their main delegation with a letter of commendation addressed to Cromwell, testifying of their "peaceable liveing" and warning that they were "better to bee trusted then the other partie which are called the Generall Resolucion men."¹²⁹

While this war of words was being waged, James Sharp was busy making contacts and currying favour with well-known members of the Cromwellian civilian Court¹³⁰ and their supporters, particularly influential presbyterian members of the Commons

¹²⁴Row, *Life of Blair*, 330.

¹²⁵Thurloe, *State Papers* v, 336.

¹²⁶*Consultations* ii, 2, 18; SRO CH.1/1/10, f.192; Row, *Life of Blair*, 330.

¹²⁷Thurloe, *State Papers* v, 656.

¹²⁸*Consultations* i, 232-91.

¹²⁹Firth, *Scotland and Protectorate*, 345.

¹³⁰Also known as "new Cromwellians"; a party comprised mainly, although not exclusively, of civilian politicians who wished to see the Protectorate changed from a military to an essentially civilian government.

and presbyterian ministers such as Edmund Calamy, Thomas Manton and the aforesaid Simeon Ashe. He also engaged in a extensive propaganda campaign against the Protesters, portraying them to everyone he encountered as violent schismatics, who were more akin to Independents than presbyterians.¹³¹ In these endeavours, Sharp had eminent success. So much, in fact, that by the time the main Protester delegation arrived in London, they were complaining that Sharp had "so prepossessed the ministers hereabout" that it was useless to try and speak to them.¹³² By mid-January, Ashe and Calamy were firmly in favour of the Resolutioners, and wrote to Robert Douglas and David Dickson expressing their sympathy and support. Ashe also took the step of writing to Rutherford and rebuking him for the "tartenesse" of his language towards the Resolutioners and warning him against supporting a cause which appeared to be prejudicial to presbyterianism.¹³³ Sharp's propaganda was leant credence by the Protesters themselves. Upon their arrival in London, they immediately began courting "godly" ministers and politicians, members of the military Court, the majority of whom were Independents and radical army officers. Wariston was soon on friendly terms with Fleetwood, Lambert and their clique of officers, many of whom were Anabaptists, while Gillespie seems to have spent much of his time with Independent ministers such as John Owen, Philip Nye, Nicholas Lockyer and Joseph Caryl and preaching wherever he was allowed or invited, usually in Independent churches. The majority of Presbyterian ministers, however, the Protesters dismissed as "carnall formall men."¹³⁴

The Debates before Cromwell

In early February 1657, Sharp and the Protesters were summoned to appear before

¹³¹*Consultations* i, 215-91, *passim*.

¹³²*Consultations* i, 348-9, 368; For more on Sharp's activities while in London, see J. Buckroyd, *The Life of James Sharp, Archbishop of St. Andrews, 1618-1679: A Political Biography* (Edinburgh, 1987), 24.

¹³³*Consultations* i, 287-90.

¹³⁴Wariston, *Diary 1655-60*, 58, 62-3; *Consultations* i, 349, 365; Baillie, *Letters and Journals* iii, 354-5; Cf. C.H. Firth (ed.), *The Clarke Papers* iii (4 vols., Camden Society, 1891-1901), 96.

Cromwell and a committee of ministers and politicians to present their respective cases.¹³⁵ From the outset, Sharp was placed on the defensive. The Protesters attempted to limit discussion to the issue of the present settlement of the kirk. Sharp, however, realizing that he would be placed at a disadvantage if the scope of their debates was so narrowed, argued that it was first necessary to discuss the rise and progress of the kirk's divisions, in order to give the Protector a clear understanding of their present differences. In the debates which followed, Sharp and the Protesters engaged in heated arguments over virtually every aspect of the kirk's divisions from the 1651 General Assembly to the more recent ministerial intrusion controversies. In all of these debates, the Protesters laboured to portray the Resolutioners as royalist malignants, who were enemies to the Cromwellian regime and persecutors of godly ministers, who had corrupted the national kirk. Sharp, on the other hand, argued that the Church of Scotland was a faithful, reformed church, which was being troubled by a small party of vicious malcontents. Cromwell became quite exasperated listening to the delegates' endless wrangling over past issues and on more than one occasion bid them to return to the "main bussines" of the kirk's settlement and whether or not an "extraordinary remedy" was needed to reform it. Sharp, however, refused to be drawn into a discussion on the subject. In the end, the Protector, wearied with the whole "tedious bussines", ended the conference by expressing his desire that "this bussines wer putt to some issue." He did, however, promise to call for the delegates again at a more convenient season. Despite the fact that the debates had proved inconclusive, both the Protesters and Sharp left the conference claiming victory and sent glowing reports of their advocacy back to Scotland.¹³⁶

¹³⁵Sharp's account of the ensuing debates can be found in *Consultations* i, 348-69, and ii, 5-18; For Wariston's account, see Wariston, *Diary 1655-60*, 57-66; Contemporary accounts based on second-hand reports can be found in Baillie, *Letters and Journals* iii, 353-74 and Row, *Life of Blair*, 330-34.

¹³⁶For Robert Traill's summation of the Protesters' report, see NLS Wodrow MS Quarto XXIX, no.78, ff.211r-211v.

The True Representation

After the February debates before Cromwell, the kirk's business was held in abeyance while the government grappled with the larger issue of the Humble Petition and Advice, the proposed new instrument of the Protector's government put forward by members of the civilian Court.¹³⁷ With the attention of the English turned elsewhere, Sharp resumed his behind the scenes lobbying. He also began to distribute copies of a new Resolutioner pamphlet entitled, *A True Representation of the Rise, Progresse, and State of the Present Divisions in the Church of Scotland*.¹³⁸ Unlike the earlier contributions to the factions' pamphlet warfare, this tract was written specifically for an English presbyterian audience. Consequently, the pamphlet's authors, James Wood and George Hutcheson, avoided the tedious arguments over minutiae which had made the majority of earlier tracts inaccessible to all but the most well informed on the kirk's affairs. Instead, they presented their version of the party's controversy in a pithy and eminently readable manner. The true genius of the tract, however, lay in the manner in which it represented the kirk's divisions. The Protesters were portrayed as a schismatic minority who had flouted the kirk's constitution and were now seeking to undermine the very foundations of presbyterian government and discipline by petitioning the government to erect extrajudicial committees. The Resolutioners, on the other hand, were represented as judicious and long-suffering defenders of the faith, who had done everything within their power to heal the kirk's schism. Indeed, the moderate tone which Wood and Hutcheson employed in writing the tract contributed to substantiating the Resolutioners' claims that the Protesters were a group of hot-headed radicals.¹³⁹

In retrospect, the Protesters' failure to respond to the True Representation proved to be one of their worst tactical blunders of the entire controversy. While a prompt response may not have won the English presbyterians over to their side, it would have at least opened a debate and possibly influenced some of them to be more sympathetic

¹³⁷The Humble Petition and Advice was presented to the Commons in its first form on 23 February: *Journals of the House of Commons* vii, 496.

¹³⁸*Consultations* ii, 23, 30, 36-8, 57, 61, 89, 122, 124.

¹³⁹Cf. Baillie, *Letters and Journals* iii, 354.

to the Protesters' cause. This is particularly true in light of the fact that many of the English presbyterians favoured a more moderate and less hierarchical system of presbyterian government, with less severe discipline and more liberty of conscience in non-essential matters;¹⁴⁰ a system, which in many ways, was inimical to the more "magisterial" view of presbyterianism held by the Resolutioners.¹⁴¹ As it was, however, the Protesters' silence was viewed by many Englishmen as a confirmation that the charges of anti-presbyterianism contained in the Representation were true. This cemented English presbyterian adherence to the Resolutioners. Even the Protesters' Independent associates were convinced that such charges were true. At one point, the Independent minister William Carter, told the eminent presbyterian Thomas Manton, that "the Remonstrators professed to be for Presbyterian Government as the Long Parliament was for the King."¹⁴²

This failure to react, on the Protesters' part, was due to a number of reasons. Firstly, they had no desire to court the English "Presbyterian malignant party". Those whom they considered "the godly in England", were the Independent ministers and their military allies. Secondly, the Protesters harboured an unfounded optimism that Cromwell would grant their desires. Closely linked with this optimism was the inordinate amount of faith which they placed in the party of officers with whom they had allied themselves. Unlike Sharp, there is no indication that they appreciated the significance of the shift which was occurring in the Protectorate from a military to a civilian regime, or the transfer of power to the civilian Court and their presbyterian allies which this shift entailed. Indeed, after reading the True Representation, Wariston believed that it would work for the Protesters' benefit, because, in it, the Resolutioners approved the treaty of Breda and the Public Resolutions.¹⁴³ While such an observation might have been true in years past, when fears of royalist malignancy were rife, it certainly was not in 1657. In fact, the clear statesman-like quality of the

¹⁴⁰James Sharp derisively termed these men "mongrell Presbyterians": *Consultations* ii, 50; For an interesting examination on the different shades of opinion existing within English "presbyterianism", see R.S. Paul, *The Assembly of the Lord: Politics and Religion in the Westminster Assembly and the 'Grand Debate'* (Edinburgh, 1985), 101-32.

¹⁴¹See *infra*, 250-52.

¹⁴²*Consultations* ii, 118.

¹⁴³Wariston, *Diary 1655-60*, 68-9.

Resolutioners' pamphlet and the plausible justifications which it gave for such actions, were such as could be appreciated by men of disparate opinion. Unbeknownst to the Protesters, this included the pragmatic Cromwell, who, by early 1657, was well aware that any stable settlement of the Scottish kirk would have to be one which was acceptable to the majority Resolutioner party. Finally, the third, and perhaps most important reason for the Protesters failure to respond to the True Representation, was an internal problem which had arisen during their stay in London.

The Protesters' Divisions in London

While Sharp was busy lobbying for the Resolutioners, the Protesters' delegation was engaged in heated internal disputes over the interpretation of their instructions. Their first argument was over the intended meaning of their controversial "third proposal" for the kirk's settlement.¹⁴⁴ After the controversy during their November 1656 meeting, the proposal had been amended so as to satisfy the entire party. This however, had left it somewhat non-specific, particularly concerning the composition of the proposed stipend committee. Guthrie now argued that the committee should be comprised only of Protesters. Gillespie and Wariston, however, appear to have favoured the original plan for a joint committee.¹⁴⁵ The most severe dissensions, however, took place between Wariston and Guthrie over the matter of accepting civil employment from the English. During his stay in London, Wariston had become increasingly preoccupied with the topic of "taking places" from the English, particularly the resumption of his place as Clerk Register. Guthrie watched these developments with grief and he and Wariston had frequent and violent disagreements on the subject. Guthrie maintained that the godly should not be taking places from "enemies and usurpers", at least not until the English provided Scotland with an acceptable civil and ecclesiastical settlement. Wariston, however, argued that it was acceptable to serve the English, as Ezra and Nehemiah had the Persians, in purging

¹⁴⁴*Supra*, 229-30.

¹⁴⁵*Consultations* i, 368, and ii, 28; Baillie, *Letters and Journals* iii, 352.

the ministry and magistracy and restoring the godly to the position they were in before the war.¹⁴⁶

On 25 February, Guthrie, Wariston and Gillespie met to discuss the situation. Guthrie advocated leaving matters as they stood and returning home to Scotland. Gillespie agreed, but wanted to leave someone in London to champion the Protesters' interests. In the end, however, no agreement could be reached, and, in Wariston's words, they "brak in peeces in heate and contest." The next day, Guthrie, believing that Wariston was succumbing to a dangerous temptation, pressed him to abstain from making any decision about civil employment until they returned to Scotland. Wariston responded by warning Guthrie that his refusal to relinquish a "bygon opinion" was as great a snare to him as he believed the "taking of places" to be for him.¹⁴⁷ In the months that followed, the division between the two men increased apace. Guthrie wrote to Samuel Rutherford and John Stirling warning them of Wariston's defection. Rutherford wrote back to Wariston urging him not to accept a position from the English and warning him that he would "wound" many of the godly if he continued on his course.¹⁴⁸ Wariston, while shaken by this admonition, remained unrepentant and began to spend an increasing amount of time commiserating with Gillespie over the opposition he was encountering from his former colleagues. Indeed, there was now little, if anything, separating the two former antagonists. By 7 June, Wariston's "political conversion" was complete and he recorded in his diary that he thought it "als lawful to tak places from him [Cromwell] as from King James." After all, he reasoned, was not Cromwell without the malignants better than Charles with them?¹⁴⁹ Guthrie was appalled and within a matter of days departed London in protest, leaving behind a paper full of sharp and bitter reflections on Wariston's hypocrisy.¹⁵⁰ The rift between the two men was never healed while their lives lasted. Wariston's new relationship with the English was consummated on 9 July, when he received the Clerk Register post from Cromwell.¹⁵¹ For the rest of the 1650s, he

¹⁴⁶Wariston, *Diary 1655-60*, 58-9.

¹⁴⁷Ibid, 67.

¹⁴⁸Ibid, 69.

¹⁴⁹Ibid, 91.

¹⁵⁰Ibid, 79; Baillie, *Letters and Journals* iii, 355-6.

¹⁵¹Wariston, *Diary 1655-60*, 90.

remained in the employ of the English government.

The Additional Petition and Advice

In April 1657, the contest between Sharp and the Protesters took a decidedly political turn when during the debates on the Humble Petition and Advice, the Protesters lobbied for change in the clauses which related to the eligibility of Scotsmen to vote and hold places of public trust. As it stood, the fourth and thirteenth articles of the Petition and Advice, which had been drawn up by Sharp's allies in the civilian Court, granted eligibility to all Scots who had lived peaceably under the government since March 1652, the month and year of the Tender of Incorporation.¹⁵² The Protesters realized that these clauses, if allowed to stand, would open the floodgates to malignants and Resolutioner-sympathizers and destroy any hopes which they had of establishing a godly magistracy in Scotland.¹⁵³ Accordingly, they submitted to Cromwell a paper of reasons why any who had participated in the 1648 Engagement, or advised, aided or abetted the invaders should be excluded from public office.¹⁵⁴ They warned that if such men were not excluded, the Scottish members of parliament, as well as Scottish local magistrates, would all be of "the malignant stamp". Cromwell received the Protesters' paper with approval and on 21 April, in a speech before the Committee of Ninety-nine, he called the proposed settlement of the Scottish franchise into question and promised to offer an amendment to the relevant clauses.¹⁵⁵ Encouraged by Cromwell's support, the Protesters and their military allies in the House put forward an amendment, or "Proviso", which prohibited all former Engagers and their malignant supporters from voting or holding public office unless they were named specifically by the Protector and his Council.¹⁵⁶

The contest which ensued in the House over this amendment, took place along the

¹⁵²*Journals of the House of Commons* vii, 499-501; For the text of these articles, see Gardiner, *Constitutional Documents*, 449-52, 456-7; Dow, *Cromwellian Scotland*, 208-9.

¹⁵³Wariston, *Diary 1655-60*, 72-3.

¹⁵⁴*Consultations* ii, 39-41.

¹⁵⁵Carlyle, *Cromwell's Letters and Speeches* v, 46-9.

¹⁵⁶*Consultations* ii, 41.

same lines as did the support or opposition to Cromwell assuming the crown. The military Court supported the Protesters' Proviso, while the civilian Court came to Sharp's aid in attempting to prevent its passage.¹⁵⁷ For the Scots, the stakes were high. For the Protesters, the Proviso's passage would be the fulfilment of their long cherished desire to purge malignants from the Scottish magistracy. Sharp, however, realized that it would result in the Resolutioners losing virtually all power in local politics. Both Sharp and the Protesters lobbied assiduously in the House, but in the end, it was the Protesters and their military allies who won the day. On 15 June, under Lambert's firm direction, the House passed the Proviso.¹⁵⁸ Wariston was jubilant and welcomed the vote as a direct repealing of the Public Resolutions and the re-establishment of the 1649 Act of Classes. He predicted that news of this victory would "com lyk unexpected thunder upon the Malignant partye in Scotland and much discourage the Public Resolutioners".¹⁵⁹ Unbeknownst to the Protesters, however, Sharp and his allies had yet to call it a day. Soon thereafter, they submitted their own Proviso, which would have allowed those currently holding public office and those of a "blameless and godly conversation" to retain their posts. In writing to the Edinburgh Resolutioners, Sharp predicted that, if passed, his Proviso would make the Protesters' amendment "a flim flam".¹⁶⁰ Once again, however, the Protesters' military allies came to their aid, and, with some difficulty, Lambert and his supporters were able to defeat Sharp's proposed amendment by a narrow margin.¹⁶¹ The next day, 26 June, Cromwell gave his consent to the Proviso as part of a group of amendments known as the Additional Petition and Advice.¹⁶²

¹⁵⁷For an interesting and in-depth analysis of the Scots' alignment with the military and civilian Courts during these proceedings, see E.D. Goldwater, "The Scottish Franchise: Lobbying during the Cromwellian Protectorate", *The Historical Journal* xxi (1978), 27-42.

¹⁵⁸*Journals of the House of Commons* vii, 557.

¹⁵⁹Wariston, *Diary 1655-60*, 82-4.

¹⁶⁰*Consultations* ii, 42-4.

¹⁶¹*Journals of the House of Commons* vii, 575.

¹⁶²Gardiner, *Constitutional Documents*, 459-64.

The Committee for the Settlement of the Kirk

Shortly after the debates surrounding the Additional Petition and Advice, Cromwell and the Council of State again turned their attention to the settlement of the Scottish kirk. On 14 July, after a prolonged debate, they appointed a fourteen man committee, led by the Independent minister John Owen, to hear Sharp and the Protesters and recommend a plan for settling and reuniting the kirk.¹⁶³ Sharp, however, placed no trust in a committee "whereof the *major pars* are Independents and the rest are mongrell Presbyterians." His first tactic, therefore, was to absent himself from the committee's meetings. The Protesters took this opportunity to submit to the committee their three proposals for the kirk's settlement. They called for (1) a stipend committee, appointed by the Protector, which would be required to act in accordance with the rules and acts of "uncontroverted" Assemblies and laws of the land before 1651. (2) Committees in every synod comprised of equal numbers from both factions to oversee planting and purging and to compose differences in presbyteries and congregations. (3). A similarly composed "general committee", comprised of delegates from every synod, with the authority to decide all synodical disputes. With James Guthrie now back in Scotland, they also took the opportunity to request that the Protector himself would intervene and effect a union between the factions according to the Protesters' November 1655 union "overtures".

At the second committee meeting, Sharp was required to appear and present the Resolutioners' case. He complied, but protested to the committee that he did not have a commission from the kirk's courts to negotiate a union. Sharp also expressed the Resolutioners' dissatisfaction with having an English committee mediate in what was rightly an internal kirk matter. When he received information that the committee had determined to approve the Protesters' proposals, he decided to submit two papers of his own, lest his silence be construed as complicity. In these papers, he accused the Protesters of slandering the godly ministers of Scotland in an attempt to have their own "extraordinary" and "tyrannical" form of Church government established. The

¹⁶³For the meetings which ensued, see *Consultations* ii, 49-100 and Wariston, *Diary 1655-60*, 91-100.

Resolutioners, he maintained, were willing to unite with Protesters, but not at the expense of the presbyterian government they had sworn to uphold. The Independents on the committee, however, were unimpressed with Sharp's arguments and forged ahead with approving the Protesters' proposals and making their recommendation to the Council of State. In a last desperate bid to prevent this, Sharp implored his allies on the civilian Court to come to his aid. He was not disappointed. Three of the presbyterian members of the committee, Thomas Manton, William Cooper and Lambert Godfrey wrote to the Council protesting the committee's recommendations.¹⁶⁴ In the Council itself, Broghill and Thurloe championed the Resolutioners' cause before the Protector. The timing of their intervention, proved extremely propitious. During the summer of 1657, the power and influence of the Protesters' supporters in the military Court had begun to wane. In mid-July, Lambert was removed from office after refusing to take the oath required by the new constitution. By the time the Council came to consider the committee's recommendations in late August, the Resolutioners' allies in the civilian Court had gained the ascendancy. In the end, Cromwell, unwilling to do anything which might displease his new allies, gave way to their desires. The committee's recommendations were rejected and it was decided that the Council would write a letter to the Scottish ministers, exhorting them to lay aside their differences and unite "for the work of reformation".¹⁶⁵

The Protesters and their military allies were not to be so easily defeated. On 9 September, during a meeting of the Council of State where Thurloe and the Sharp's other supporters were absent, Fleetwood and Colonel Sydenham attempted to push through an "additional instruction", which stipulated that in parishes where there was a division about the entry of a minister, the Council would give the stipend to the man who was certified to them by the triers named in the ordinance of 8 August 1654, better known as Gillespie's Charter.¹⁶⁶ While this would not have amounted to the establishment of the Charter, it would have returned the kirk to the condition it was

¹⁶⁴*Consultations* ii, 108-13.

¹⁶⁵*Ibid* ii, 107, 115.

¹⁶⁶*Ibid* ii, 117.

in during late 1654 and early 1655, before Broghill's arrival in Scotland. The Resolutioners' Court supporters were stunned by the sheer effrontery of the Protesters and one of them commented that they were like the mythological Hydra, "when one head is snapt of, they start up another."¹⁶⁷ Thurloe, however, was nonplussed and suggested to Sharp that a compromise solution might be reached wherein the triers would be comprised of equal numbers from both parties. Sharp refused to compromise, maintaining steadfastly that any circumvention of the kirk's courts was unacceptable to the Resolutioners. At his behest, his English allies in the Council stepped into the breach on the Resolutioners' behalf, one last time. After a "large debate" in Council, with Cromwell in attendance, it was decided to lay aside both the Council's letter to the ministers and the "additional instruction" and leave the Church of Scotland to work out its own differences. The Council, however, remitted the matter of stipends to a committee, thus leaving the door ajar for further English intervention. Notwithstanding, Thurloe assured Sharp the matter was concluded and that the Council would not alter the Resolutioners' agreement with Broghill.¹⁶⁸

Victory and Defeat

Soon after the Protesters' defeat, Wariston made preparations for his return to Scotland. Before leaving, he had a private meeting with Cromwell. The Protector informed him rather gruffly that although he believed the Protesters were "ever contending for the power of godlynesse" and the Resolutioners "for the forme", he thought their proposed settlement for the kirk could only widen the differences between the factions. He would not, Wariston was informed, override the Council's decision in the matter. Soon thereafter, Wariston left London a broken man, with all his hopes for the kirk's settlement shattered. He had regained his post of Clerk Register, but feared that the Lord had given it to him in judgment rather than

¹⁶⁷Ibid ii, 116.

¹⁶⁸Ibid ii, 117, 123-4.

blessing.¹⁶⁹ Gillespie, however, became severely ill and was forced to remain in London for a time. Robert Baillie reported that many of the Resolutioners thought it "the evident hand of God upon him, and would not have sorrowed for his death."¹⁷⁰ For the Protesters, however, matters went quickly from bad to worse. On the very day that Wariston took his leave of Cromwell, a letter arrived from General Monck in favour of the Resolutioners. It appears that at Gillespie's behest, the Glasgow Protesters had been trying to use the Proviso to the Humble Petition and Advice to prevent Resolutioners from running for office in the upcoming Glasgow Burgh elections. The commotion which this created in Glasgow, far from advancing the Protesters' cause, succeeded only in alienating Monck, who now viewed the Protesters as troublers of the public peace. At his instigation, with the support of the Resolutioners' allies in London, the English Council of State decided to drop the enforcement of the Proviso and relegated the entire matter to the Scottish Council of State.¹⁷¹ Neither the Protesters, nor their military allies, were able to do anything to prevent this. In December 1657, James Sharp returned home to the "hearty thanks" of his Resolutioner brethren.¹⁷² With the London negotiations over, Baillie breathed a guarded sigh of relief and reported to William Spang "The storme we were afraid for, by God's mercy, for a tyme is put by; but how soon it will waken again, we doe not know."¹⁷³

¹⁶⁹Wariston, *Diary 1655-60*, 98-101.

¹⁷⁰Baillie, *Letters and Journals* iii, 356.

¹⁷¹For a more detailed account of the controversy surrounding the Glasgow elections, see Goldwater, *Scottish Franchise*, 35-9 and McCoy, *Robert Baillie*, 195-9; The fullest account, however, used by neither Goldwater nor McCoy, can be found in NLS Wodrow MS Folio L, no.110, "A Brief Information of Mr. Patrick Gillespy, his proceedings against the Magistrates and Council of the burgh of Glasgow...", ff.112r-121v.

¹⁷²*Consultations* ii, 130; Baillie, *Letters and Journals* iii, 362.

¹⁷³*Ibid* iii, 355.

Chapter 5

The Kirk during the Last Years of the Interregnum January 1658 - Restoration

"A Declaration of the Brethren"

While the commissioners of the kirk were in London, little of moment transpired between the factions in Scotland.¹ In fact, virtually all hostilities ceased and an unofficial cease-fire was observed throughout the land, pending the outcome of the London negotiations.² With the return of the delegates, however, the factions resumed their polemical war with a renewed fury. In the autumn of 1657, the Protector had dismissed the delegates with the understanding that the kirk would attempt to reconcile its own divisions and reform itself from within. In their January 1658 conference, the Resolutioners took a step towards fulfilling this obligation when they appointed James Wood to draw up a new set of union overtures.³ In the spring of 1658, these overtures appeared in print under the provocative title, *A Declaration of the Brethren who are for the established Government and Judicatories of this Church...*⁴ Although this pamphlet was ostensibly meant to promote peace and unity, it was in fact, little more than a vitriolic polemic against the actions and designs of the Protesting delegates before and during the 1657 London debates. It was hoped that when the wider Protesting party learned the extent of the anti-presbyterian actions of Wariston and Gillespie, particularly after Guthrie's departure from London in June 1657, they would be willing to reunite with the Resolutioners in defence of the kirk's government.⁵ With this in mind, Wood was careful to make a sharp distinction between the Protesters' leaders, who had "driven so furiously" on a schismatic course and the Protesting rank and file, who had been kept largely in the dark concerning their

¹For a detailed examination of Scotland during the last years of English occupation, see Dow, *Cromwellian Scotland*, chapters 10-12.

²Baillie, *Letters and Journals* iii, 357.

³Ibid iii, 362.

⁴J. Wood, *A Declaration of the Brethren, who are for the established Government and Judicatories of this Church, Expressing their earnest desires of Union and Peace...* (Edinburgh, 1658).

⁵*Consultations* ii, 137-8.

leaders' true agenda.

The leaders of the Protesting party, the pamphlet charged, had begun their schism in 1650-1 over a matter extrinsic to the kirk's doctrine, worship and government. They had then engaged in a sustained campaign of slander and misrepresentation against the national kirk in an attempt to render it odious in the eyes of the world and increase their faction's power and influence. When the reason for their initial separation had been rendered extraneous by the defeat of the Scots at Worcester, these men had devised new quarrels in order to keep the schism alive. In their quest for power, the Protesters' leaders had thought nothing of pursuing a course destructive to the presbyterian government of the kirk. They had branded all presbyteries and synods who did not conform to their principles as corrupt; planted and purged congregations in a tumultuous and disorderly way and counteracted the resolutions and determinations of church courts whenever they were displeased with them. Some of them had even gone so far as to attempt to procure an order from the English which would have stripped presbyteries of their authority to admit ministers to stipends and transferred that power to "some select persons of their own choosing." For a time it was believed that these more blatant anti-presbyterian undertakings were the work of a few men in their party, "more forward and violent than the rest." The November 1655 union conference, however, had shown that these actions were agreeable to the principles of all the party's "prime leaders". During these meetings, they had refused to reunite with their brethren unless the authority of the kirk's courts was given to an extra-judicial committee of equal numbers. Whatever doubts may have remained about the true intentions of these men were cleared up, when, during the debates at London, they had attempted to bring about the "utter ruin" of the kirk by petitioning the English to establish a committee for the disposing of stipends. This, the Resolutioners declared,

we look upon as setting up a new Ecclesiasticall jurisdiction, and a plant which is not of God's planting, and not only suspending the established Church government *sine die*, but totally subverting it to make way for the projecters their domination in the Church and over their Brethren.⁶

⁶Wood, *A Declaration of the Brethren*, 6.

After providing this thumb-nail sketch of the Protesters' schismatic and anti-presbyterian activities, the Resolutioners turned their attention to the matter of union. They offered to "burie in oblivion" all former "injuries" on the condition that the Protesters would agree to join with them in upholding the kirk's established government and constitution. Concerning "things controverted", each side would agree to differ in judgement. The final determination of all these matters, however, would be left to the next General Assembly. The Resolutioners offered further, that all acts passed by the 1651 and 1652 General Assemblies which barred Protesters from entrance to the ministry would be made null and void by the next General Assembly, and that in the mean time they would not be put into practice. If they agreed to these terms, those who had been deposed by the 1651 Assembly would have their censures taken off by the next Assembly. As for the purging of the ministry, the Protesters were invited to draw up the "strictest rules" possible for the trial and censure of ministers who were suspected of scandal and insufficiency. The Resolutioners pledged to adhere to these rules, providing only that all ministers, from both parties, would be judged by the same standard. The pamphlet closed with a plea for those Protesters who had been misled by "the specious pretexts" of their leaders, to join again with main body of believers in upholding Christ's interests and healing the wounds of their mother kirk.

In many respects, these union overtures represented a climb-down by the Resolutioners from their former, more rigid position. Unlike the November 1655 union negotiations, their promises to nullify the offensive acts of the 1651 and 1652 Assemblies and to remove the censures from Gillespie, Guthrie and Simpson, were completely unqualified. The invitation for the Protesters to decide the kirk's policy on purging was also unprecedented. If these overtures had been tabled by themselves, without the declamatory preamble, they might have gone a long way towards healing the schism. Indeed, during the 1655 union conference, Gillespie and his western colleagues had been willing to come to terms for more modest concessions than these.⁷ As it was, however, nothing could placate the ire of the leading Protesters at being branded schismatics and subverters of presbyterian government. They believed

⁷*Supra*, 220-23.

that to accept these terms of union, after such a vicious attack on their persons and principles, would be tantamount to admitting the truth of the Resolutioners' charges and accepting full guilt for the kirk's divisions. Consequently, when these overtures were officially proffered to the Protesters by the Resolutioner-controlled presbyteries in the summer of 1658, they received a less than warm welcome.⁸ Guthrie and the Protesting presbytery of Stirling were outraged and sent a paper to the Resolutioner presbytery in which they condemned them for posing as the true presbytery, denied the charges laid at their door and rejected the union overtures out of hand.⁹ Similar papers were issued by the Protesters in the presbytery of Perth and the synod of Lothian.¹⁰ The Protesters in the synod of Glasgow-Ayr, however, did not even dignify the overtures with an answer.

Samuel Rutherford versus Robert Baillie

By an unhappy coincidence, the issue of the Resolutioners' *Declaration of the Brethren* coincided with the publication in London of Samuel Rutherford's *Survey of Hooker*.¹¹ The main body of this work was little more than a reiteration of the critique of Independency which Rutherford had presented during the 1640s in his *Peaceable and Temperate Plea* and the *Due Right of Presbyteries*. The preface, however, contained a bitter and controversial attack on the Resolutioners. In it, Rutherford charged the Resolutioners, *inter alia*, with taking known malignants into the Covenant, persecuting the godly, tolerating unfit ministers and allowing scandalous

⁸*Consultations* ii, 138-40.

⁹NLS Wodrow MS Folio XXXI, no.60, "The answer of Mr James Guthrie, Mr James Symson and Mr Thomas Hog, ministers of the Gospell unto the offer of unione latly tendered unto them by some brethren upon the termes of a paper bearing the title of A Declaration of the [Brethren]", 149r-149v.

¹⁰NLS Wodrow MS Folio XXVII, no.19, "The humble remonstrance and desire of Mr Johne Murray and Mr Johne Crookshank, Ministers of the Gospell unto their brethren of the presbyterie of Perth", f.56r; NLS Wodrow Folio XXXI, no.56, "Draft of act by synod of Lothian anent declaration and queries by brethren that differ from them", ff.142r-142v.

¹¹S. Rutherford, *A Survey of the Survey of that Summe of Church Discipline penned by Mr. Thomas Hooker...* (London, 1658); The *Survey* had been in the printer's hands since late 1655, but had not been published for various reasons. Rutherford probably wrote the preface in late 1656 on the eve of the London debates: see Baillie. *Letters and Journals* iii, 303; *Consultations* i, 231, and Wariston, *Diary 1655-60*, xxxiv and note.

and ignorant people to come to the Lord's table. His most important attack, however, was focused on the Resolutioners' misuse and perversion of presbyterian church government. The Resolutioner-controlled church courts, Rutherford charged, were requiring the Protesters to render implicit obedience to unjust acts and sentences. To require such an absolute and unlimited obedience, he maintained, was "tryanicall and popish" in nature. Moreover, to make such subordination a prerequisite of presbyterian government was to expand the powers of church courts to that of a "Popish Council". "No authority of a Judicature" he warned, "can make that to be the Word of God, and obedience to God." The Edinburgh Resolutioners, believing that Rutherford's charges struck at the very root of divine-right presbyterianism, responded by directing their university professors to carefully consider the preface and return to them their observations and criticisms.¹²

Of those professors who responded to this directive, only Robert Baillie's answer survives.¹³ Baillie argued that Rutherford's reflections on what constituted a lawful subordination to church courts was a "new started question", which threatened to undermine the very foundations of presbyterian government. The only subordination which the Resolutioners required was that which all Scots presbyterians, including Rutherford himself, had advocated since the reformation of 1638. In contradistinction, the type of limited subordination which Rutherford was now advancing was a new and dangerous innovation, contrary to the constant practice of all the reformed churches. Such a doctrine, he warned, could only lead to anarchy, confusion and the spread of every type of error and heresy. Indeed, it "cut the sinews of all government" and made "every erroneous person the supreme judge on earth to himself of all questions, without any subjection to any power." As such, it was more akin to Independency than presbyterianism. If the Protesters persisted in holding such a position, Baillie ridiculed, they might be able to submit to "a presbyterie in Utopia", but they would never be able to submit to "the Presbyteries of Scotland". Closely related to this error, Baillie argued, was the Protesters erroneous views on church discipline. Rutherford had

¹²*Consultations* ii, 140.

¹³For Baillie's "Animadversions" on Rutherford's preface, see Baillie, *Letters and Journals* iii, 375-81.

charged the Resolutioners with taking known malignants into the Covenant. What was this, but a repetition of the error of the "Novations and Donatists", who had refused to take back into church fellowship those who had compromised or fallen away during times of persecution. Rutherford had also charged the Resolutioners with promoting an ungodly ministry and admitting scandalous people to the Lord's table. To publish such accusations, Baillie maintained, was "strengthening the arme of calumniating Sectaries, whose professed aime long has been the dissolution of all standing congregations in the Reformed churches, that a new gathering of churches in their way may be set a foot." But perhaps such things were to be expected from a party whose leaders were "intimate familiars" with "Independents, Anabaptists and Erastians" and who had spent an entire year in London seeking to overthrow the kirk's government and replace it with "tyrannick jurisdiction" of their own devising.

Although Baillie did not come right out and state it, his position was nevertheless clear. Rutherford and the Protesters were no longer true presbyterians, but had apostatized into some form of erastian, neo-Independency. Their refusal to submit to the kirk's courts was a *de facto* rejection of presbyterial subordination and their stringent requirements for church fellowship and communion was a denial of the reformed view of a mixed national church. Admittedly, Baillie's interpretation of the Protesters' position seems entirely valid. Indeed, it is particularly convincing when the matter is viewed only from the Resolutioners' perspective. In this century W.L. Mathieson, and more recently, Gordon Donaldson, David Stevenson and John Coffey have all largely accepted this interpretation of the Protesters' actions.¹⁴ Stevenson has argued, that the Protesters, spurred on by developments in federal theology, virtually abandoned their concept of a "visible church", comprised of both the saints and sinners and attempted to set up an exclusive Church, the closest approximation they could achieve on earth of the "invisible church" of the elect.¹⁵ He has argued further that the Protesters' refusal to accept that it was no longer possible to exclude the ungodly

¹⁴G. Donaldson, "The emergence of schism in seventeenth-century Scotland", in his *Scottish Church History* (Edinburgh, 1985), 215-18; Stevenson, *Revolution and Counter-Revolution*, 228; Coffey, *Samuel Rutherford*, 219-24.

¹⁵Stevenson, "The Radical Party in the Kirk", 164-5.

from power, drove them into a "sectarian position".¹⁶ Concerning the Protesters' refusal to submit to church courts, Mathieson maintained that the Protesters "revolted against a system of ecclesiastical government which they still asserted to be divine".¹⁷ Coffey, while employing more circumspect language, maintains essentially the same position as Stevenson and Mathieson. He asserts that Rutherford's desire for ecclesiastical purity led him (and by implication, the Protesters) into a "deeply exclusive" and "almost schismatic" position in the 1650s; a position which led him to undermine, in practice if not in theory, the very system of presbyterian government which he championed in the 1640s.¹⁸

Such assertions, while containing elements of truth, are far from the full picture. While it is correct, as both Stevenson and Coffey have pointed out, that there was a tension in the Protesters' thought between the concept of the church as a gathering of the godly and the concept of the church as national institution, this never led them to question their view of the church as a mixed multitude, let alone deny subordination to church courts. Of a truth, they wanted the ministry purged and more stringent criteria for admission to the Lord's table, but such requirements hardly amount to sectarianism. The real reason for the Protesters' refusal to obey the acts and sentences of Resolutioner-controlled courts was a fundamental difference of opinion between the factions on the nature and function of presbyterian government. Contrary to what Baillie alleged, Rutherford's objections to church courts requiring absolute obedience was not a "new started question", but one which had its origins in the debates on ecclesiastical government during the 1640s. During this period, the radical and moderate ministers had papered over many of their differences in order to present a united front against their common opponents. Importantly, some of these differences concerned the nature of subordination to, and the authority of, church courts.

For example, during the Westminster Assembly's debates on the rights and power of local congregations, the radical commissioners, Gillespie and Rutherford, submitted a paper recommending that more power in matters of church government and censures

¹⁶Stevenson, *Revolution and Counter-Revolution*, 228, 230.

¹⁷Quoted in Donaldson, "Emergence of Schism", 215.

¹⁸Coffey, *Samuel Rutherford*, 189.

be given to local elderships, rather than presbyteries. When news of this reached the moderates in Scotland, David Calderwood wrote to the commissioners warning that such a transfer of power from classical presbyteries constituted "a great stepp to Independencie". The moderate commissioners, Robert Baillie and Alexander Henderson, both agreed with Calderwood on this matter.¹⁹ During the same series of debates, the radical commissioners were also extremely forward in supporting the Independents in opposing a system of rigidly fixed local congregations and in supporting the rights of particular congregations in the election of ministers.²⁰ While in themselves, these appear to be minor issues, they in fact, belie a deeper division between the moderate and radical wings of the kirk over the nature of presbyterian government. The radicals placed more emphasis on the authority of local congregations, believing that the authority of all church courts was derived from the ground up. The moderates, on the other hand, placed more emphasis on the hierarchical nature of presbyterianism, particularly the duty of inferior courts to submit to their superiors. It was this long dormant and unresolved tension between what has been termed the "ministerial" and the "magisterial" nature of presbyterian government, now awakened, which was to dominate the factions' polemical struggle for the remainder of the 1650s.

"Protesters no Subverters"

James Guthrie and his colleagues were well aware that the activities of Wariston and Gillespie during the London debates of 1657 had led to the Protesters being viewed, both at home and in England, as little more than Independents in presbyterian

¹⁹G. Gillespie, *Notes of Debates and Proceedings of the Assembly of Divines and other Commissioners at Westminster. February 1644 to January 1645* (Edinburgh, 1846), 56; Baillie, *Letters and Journals* ii, 182; W.R. Spear, "Covenanted uniformity in religion: the influence of the Scottish commissioners upon the ecclesiology of the Westminster Assembly" (University of Pittsburgh, Ph.D. thesis, 1976), 249-50; R.S. Paul, *The Assembly of the Lord: Politics and Religion in the Westminster Assembly and the "Grand Debate"* (Edinburgh, 1985), 342-3.

²⁰For more on the ecclesiological differences between the Scots commissioners, see Spear, "Covenanted uniformity", 214-17.

garb. With the publication of the *Declaration of the Brethren* and the appearance of Baillie's "Animadversions", they realized that such charges could no longer go unanswered. Accordingly, in September 1658, they published a full defence of the Protesters' actions during the period from 1651 to 1657 in a forceful and lengthy pamphlet entitled *Protesters no Subverters and Presbyterie no Papacie*.²¹ The arguments which Guthrie and his colleagues employed in this pamphlet are crucial to understanding the rationale behind the Protesters' disregard of the juridical power of Resolutioner-controlled church courts, as well as their other highly controversial proceedings subsequent to 1653; including purging, planting, the intrusion of ministers into congregations and the various attempts to establish erastian and extra-judicial committees to oversee the affairs of the kirk. In addition, this pamphlet gives invaluable and fascinating insight into the Protesters' understanding of the nature of presbyterianism and what they believed to be the erroneous views of church government held by the Resolutioners. Indeed, in many ways this pamphlet stands as the Protesters' definitive statement on the entire controversy. Because of this, particular attention will be given to examining the specific lines of reasoning and argumentation which the Protesters employed.

Guthrie and his colleagues opened the pamphlet by informing the public that they should not be surprised that the Protesters had not responded to the Resolutioners' *Declaration of the Brethren* previously. Although in the title page of this paper they had expressed their desire for peace and union, this was but a pretext. The paper was, in fact, little more than a repetition of the same calumnies and gross misrepresentations contained in the so-called *True Representation*, "a little more closely knit, and published to the world in a new dresse". At the time, the only answer such bitter pamphlets deserved was "deep silence and just contempt". Now, however, it was imperative to recall the Resolutioners to a right understanding of the controversy and the true spirit of their brethren Protesters. After setting the record straight, Guthrie and his colleagues launched immediately into what the Protesters considered to be the crux

²¹*Protesters no Subverters and Presbyterie no Papacie; Or, A Vindication of the Protesting Brethren, and the Government of the Kirk of Scotland, from the Aspersions unjustly cast upon them...* (Edinburgh, 1658).

of the controversy between the parties. The Resolutioners' position in their last two papers, it was charged, amounted to an assertion that an absolute and unlimited submission to the sentences of church courts belonged to the "being and essence" of presbyterian government. Far from the "sweet and gentle yoke of Jesus Christ", as delivered in the Scripture, such a view of church government was something "popish, prelatical and tyrannical" in nature. This, however, was not surprising, since it was well known that many of their number still retained their "old love to the prelatical way". In contradistinction, the true end of church government, as appointed by Jesus Christ and upheld by the Protesters, was "the edifying and building of His Body in those things that pertain to life and godliness". It was therefore the Resolutioners and not the Protesters who were guilty of subverting the government of the kirk.

After setting forth what they considered to be the pith of the controversy, Guthrie and his colleagues turned their attention to refuting the particular charges of anti-presbyterianism levelled against them in the Resolutioners' last two pamphlets. They rejected the charge that they had subverted the kirk's government by repeatedly declining the authority of the General Assembly. Their protestations, it was maintained, had not in any way attacked the kirk's constitution, only the Resolutioners' abuse of it. There was a distinction between "the Government of the Church, and the male-administrations and Corruptions of the Church Governors." It was, in fact, the Protesters high regard for the kirk's constitution which had led them to testify against the Resolutioners' perversion of it. The charge that the Protesters had planted ministers in congregations in "a tumultuous and disorderly way" was refuted with equal force. It was the Resolutioners who had "brought in" the malignant party in 1651. They had also passed acts preventing able and godly young men from entering the ministry and taken pains to ensure that their own, often ungodly candidates, were planted in their place. Numerous examples were then cited, from the synod of Glasgow-Ayr, wherein the Resolutioners had, in flagrant disregard of the synod's directives, separated and formed their own minority presbyteries when they had failed to intrude their candidates into the ministry. Those who presumed to teach others about submission to church courts, it was warned, should first teach themselves.

Although the Protesters admitted that they themselves had used somewhat

unorthodox methods in planting ministers, they justified this by maintaining that drastic measures were necessary in order to purge the kirk of its many malignant and scandalous ministers. Far from being an attempt to undermine presbyterian government, however, they had used such methods in an attempt to save it. The Protesters argued,

what wonder were it though the gaining or preserving of that which is more excellent and necessary, and for avoiding of a greater evil, should sometimes and in some cases, perswade unto a sinless preterition of some things, otherwise fit to be observed in the course of formality and order.²²

Nor were such irregular practices without precedent. In 1649, the General Assembly, deeming the presbyteries and synods incompetent to purge themselves of corrupt officers, had appointed extraordinary commissions of visitation, comprised of the most zealous and godly ministers, to visit the kirk's courts and purge out malignant ministers. Unfortunately, the work of these commissions had never been completed due to the war with the English. Since then, the zeal of the leading Resolutioners had cooled; so much so, in fact, that they had joined with the very malignants whom they had sought to purge. What a strange turn of events it was, the Protesters noted, that these "haters of Godliness" and of "the work of Reformation", men to whom the discipline and government of the kirk was "hatefull and odious", should now have as their common plea "The Kirk of *Scotland*, and the General Assembly, and the Presbyterie, and the Synod". Stranger still, was the fact that they did this with the support of the Resolutioners. The simple fact, the Protesters continued, was that these men still needed to be purged from the kirk. There was a difference, however, between a "sound, healthful, growing and reforming church" and an "unsound, sickly, decaying declining church". If the church was healthy, there would be no need of extra-judicial committees for purging and planting. The kirk, however, was so distempered, that such drastic measures were needed for its reform. This was not, as the Resolutioners alleged, a subversion of presbyterian government - it was its salvation. When the kirk was sufficiently reformed, then and only then, could it return to its normal order of governance by presbyteries and synods.

²²*Protesters no Subverters*, 22.

In order to defend the Protesters' position more fully, Guthrie and his colleagues undertook to give the Resolutioners a detailed explanation of the true nature of presbyterian government. There was, they argued, a difference between the "essentials" and "circumstantials" of presbyterianism. The former were of divine, "Scriptural institution", and therefore, unalterable. The latter, however, were of "human institution", and as such were to be regulated according to the "great end of edification". Such circumstantials could be altered accordingly as they did or did not contribute to that end. The error of the Resolutioners, in complaining that the Protesters' irregular practices were disorderly and destructive to presbyterian government, was that they had misconstrued the true nature of presbyterianism and mistaken circumstantials for essentials. For example, the injunction that a minister was to be ordained by a plurality of elders was of scriptural and divine institution. However, that he was to be ordained by such and such a number, officiating within specific boundaries, the Scriptures did not determine. Therefore, if a majority in a presbytery conspired to keep a godly man out office, despite the fact that he was called lawfully by the congregation, it was not a breach of the government of "essentials" for the man to receive ordination and admission by another presbytery. In fact, such a method was necessary when conspiracies were prevalent and there was no competent superior court to provide a remedy. The Protesters were therefore entirely justified in crossing presbyterial boundaries in order to plant godly men in vacant kirks. Similarly, it was lawful to use extra-judicial committees to purge and plant church courts and dispose stipends as long as such committees did not violate the essentials of presbyterian government. If the Resolutioners were to read again the Protesters' three proposals, they would find that the committees which they had called for all conformed to this criterion. They were to be staffed by duly called and qualified members of the respective synods; their authority was to be derived from and subject to these synods and they were not to proceed by any rule except the Word of God and the acts of uncontroverted Assemblies.

This distinction between the essentials and circumstantials of presbyterian government also applied to the doctrine of subordination to church courts. It was not an essential of presbyterian government, the Protesters argued, for men to submit to

the judgments and sentences of church courts when they believed them to be unlawful. Authority and submission were "co-relatives". The authority of the superior court could not subsist without the submission of the inferior. The Resolutioner-controlled courts, therefore, did not possess an unlimited or tyrannical power which obliged their inferiors to submit to their dictates, regardless of their lawfulness. On the contrary, all true ecclesiastical authority was derived from and bounded by the Word of God. Subjection to church courts was to be "in the Lord only." For the Resolutioners, therefore, to charge that this type of limited submission reduced the power of church courts to that of mere consultative meetings, was entirely fallacious. If the determinations of their courts were in accordance with Scripture, as they should be, their brethren would be bound by the "positive Law of God" to obey them. This truth also gave the lie to the Resolutioners' contention that unlimited submission was essential to the government, unity and order of the church. This, the Protesters, maintained, was the very argument employed by the advocates of "the See of Rome", when they pleaded for the pope's visible headship, irrefragable authority and jurisdiction over the church. Indeed, it was the same argument which had been used by the prelates prior to the late reformation. If the Resolutioners would remember, the entire kirk had resisted such authority, in 1638, on the grounds that no obedience or subjection was due to ecclesiastical laws that were unjust and contrary to the Word of God. Would the Resolutioners now seek to enslave both God's holy Word and the consciences of men by requiring blind obedience to their dictates? Would they, for the sake of unity so-called, destroy Christian liberty and bring in a popish and prelatical tyranny? Although such implicit submission might heal the kirk's divisions, it would be at the expense of truth and a good conscience.

The Protesters argued further that their view of limited and conditional submission was not, as the Resolutioners claimed, "a new started question". In order to prove this, they cited a number of presbyterian authorities, including the Scots Confession of 1560, which in its section on the authority and power of General Councils, stated that men were not to receive the determinations of Councils, without "just examination", because in the past, Councils had "mainfestlie erred" in matters of great weight and importance. "Councils", the Confession went on to explain, were only to

be obeyed,

So far as the Council proveth the Determination and Commandment that it giveth by the plain Word of God, so soon do we reverence and imbrace the same: But if men, under the name of the Council, pretend to forge unto us new Articles of our Faith, or to make constitutions repugning to the Word of God, then utterly we must refuse the same, as the doctrine of devils, which draweth our souls from the voice of our only God, to follow the doctrines and constitutions of men.²³

"Church power", the Protesters went on to maintain, is not a "Lordly and Magisterial-power", but a "Lowly and Ministerial power"; not an "absolute and Autocratorick", but a "limited and Hyperetick power". Accordingly, all church decrees and sentences were *regulae regulatae*, rules that are subordinated, "and do not binde but in the Lord". Therefore, when church courts erred and declined from the truth, they did so without authority from Jesus Christ, who had given them their power only for edification and not destruction. Unfortunately, church history was replete with examples of courts declining from the "straight ways" of the Lord and enacting unrighteous decrees, while boasting simultaneously of the authority given to them by God. It was, therefore, the positive duty of every church member and every inferior court to examine and prove everything enjoined by higher courts. If after an impartial and diligent search, they found their decrees at variance with the Word of God, they were not to allow their consciences to be brought into bondage by coercion. This, is precisely what the Protesters had done; nothing more or nothing less. They had decided to obey God rather than men and submit to church courts only in so far as their judgments were sound and lawful.

The Resolutioners' doctrinal error and distorted view of presbyterial subordination, the Protesters argued, had also led to the perversion of their views concerning the nature of the power of church courts. In a doctrinal division taken directly from the late radical leader, George Gillespie, the Protesters maintained that the power which Christ gave to church courts was threefold: "*Dogmatick, Diatactick and Critick.*"²⁴

²³Ibid, 50-1; *The Scots Confession of 1560*, article xx.

²⁴For an in-depth examination of George Gillespie's views on the nature and elements of the power of church courts, see W.D.J. McKay, *An Ecclesiastical Republic: Church Government in the Writings of George Gillespie* (Edinburgh, 1997), 84-96.

It was *dogmatick*, in matters of faith and rules of worship which God had prescribed in his Word; *diatactick*, in reference to external order and policy in matters not determined in Scripture and *critick*, in regard to ecclesiastical discipline. All three of these powers were to be exercised in unison and circumscribed within the bounds of God's Word, the common denominator being that they were to be used for edification and not for destruction. The error of the Resolutioner-controlled courts was that they had given a place of preeminence to their *critick* power. If, as all agreed, submission was not due to unjust and corrupt decrees proceeding from the *dogmatick* or *diatactick* power, how was it that unlimited submission was due to an unjust sentence proceeding from the *critick* power? Was *critick* power binding according to the arbitrary will of men, while *dogmatick* and *diatactick* power were binding only when agreeable to the Word of God? Could it be, asked the Protesters, that the Resolutioners considered *critick* power to be more binding than their other powers? Moreover, a fundamental error in a court's use of *critick* power was usually indicative of deeper error in its *dogmatick* and *diatactick* decrees. This was the case with the Resolutioners. In 1650 they had declared, by virtue of their *diatactick* power, that it was lawful for a great company of wicked men and "sons of Belial" to be allowed into a "Christian Army and Covenanted Nation". They had then, in the 1651 General Assembly, used their *dogmatick* power to approve and ratify this doctrine. Finally, they had employed their *critick* power to ordain that all who opposed their decision in this matter, be proceeded against with the censures of the kirk. Such a misuse of power by church courts, the Protesters maintained, was inexcusable. *Critick* power exercised independently of *dogmatick* and *diatactick* power was unjust, just as *critick* power based upon a wrong exercise of *Dogmatick* or *Diatactick* power was unjust. As far as the Protesters were concerned, the Resolutioners were guilty on both counts.

The Resolutioners' erroneous views of church government, the Protesters continued, had also led them to depreciate the power of inferior church courts. To make this point the Protesters posed what they believed to be a pivotal question. Were the inferior church courts subordinate to the greater because they had no intrinsic power of their own? If this was so, as the Resolutioners alleged, this would mean that congregational elderships, presbyteries and synods must act in the name and by virtue

of the authority of the General Assembly, just as civil courts had no intrinsic authority in themselves, except in subordination to the supreme civil magistrate. This, however, was not the case. Inferior courts, as bodies ordained by Jesus Christ, received their authority directly from Him. They therefore had no responsibility to submit to the sentences of higher courts when they were clearly against His will. For example, the Protesters argued, if an inferior court deposed, in a disorderly manner, a heterodox minister and the synod or General Assembly upheld his unjust appeal, the inferior court was not obliged to take him back into membership. In the same way, an inferior court, who had with proper procedure admitted an orthodox minister, was not bound to remove him if he was deposed unjustly by a synod or General Assembly. The power of higher courts, the Protesters maintained,

is not corruptive, privative, or destructive to the power of Classical Presbyteries or single Congregations, but perfective, accumulative, and conservative thereunto.²⁵

In contradistinction, the type of church government which the Resolutioners were advocating was hierarchical in nature and stripped lower courts of their just rights. Such despotism, the Protesters warned, left the kirk destitute of all ecclesiastical remedies "in the case of a general defection" and paved the way for the ruin of religion and the oppression of the godly. It was, in fact, identical to the tyranny which had been imposed by the malignants prior to 1638. They too, had required their inferiors, both courts and private men, to yield subjection to their sinful and arbitrary dictates without gainsaying or counteracting them. It was against such "state tyranny" that the country had taken up "defensive arms"; an act which all sober men acknowledged to be a lawful means of preserving the nation's liberty. Should the godly now sit by idly and allow the Resolutioners to introduce a similar "kirk tyranny? This, the Protesters insisted, they would never do.

The Protesters closed the pamphlet by anticipating what they believed would be one of the Resolutioners' main rejoinders to their argument: that there was no hazard in submitting to their authority because the Kirk of Scotland was sound in doctrine, worship, discipline and government. Such an assertion, the Protesters maintained, in

²⁵*Protesters no Subverters*, 108.

addition to being a manifest untruth, was a clear evasion of issues in dispute. Before the rift between the parties could be healed, the Resolutioners first had to answer a number of key questions about the nature of presbyterian government. Could such submission as they required be denied to church courts that are unsound? If so, what degree of corruption was to be allowed in church courts before such submission could be denied them lawfully? If courts were unsound in certain points, was submission to be granted them on the basis that they were not wholly in error? Where exactly did the Resolutioners believe that the line was to be drawn? Until such matters were cleared up, the Protesters would continue to submit to church courts only in so far as they were "sound", and to their determinations and sentences, only in so far as they were lawful. This, they maintained, was the essence of presbyterial subordination as received in all the reformed churches and delineated by a host of former presbyterian divines. Although Guthrie and his colleagues did not propose any specific terms of union in this pamphlet, soon thereafter, they submitted a new set of union overtures to the synod of Perth. In addition to their former conditions for union, including bipartisan synodical committees for purging and planting, they required the synod to pass an act stating that the submission which was due from ministers and members to the sentences and censures of church courts was to be "only in the Lord"; i.e. determinations that were "just and equitable in themselves and agreeable to the rule of the Word."²⁶

"A Review and Examination"

As could be expected, *Protesters no Subverters* shook the Resolutioners as no other previous pamphlet. Realizing the damage that such a devastating critique could do to their cause, they wasted no time in responding. In late September 1658, the presbytery of Edinburgh passed a declaration against the pamphlet, condemning it for the "many

²⁶NLS Wodrow MS Folio XXVII, no.18, "The Desyres of the Brethren of the Protesting judgment in the Synod of Perth undersubryving unto the Moderator and Remanent members of the Synod, October 1658", ff.54r-55r.

untruths and grosse misrepresentations" which it contained and charging that it "cut the sinues of the divine right of Presbyteriall Government."²⁷ Soon thereafter, in October, correspondents from the various Resolutioner-controlled presbyteries met in Edinburgh to consult on preparing an answer. After a week of in-depth discussion and consultation on how the Protesters argument should be answered, they appointed their leading polemicists, George Hutcheson and James Wood, to draft a reply. The sizable pamphlet which they produced was approved in November and published in early 1659 under the title, *A Review and Examination of Protesters no Subverters*.²⁸ The majority of this pamphlet was comprised of a point by point refutation of what they believed to be the Protesters' aberrant and dangerous views on church government. However, as in the *Declaration of the Brethren*, the Resolutioners were at pains to make a distinction between the leading Protesters and those who followed their example; the former were portrayed as a few, disgruntled extremists who had apostatized from presbyterianism and were now seeking its destruction, while the latter were invited again to repent of their association with these men and rejoin with the national kirk.

The leading Protesters, Wood and Hutcheson maintained, were among the most turbulent and seditious men who had ever existed within the communion of a reformed church. As such, they were a danger, not only to the Kirk of Scotland, but to the entire reformed community. They had, it was charged, through their refusal to submit to lawful ecclesiastical authority, "opened a door to all confusion" and set a dangerous example, which, it was feared, would "teach others to decline all Church-judicatories as often as they please." It was therefore necessary to provide both a detailed refutation of the erroneous arguments which they used to justify their pernicious practices and a defence of the true nature of presbyterian government. The first matter dealt with was the Protesters' attempt to vindicate their "tumultuous and disorderly" manner of planting men in local congregations. The Protesters' plea that such irregularities were "a sinlesse preterition of some things" for the "gaining or preserving of that which is more excellent", the Resolutioners condemned as "very

²⁷*Consultations* ii, 143-6.

²⁸*Ibid* ii, 141-3, 146-7; Baillie, *Letters and Journals* iii, 387; G. Hutcheson and J. Wood, *A Review and Examination of a Pamphlet lately published, bearing the title of Protesters no Subverters...* (Edinburgh, 1659).

strange Divinity". Stranger still, however, was their contention that it was not a breach of the essentials of presbyterian government for a minister to receive ordination from a neighbouring presbytery or group of presbyters. This, the Resolutioners declared, was an entirely new doctrine, never before heard of in the kirk. Scripture, they argued, gave the power of ordination to lawful, local presbyteries alone and never to an outside presbytery or random gathering of presbyters. Indeed, George Gillespie, whom the Protesters were so fond of quoting to support their views, in his *Assertion of the Government of the Church of Scotland*, had rejected the concept of a presbytery being a group of ministers gathered together without virtue of any legal bond or association.²⁹ Moreover, the *Second Book of Discipline*, which the Protesters professed to adhere to, restricted the authority of presbyteries "to the bounds committed to their charge".

George Gillespie, the Resolutioners continued, had stated also that the structure and composition of ecclesiastical Assemblies was to be determined by the national kirk, according to "the light of nature and general rules of God's Word". The Assemblies appointed by these rules, Gillespie maintained, fell within the compass of things that were *divino-ecclesiastica*, "mixed, though not mere divine Ordinances."³⁰ All the courts of the national kirk, the Resolutioners asserted, were erected according to these principles. Therefore, to reject their authority was to reject a divine ordinance. Furthermore, the Protesters' aberrant views in this area undermined another cardinal tenet of the kirk's government: that congregations were to be ruled by their own pastors and elders and not placed under a foreign jurisdiction. For a group of external presbyters, who were not a lawful ecclesiastical court, to take it upon themselves to judge the call of a congregation and circumvent the authority of that congregation's lawful presbytery, was clearly an introduction of such an alien jurisdiction. Such irregularities, it was warned, paved the way for civil and ecclesiastical anarchy. Indeed, if all ecclesiastical boundaries were merely of human institution, as the Protesters maintained, the people would be free to go where they pleased and

²⁹G. Gillespie, *An Assertion of the Government of the Church of Scotland...* (Edinburgh, 1641), part ii, 132.

³⁰Gillespie, *Assertion*, part ii, 146-7; For an examination of Gillespie's views on the structure and authority of church courts, see McKay, *An Ecclesiastical Republic*, 96-126.

recognize the authority of whom they pleased. Ministers, also, would be free to intrude themselves upon any congregation without considering it a transgression of an ordinance of God. In maintaining such principles, the Resolutioners concluded, the Protesters were like the foolish fellow who told his neighbour that he cut down timber in other men's hedges, because "God never made hedges."

The next issue which the Resolutioners addressed was the Protesters' various attempts to establish extra-judicial committees to oversee the kirk's affairs. The Resolutioners conceded that the Protesters' defence of their actions in this matter was "a notable piece of nimbleness". Such dexterity, however, could not conceal the sinfulness of their actions and the hollowness of their arguments. For example, they had sought to justify their call for such committees by contending that the kirk's courts were so corrupt that drastic means were needed to reform them. Such an allegation, in addition to being a slanderous attack on the kirk's ministry was also a manifest untruth. Twenty years had passed since the late Reformation and the vast majority of "malignant" ministers who had supported prelacy, were, for the most part, already gone. The few who remained, had long since repented of their former ways and now lived godly and blameless lives in subjection to their local church courts. The truth was that there was no "distemper or unpeaceableness" in the kirk other than what had been created and propagated by the Protesters themselves. The other arguments which the Protesters used in defence of such committees were equally misleading and erroneous. This was particularly the case with their argument from precedent. It was true, the Resolutioners confessed, that past General Assemblies had conceived it necessary to appoint visitations for purging corrupt courts. There was, however, an immense difference between the supreme national church court appointing such visitations with the inferior court's approval and a few schismatic men seeking to foist them on the kirk against its will. The Protesters argument that such committees did not violate the essentials of presbyterian government, the Resolutioners continued, was also fallacious. While it was true that these committees were to be under synodical oversight and run according to the kirk's uncontroverted acts and laws, this was but a prevarication. They had failed to mention that according to their design, the two synodical committees were to be overseen by a third general committee, which was

to be appointed by the English, and without whose approval the other committees could do nothing. Finally, the Protesters had failed to mention their most damning action in this matter: when their call for such committees was rejected by the plurality of ministers, they had attempted to have them imposed on the kirk by the civil magistrate. This, the Resolutioners declared, was a usurpation of ecclesiastical power which none but a thoroughgoing erastian could approve.

The Resolutioners denounced the Protesters' other arguments with equal vigour. Their contention that the Resolutioner-controlled courts had exercised their *critick* power in disproportion to their *dogmatick* and *diatactick* was dismissed as an argument which lacked all cogency. God, the Resolutioners maintained, had given His courts a greater latitude of action in the exercise of their *critick* power than he had in the exercise of their *dogmatick* and *diatactick* powers. Unlike the latter two powers, *critick* power was to be regulated, in many respects, by the "light of nature" and the "rules of prudence". Consequently, in the exercise of *critick* power, the decision of a "multitude of Counsellors" in a church court was to be given more respect than the prejudiced views of a few disgruntled and prejudiced men. Moreover, contrary to what the Protesters asserted, the abuse of *critick* power in a church was not indicative of error in its *dogmatick* and *diatactick* judgments. Indeed, the questions in contention between the Protesters and themselves were about matters of discipline only and not about matters of doctrine and worship. Rather, the Protesters refusal to submit to the *critick* power of courts was indicative of their willingness to perpetrate a schism over questions that were extrinsic to the kirk's doctrine, worship and government. The Resolutioners also rejected the allegation that they had depreciated the power of inferior courts. In this matter, they argued, the Protesters had, on at least two occasions, drawn a false inference from a true premise. It was true, the Resolutioners conceded, that the power of superior courts was "cumulative and not privative". This, however, did not give inferior courts the right to meddle with "particular concernments" outside the bounds of their authority. A congregational eldership, for example, could not interfere in presbyterial matters such as adultery, excommunication and ordination, just as a presbytery could not interfere in matters which were of more general concern to the national kirk. The Resolutioners also accepted the Protesters

contention that inferior courts had an intrinsic power given directly to them by Christ. However, within a national church, it was the will of Christ that they exercise that authority in subordination to the superior courts. It was not lawful for them, any more than for a private person, to make a rent in the church by withholding submission. Such a "remedy" to perceived injustices, the Resolutioners declared, would prove worse than the "disease" they sought to rectify.

The final and most important matter which the Resolutioners addressed, was what they deemed to be the central issue of the controversy: the Protesters "new doctrine" of "subordination and submission" to church courts. The Resolutioners maintained that the type of submission which they expected from their errant brethren was nothing less than the "constant practice of this Church" and what "the learned" among them held to be the very essence of presbyterian government. For example, the English divine, Thomas Edwards, in his *Antapologia* (1644), identified the type of subordination to church courts which the Resolutioners advocated as the main difference between classical presbyterianism and Independency. As upheld by the former, subordination was not conditional; men were "bound and must do". According to the latter, submission was optional; men "may do or not do".³¹ The Reformed Church of France, in their *Ecclesiastic Discipline*, took essentially the same view and added that submission to church courts was the national church's only protection against schism and heresy. In a similar vein, Thomas Cartwright and other Elizabethan presbyterians, in their *Book of Discipline*, while granting injured parties liberty to appeal to higher courts, stated explicitly that the sentence of a higher court was to be "holden firm, untill it be otherwise judged by an Assembly of greater authority." This last example, the Resolutioners pointed out, in addition to upholding the authority of higher courts, also gave the lie to the Protesters' contention that inferior courts were not bound to obey what they considered to be the "unjust sentences" of higher courts.

Reformed churches and divines, the Resolutioners argued, did not limit the obedience which was required only to "just sentences". Indeed, in allowing for a

³¹Edward's *Antapologia* was written in response to the *Apologetical Narration* (1644) of the Westminster Assembly's leading Independents, or "five dissenting brethren", Jeremiah Burroughs, Philip Nye, Thomas Goodwin, William Bridge and Sidrach Simpson: For more on the controversy between the Independents and Presbyterians at the Assembly, see Paul, *Assembly of the Lord*, *passim*.

system of appeals, they presupposed the possibility of an unjust sentence being enacted, while still maintaining that the sentence was to be upheld until overturned by a higher court. Therefore, while it was lawful for the Protesters to appeal their cases through the kirk's established system of courts, it was unlawful for them to refuse obedience to particular acts and sentences which they deemed unjust. In support of this position, the Resolutioners cited the Westminster divines' *Answer to the Reasons of the Dissenting Brethren* (1645), in which they maintained that a person who failed to obtain redress for their grievances in a national Assembly was to "commit his cause to God", because there was to be no appeal from the kirk's supreme court. This, however, was not to say that men were bound in conscience to approve every final sentence as just. Indeed, church courts were fallible and liable to err. However, while *in foro interno* an unjust sentence was null, and therefore could not bind the conscience, *in foro externo* it was a valid, and a man could not withhold his submission to it without sinning against God in condemning the lawful authority of a Church.

The mistake which the Protesters made in equating this view of submission with that of the prelates, was that they had confounded "active obedience" with suffering and submission or "passive obedience". Unlike the Resolutioners, the prelates had held that the sentence of a superior was sufficient in itself to bind men's consciences to an active obedience. They had even gone so far as to require men, upon pain of deprivation, to give active obedience to their ceremonies, allowing no room for a conscience to suffer when it could not obey. In contradistinction, "passive obedience" or "suffering cleanly", as advocated by the Resolutioners, was a doctrine taught clearly in the Word of God and asserted by all orthodox divines. Even the Independent minister, Jeremiah Burroughs, had accepted this truth, when, in his *Lectures on Hosea*, he insisted that the only options left open to Christians when an authority passed an unjust law was to either leave the country or submit and suffer. This suffering for righteousness sake, the Resolutioners contended, was what it really meant "to obey God rather than man". Indeed, the people of God were only truly free when their consciences were not enslaved, even, the Resolutioners maintained, when they suffered unjustly in their persons. The Protesters' assertion, however, that submission

was to be rendered only to just sentences, left no room for conscientious suffering and opened a door for every perceived unjust act to be the basis for the schismatic overturning of a church.

Closely related to the Protesters' error concerning submission and subordination, was their faulty view of what constituted lawful authority. The Protesters, they affirmed, were correct in maintaining that no court, either ecclesiastical or civil, had a commission from God to pass unjust acts or sentences. This, however, did not mean, as the Protesters implied, that when courts so erred, they were divested of their power. On the contrary, they continued to be a lawful authority and private persons were still duty-bound to submit to their acts and sentences. This, the Resolutioners maintained, had been "the general practice of the Godly in all ages" and particularly of the English non-conformists during the days of prelacy the previous century. These worthy men, far from owning the Protesters' doctrine of non-submission, suffered cheerfully under the unjust sentences of Bishops without attempting to counteract them. More recently, the English non-conformist authors of *A most grave and modest Confutation of the Brownists*, contended that the Church of England was a true church of Christ and that since episcopal government had been established by law, it was their duty to submit to unjust sentences rather than rend the church. If such obedience was to be rendered to prelates, the Resolutioners asked, how much more was it to be rendered to the national kirk, a church comprised of courts of Christ's own institution, who still retained pure His pure ordinances and all the truths of the Gospel?

In closing, the Resolutioners declared that they would never concede to the Protesters a license to submit to only those acts and sentences they deemed just. This, they maintained would be tantamount to introducing a religious toleration, a doctrine which was abhorrent to all sound presbyterians. Such a latitude of dissent, if once allowed, would undermine all lawful authority and lead to anarchy. In an unprecedented step, the Resolutioners also strongly implied that if the Protesters would not repent of their schismatic ways and render due submission to church courts, it would be better for all involved if they left the Kirk of Scotland and formed their own society. Such a step, they averred, would at least free them from the hypocrisy of continuing to sit in courts which they regarded as corrupt and no longer worthy of

their submission. Once again, however, the Resolutioners were careful to point out that such assertions were not applicable to all the Protesters, but only to "the guilty", primarily the authors of *Protesters no Subverters*. These were men, the Resolutioners declared,

to whom this Church and all Reformed Presbyterian Churches do owe little thanks, for their contributing so much to the advancement of all Sectarian Designs, and their strengthening the hands all licentious persons...³²

Irreconcilable Differences

William Row, in his supplement to the *Life of Robert Blair*, relates that this final polemical exchange so alienated the factions that each began to look upon the other as being of "different religions", rather "than of different persuasions about things that were not fundamental."³³ Indeed, by late 1658, all involved had despaired of a reconciliation ever being achieved. Robert Baillie summed up the Resolutioners' attitude, when he reported to William Spang,

It is very like the end of this obstinate difference will be a formall separation: the sooner the better for the Kirk; for they abide among us only to encrease their partie; and if they were formally separate, they could doe us the lesse harme.³⁴

In the Resolutioners' estimation, the leading Protesters were little more than sectaries who were seeking to undermine the very foundations of presbyterian government. The Protesters, in turn, viewed the leading Resolutioners as men whose perverted views of presbyterianism threatened to bring the entire kirk under a new form of "prelatical tyranny". However, an impartial assessment of the differences which divided the kirk at this time, reveals that in their polemical exchange on the nature of presbyterian government, both factions had truth on their side. Indeed, in many respects the basis

³²*A Review and Examination*, 138.

³³Row, *Life of Blair*, 334.

³⁴Baillie, *Letters and Journals* iii, 387.

of their differences was a fundamental and unresolved tension in presbyterian ecclesiology over the nature of subordination and the authority of church courts.

This "tension" is present in virtually all the presbyterian treatises on church government produced during the 1640s. For example, George Gillespie, in his *Assertion of the Government of the Church of Scotland*, argued that "without a subordination among ecclesiastical courts, and the authority of the higher above the inferior, it were utterly impossible to preserve unity, or to make an end of controversy in a nation."³⁵ In the same treatise, however, Gillespie declared that it was tyranny for a higher court to seek to impose their "naked will" on congregations. Inferior courts, he maintained, were to be subject to higher courts, "yet not absolutely, but in the Lord, and in things lawfull." They, therefore, had a responsibility not to "blindly obey" their superiors, but to examine their constitution by the rule of Scripture.³⁶ The same dichotomy can be found in English presbyterian thought of the same period. The London ministers, for example, in their 1646 treatise *Jus Divinum Regiminis Ecclesiastici*, could argue vigorously for the binding authority of superior over inferior courts as the only defence against error and schism, while simultaneously maintaining that higher courts could only require subordination to their judgments in so far as they were consistent with the "Law of God laid down in Scripture." It was "subjection in the Lord", they warned, that was the true nature of ecclesiastical government; anything else amounted to a "Popish tyrannie".³⁷ Such apparent contradictions over the nature of subordination are due largely to the fact that the majority of presbyterian treatises which appeared in the 1640s were written in the context of the ongoing debate among presbyterian, Independent and erastian proponents of church government. In these debates the presbyterians were concerned in particular with refuting the Independents' charge that presbyterianism, because of the power it gave to higher courts, tended

³⁵Quoted in McKay, *An Ecclesiastical Republic*, 121.

³⁶Gillespie, *Assertion*, part ii, 127; Six years later, Gillespie maintained essentially the same position when he asserted that it was unlawful for congregations to decline the authority of presbyteries and synods, with the stipulation, however, "where they are lawfully settled": G. Gillespie, *One Hundred and Eleven Propositions concerning the Ministry and Government of the Church* (Edinburgh, 1647), proposition xxxii.

³⁷*Jus Divinum Regiminis Ecclesiastici: or, the Divine Right of Church Government...* (London, 1646), 252.

towards an "arbitrary and tyrannical" form of government; hence the dichotomous language of Gillespie and the London ministers.³⁸ Up until the 1650s, such views had remained largely theoretical, the situation never having arisen to put them to the test. It was only with the rise of the Protester-Resolutioner controversy, and particularly their debates on the nature of church government, that the dichotomies inherent in the presbyterian theorists' statements on the authority of church courts and presbyterial subordination were brought to light.

Such dichotomies allowed the Resolutioners to argue, with basis, that the subordination which they expected was the very essence of presbyterianism and that the latitude of dissent which the Protesters desired would lead to anarchy and confusion. They enabled the Protesters, however, with equal justification, to argue that submission to church courts was to be "only in the Lord" and that any deviation from this principle would end in ecclesiastical tyranny. This difficulty was exacerbated by the fact that the only guidelines which the theorists of the 1640s provided to differentiate between lawful and unlawful subordination in the matter of specific dictates of courts were the "rule of Scripture", the "light of nature" and "the rules of prudence". While such principles may have sufficed in matters of manifest doctrinal error and heresy, they were clearly insufficient to meet the exigencies of the controversy between the Protesters and the Resolutioners. Indeed, they placed both factions in a virtually untenable polemical position; each being able to argue convincingly, from both scripture and theoretical precedent, in support of their cause. Although none of the Scots allowed for a completely indiscriminate submission to the dictates of church courts, there was a point at which God was to be obeyed rather than man. Where precisely this line was to be drawn, however, was a question, which had never been addressed adequately. While both factions would have been loath to admit it, the vagueness of the guidelines mentioned above resulted in their understanding of what constituted lawful subordination and authority, both to church courts in general and to their dictates in particular, being largely a matter of private interpretation.

To complicate matters further, these same guidelines were also to be used in deciding matters of church polity, such as the composition and boundaries of

³⁸See, for example, *Jus Divinum*, preface, doubt 2.

ecclesiastical Assemblies and ecclesiastical discipline. This enabled the Protesters, for example, to argue that specific matters of church polity, since they were based largely on general scriptural principles and the light of nature, were not an essential of presbyterian government. The same guidelines, however, enabled the Resolutioners to counter that such requirements, although not mandated specifically by Scripture, were nonetheless, *divino-ecclesiastica*, and therefore to be obeyed as a divine ordinance. The same problem was encountered in dealing with matters concerning the kirk's power of censure and the exercise of ecclesiastical discipline. In these matters, "the light of nature" and "the rules of prudence" guidelines allowed the Resolutioners to argue for a latitude of judgement in the exercise of discipline which the Protesters found indefensible. In this matter, however, the Protesters' failure to submit to the discipline of Resolutioner-controlled courts was not merely a matter of difference about the lawfulness of the courts' dictates or the nature and extent of their *critick* power. Instead, it belies another unresolved tension in the thought of the Scottish ministers: their differing views on active and passive obedience.

The Resolutioners maintained that virtually all the reformed divines of the previous century had held that submission to the courts of true churches, though reformed imperfectly, was required. In cases where such churches passed unjust sentences, it was the duty of the godly to suffer passively rather than resist. In demonstrating this point, the Resolutioners were able to cite Beza, Calvin and a host of contemporary English divines. On the surface, this seems very much in accord with the belief and practice of both moderate and radical presbyterians prior to 1638, when men such as Samuel Rutherford, while referring to the Scottish kirk as "our harlot mother", chose to suffer passively under unjust sentences rather than resist and create a schism.³⁹ Appearances, however, can be deceiving and there is a reason why the Resolutioners relied so heavily on non-Scottish sources to support their doctrine of passive submission. This was due to the fact, that it was by no means clear, that the Scots ministers who suffered under prelacy in the 1620s and 30s had supported such obedience. Indeed, during this period, questions concerning how much obedience was to be rendered to a corrupt church and the parameters of lawful resistance were left

³⁹For examples, see Rutherford, *Letters*, 87, 103, 191, 204, 213, 216.

largely unresolved. As David Stevenson has observed, while virtually all the ministers still accepted the kirk as a true church, "they differed widely over how this attitude should lead them to behave."⁴⁰ Therefore, while it is true that Rutherford and other ministers suffered for conscience sake, it is equally true that many of these men would have drawn a sharp distinction between the suffering of individuals and sufferings of an entire church. In the former case, passive obedience was called for, while in the latter, there was always the possible option of lawful resistance. That there was, particularly amongst the ministerial radicals, a well-established tradition of less than compliant submission is attested to by the widespread practice of conventicling, the riots organized by the ministers in 1637 against the prayer book and the 1638 General Assembly's forceful overthrow of episcopacy.⁴¹ That the Protesters had inherited such radical views on resistance, is evidenced by the parallel which they drew in *Protesters no Subverters* between the use of defensive arms in the overthrow of prelatical tyranny and their own resistance to the authority of Resolutioner-controlled courts. In addressing this telling analogy, the Resolutioners were forced to admit that there was precedent for ecclesiastical authority to be lawfully resisted. They responded, however, by arguing that it was without precedent for private men or inferior courts to rise in arms against their prince or parliament "while yet they adhere unto, and overturn none of the righteous things concluded in a Nation." The Protesters' argument from defensive arms was therefore invalid, until they could prove that the Resolutioners had overturned the kirk's established doctrine, worship or government.⁴² Such a contention, of course, brought the issue back into the realm of private interpretation. To the Resolutioners, the issues which separated the parties were "extrinsic" in nature and therefore did not justify non-submission. To the Protesters, however, the Resolutioners' defection from the Covenants, their reception of the "malignant party" and their perversion of presbyterian government were transgressions which undermined the legality of the kirk's constitution and certainly merited lawful resistance. Although the ministers little suspected it, such differences over submission and lawful resistance

⁴⁰Stevenson, "The Emergence of a Radical Party", 99-114.

⁴¹For an analysis of the latter two events, see D. Stevenson, *The Scottish Revolution, 1637-1644: The Triumph of the Covenanters* (Newton Abbot, 1973), chapters 2 and 3.

⁴²*A Review and Examination*, 131-2.

to ecclesiastical authority were to have profound impact on the way in which the factions reacted to the re-establishment of episcopacy in the period following the Restoration.

Religious Toleration

While the polemical battle was raging over the nature of presbyterian government, another matter, of equal importance, was once again brought into the equation. This was the issue of religious toleration. Despite the fact that the Humble Petition and Advice had made toleration the law of all three nations, Sharp and the Protesting delegation had remained strangely silent on the issue throughout their 1657 London sojourn. The main reason for this silence appears to have been their mutual fear of alienating the English and jeopardizing their position during the debates on the kirk's settlement. Robert Baillie realized as much in March 1657, when he wrote to the Edinburgh Resolutioner James Hamilton expressing his wonder and dismay that both parties had joined in a conspiracy of silence over such a fundamental issue. "To great declining of persecution" he warned, "has never been the surest way to escape it."⁴³ Baillie, however, was not the only one disturbed by this silence. In March 1658, the Protesters in the presbytery of Jedburgh united in issuing a public testimony against toleration.⁴⁴ When General Monck received this testimony, he was outraged and warned the signatories that unless they ceased such anti-governmental activities, he would be forced to deal with them very severely.⁴⁵ Monck's ire in this matter was directed in particular against the Protester, Colonel Gilbert Ker, whom he believed "more than any other man" was responsible for the Jedburgh testimony. For Monck, this appears to have the final straw in his relationship with the Protesters. There is, in fact, good reason to believe that the estimation of Ker he gave to Secretary Thurloe was reflective of his attitude towards the Protesters in general:

⁴³Baillie, *Letters and Journals* iii, 340-1.

⁴⁴Firth, *Scotland and Protectorate*, 382-3.

⁴⁵Thurloe, *State Papers* vii, 323.

"I had a good opinion of him before; but hereafter I shall look upon him as hee is, as a factious man, and one that is not willing to live peaceable, unless things bee ordered according to his minde."⁴⁶

Colonel Ker, however, was undeterred and soon thereafter sent a copy of the Jedburgh testimony to Samuel Rutherford, who praised it as "both rare and necessary". Rutherford was extremely desirous that the testimony be made national, particularly since "It is believed by some that the Protesting party hath quite given over the cause."⁴⁷ James Guthrie and other like-minded ministers in the synod of Perth were in agreement with the result that by the autumn of 1658, they, in conjunction with Rutherford and the Protesters of Fife, began preparing a public testimony against toleration. Many of the Protesters, however, particularly those, who, with Patrick Gillespie had grown extremely tolerant of Independency, did not agree with this move. Other Protesters, including Wariston, while still opposed to toleration in principle, resisted the testimony on more pragmatic grounds and advised that it should be delayed until a more opportune time.⁴⁸ As could be expected, a heated conflict ensued between what could now be properly termed the Guthrie-Rutherford and the Gillespie-Wariston wings of the party. Although little information on this dissension exists, an internal Protester document entitled, "Reasons for a testimony against Tolleration with Objections Answered", gives invaluable insight into the nature of these debates and the differing attitudes within the Protesting party concerning toleration, Independency and the English regime at the end of the 1650s.⁴⁹

The adherents of the Gillespie-Wariston wing argued against the testimony on spiritual, pragmatic and conjectural grounds. Beginning with the pragmatic, they maintained that a public testimony against toleration, far from persuading the English to change their minds on the matter, would only irritate them and provoke their wrath against the godly. It would be far more "safe and prudent", they counseled, to have the ministers warn their people against the evils of toleration during times of public worship. The Guthrie-Rutherford wing of the party dismissed this position as mere

⁴⁶Ibid vii, 356.

⁴⁷Rutherford, *Letters*, 683-4, 686.

⁴⁸Wariston, *Diary 1655-60*, 103.

⁴⁹NLS Wodrow MS Quarto XCIX, no.5, "Reasons for a testimony against Tolleraton with Objections Answered", ff.53r-55r.

evasion. It was the duty of the godly, they contended, to give a full and faithful public testimony in defence of the truth, regardless of the consequences. If the English were offended, so be it. It was, after all, "the kindly fruit of a faithfull testimonie to torment them that dwell in the earth."⁵⁰ Not surprisingly, those in the Gillespie-Wariston wing who supported a close alliance with the English were not at all pleased with such an inference. Many of the English, they asserted, were not the wicked men described in the scripture passage cited, but their brethren in Christ; "countenancers of piety and holynesse in the nationes." The Guthrie-Rutherford wing, while conceding that there was truth in this assertion, argued that it was not against the godly which they proposed to testify, but against their "ungodly courses". Preaching and testifying against error, they declared, was always a duty of Christ's faithful ministers, particularly in cases which, like toleration, would effect not only the present generation, but their posterity in years to come. Gillespie and his colleagues, despite being faced with such firm resolve, continued to manoeuvre for a compromise. "Would it not suffice", they queried, for those Protesters who had influence in the government to confer with the English in private and relate their dissatisfaction? The Guthrie-Rutherford wing, however, rejected such half measures and insisted that nothing less than a full public testimony would be acceptable.

When their pragmatic and spiritual reasonings failed, the Gillespie-Wariston wing shifted the argument to more theoretical grounds. It was in these lines of reasoning that their affinity with the English and their tolerance of Independency is most evident. It was never found in Scripture, they maintained, that the Lord's people, in their captivities, gave testimonies against the false religions of their heathen conquerors. Instead, they lived peacefully under their rule, enjoying whatever liberties the Lord was pleased to frame their captors hearts to grant them. If such was the case under heathen rulers, how much more should the kirk submit to the English brethren. Indeed,

Our fathers would have thought themselves right happy to have enjoyed the liberty that we have, to have had piety so countenanced and would have embraced it with much thankfulnesse to God and Man.

⁵⁰The reference is to Revelation xi 10.

Furthermore, they continued, the question of how far the civil magistrate could extend his power in allowing religious toleration was a question open to debate. Certainly, many learned divines in the Reformed churches on the continent believed the magistrate might establish certain forms of toleration lawfully. It would therefore be rash, they argued, to hazard a public testimony which might encroach unlawfully on the English regime's power and prerogatives. From the response which the Guthrie-Rutherford wing gave to these assertions, it is clear that they were somewhat at a loss to answer the first of these points. They did contend, nonetheless, that if John Welch, Robert Birnie and the other sufferers under prelacy had submitted to the liberty granted them by the prelates, they might well have preached spiritually and taught useful doctrines, but they would never have reformed the church. When dealing with the alleged lawfulness of toleration, however, they gave a more direct rebuttal. They argued that however "learned and doubtful" the question of the magistrate's prerogative in allowing toleration might seem to be, it had been "cleared" by the learned and godly in Scotland before the Covenant was concluded. While such men were not infallible, they were nevertheless more qualified in deciding the lawfulness of such matters than their "learned" brethren on the continent - men, who, in many cases, were likely to err because of the "great temptations" they were under from ungodly magistrates. Moreover, the "safe and proper" time for raising objections about religious toleration would have been before the Covenant was sworn. As it stood presently, however, the nation, its magistrates, ministers and people were bound already by a "solemn and sacred" tie to God; a tie which was inviolable and obligated them to oppose toleration.

Despite the objections of Gillespie and his colleagues, the Guthrie-Rutherford wing of the party remained undeterred and in October 1658, they approved their testimony against toleration and delivered it to General Monck. This "testimony" was comprised of a reprint of the 1649 Commission of the General Assembly's uncompromising and vitriolic "Seasonable and necessary Testimony against Toleration" together with an appended "Testimony to the Truth of Jesus Christ by the ministers of Perth and

Fife".⁵¹ It included, however, one issue on which all the Protesters agreed: an admittance that the religious and civil parts of the Solemn League and Covenant were not of equal weight; the religious being "binding absolutely" and the civil being "conditional and binding conditionally only". Although there is no record of Monck's reaction to this testimony, it is probable that it served merely to reinforce his already critical view of the Protesters. The effect which the document had on the Protesting party itself, however, was much more significant. The decision of the Guthrie-Rutherford wing, to issue this testimony against the advice of their brethren, proved to be the final breach in the Protesting party over the issue of their relationship with the English. From this point on, Guthrie and Rutherford forsook whatever remained of their previous moderation towards the English regime and reverted to their "anti-erastian, anti-sectarian", hard-line Covenanting position of the late 1640s - early 1650s. They also abandoned their willingness to compromise with the more pro-English Protesters for the sake of the party's unity. The English were no longer to be viewed as erring brethren who by careful negotiation could be persuaded to advance the Cause of God in Scotland; they were Covenant-breakers and ungodly magistrates who had unlawfully usurped the kirk's and nation's rights. It was therefore the clear duty of the godly to testify against their sinful courses, maintain a staunch policy of non-cooperation and if need be, suffer for righteousness sake. Such a position stood in sharp contrast with the position of the Gillespie-Wariston wing of the party, who, from this point on, became even more solicitous of English favour. While few of them would have supported toleration openly and some, like Wariston, still opposed it in principle, in practice, they were all more than willing to countenance its existence. The English regime, they maintained, was the lawful "providential magistrate" set over them by the hand of God and as such it was worthy to be respected and obeyed.⁵²

⁵¹J.C. Johnston (ed.), *Treasury of the Scottish Covenant* (Edinburgh, 1887), 121; This testimony was published at Edinburgh in 1660 in pamphlet form.

⁵²NLS Wodrow MS Quarto XCIX, no.5, ff.53r-55r.

London 1659

While the Protesters and Resolutioners were immersed in their polemical battle over the nature of presbyterian government and the debates surrounding religious toleration, developments were taking place in England which were to have a profound impact on the course of the kirk's controversy. On 3 September 1658, "Dunbar and Worcester day", Oliver Cromwell died. Soon thereafter he was succeeded as Lord Protector by his son, Richard Cromwell.⁵³ Under Richard, who had distinct presbyterian sympathies, the balance of power in English politics continued to drift in favour of the civilian Court. In early January 1659, much to the grief and anger of James Guthrie, Wariston travelled to London to attend Richard's parliament as a member of Cromwell's "House of Peers". He was joined by his old colleague the Marquess of Argyll, who attended as a member of the Commons.⁵⁴ Shortly after Wariston's departure, the Edinburgh Resolutioners dispatched James Sharp to London to keep an eye on their chief adversary and do all within his power to protect the present settlement of the kirk.⁵⁵ As in 1657, Wariston allied himself with the "godly" army radicals and Independent ministers, while Sharp renewed his fellowship with the London presbyterians and the conservative parliamentary party. In the arena of 1659 English politics, this placed Sharp and the Resolutioners at a definite advantage.

Despite the unfavourable political climate, Wariston wasted no time in raising the issue of the kirk's settlement. Soon after the opening of parliament in January, he began to make long speeches in the upper House against the article in the Humble Petition and Advice which established religious toleration. By February, he had entered his formal dissent from the article. It is significant, however, that he desired only that Scotland be exempted from toleration and not England and Ireland.⁵⁶ Sharp and the Edinburgh Resolutioners, were highly critical of Wariston's position in this matter and accused him with having forsaken his covenanted obligation to have

⁵³Richard Cromwell was proclaimed Protector at Edinburgh on 10 September 1658: Nicoll, *Diary*, 217-18; Wariston, *Diary 1655-60*, 102.

⁵⁴Ibid, 105; Row, *Life of Blair*, 336.

⁵⁵*Consultations* ii, 147-50; Row, *Life of Blair*, 336.

⁵⁶*Consultations* ii, 150-2; Wariston, *Diary 1655-60*, 109, 114; Row, *Life of Blair*, 338.

presbytery established in all three nations. More importantly, they suspected that his fervent declamations against toleration were mere histrionics, designed to bring the settlement of the Scottish kirk back onto the parliamentary agenda. This suspicion was reinforced in March, when Argyll, during a debate in the Commons on a proposed national fast, argued that Scottish ministers should not be required to participate in the fast because the kirk's constitution prohibited the civil magistrate from intruding on the kirk's sphere of authority. Much to the consternation of Sharp, Argyll's intervention in this issue resulted in "that imperious Scottish Presbyterie" becoming the topic of heated discussion in the House for the space of two days.⁵⁷ Whatever doubt Sharp and the Resolutioners may have had about Wariston and Argyll's true motivation, in raising such sensitive topics in parliament, were dispelled in April, when they moved in committee that a clause be added to the Bill of Union confirming "the liberties of all Church judicatories and Assemblies before the year 1650." This one clause, Robert Douglas warned Sharp, if allowed to pass, would "determine the whole controversy in the present differences in favour of the Protesters".⁵⁸ Before this matter could proceed any further, however, a series of momentous political changes took place which would have a profound impact on the course of the factions' controversy.

The Good Old Cause

On 22 April 1659, Richard Cromwell's parliament was dissolved by the army. This was followed by the resignation of Richard as Lord Protector and the recall of the Rump on 7 May. Power was now in the hands of a General Council of Officers, supporters of the "Good Old Cause" and political allies of the Protesters. Wariston was elated and within a matter of days invited Patrick Gillespie to come to London and assist him in arranging a new settlement for the national kirk.⁵⁹ Sharp, however, was

⁵⁷*Consultations* ii, 161-71.

⁵⁸*Ibid* ii, 172-5.

⁵⁹A.G. Reid (ed.), *The Diary of Andrew Hay of Craignethan, 1659-1660* (Scottish History Society, 1901), 32.

despondent and wrote to the Edinburgh Resolutioners informing them of the change of government and requesting that he might be allowed to return to Scotland. His request was promptly granted.⁶⁰ When news of this reversal reached Robert Baillie, he wrote immediately to James Sharp informing him of Gillespie's departure and imploring him to remain in London a while longer. Without his intervention, Baillie warned, Gillespie would be free to obtain whatever he desired in kirk and state: the revival of his Charter, the appointment of a new national committee for purging and planting, the implementation of the Protesters' Proviso to the Petition and Advice or "whatever new forme he and Wariston shall invent for our whole Church."⁶¹ Sharp, however, was too involved in his own problems to render any aid to the Resolutioners. Soon after the change of government, Wariston informed the Council of State that Sharp had been involved in private meetings with Colonel Titus and Sir Edward Massey, both of whom had been implicated in recent royalist plots. After being interrogated by Sir Henry Vane and Thomas Scot on this matter, Sharp was ordered to remain in London and await the Council's pleasure.⁶²

Meanwhile, the Protesters' star continued to rise. On 16 May, Wariston, with the help of John Owen and his connections at Wallingford House, was elected to the new Committee of State as the lone Scottish member.⁶³ Shortly thereafter, on 3 June, he was appointed to the Chair of the Council in succession of Sir James Harrington. These were heady days for Wariston as he presided over the Council and sat in the very chair once occupied by Oliver Cromwell.⁶⁴ Not all the radical officers, however, were pleased with Wariston's appointment. Many of the more extreme radicals castigated him as "a stranger" and "a spye", who gave "long speeches"; a "rigid man" in his opinions on church government who was not fit to be on the Council at such an important time.⁶⁵ Indeed, shortly after Wariston's appointment, an anonymous tract appeared in which he was pilloried for his opposition in times past to the "Good Old Cause" and his present opposition to religious toleration and liberty

⁶⁰*Consultations* ii, 179.

⁶¹Baillie, *Letters and Journals* iii, 396-8.

⁶²*Consultations* ii, 181-5; Wariston, *Diary 1655-60*, 108.

⁶³*Ibid*, 113; *Consultations* ii, 180.

⁶⁴*Ibid* ii, 188; Wariston, *Diary 1655-60*, 117.

⁶⁵*Ibid*, 114.

of conscience.⁶⁶ In order to counteract such negative publicity, Wariston and Gillespie were at pains to represent themselves and the Protesters in a favourable light to the English authorities. They maintained that they were the only party to be trusted in Scotland, because "their principles", unlike those held by the Resolutioners, disposed them to the "commonwealth way". In order to dissociate themselves from the opprobrium of malignant royalism, which, in the English mind, clung to many Scots, they began disseminating their version of what had transpired in Scotland from 1648 to 1651. If it were not for the Protesters, Gillespie and Wariston asserted, both Hamilton's Engagement and the Treaty of Breda would have remained unopposed.⁶⁷ Wariston also took the opportunity, when called upon to take the oath as a member of the Council, to bolster his credentials as a "commonwealth man" by giving a long speech, pledging his allegiance to the present government and declaring his support for the Good Old Cause.⁶⁸

The Bill of Union

With the restoration of the Rump, all proceedings regarding the union of Scotland and England which had taken place since April 1653 were legally cancelled. On 18 May, parliament referred the matter to a committee of the Council of State, who were to prepare a new Bill of Union based on Parliament's declaration of 25 March 1652.⁶⁹ To the delight of the Protesters and the chagrin of the Resolutioners, Wariston was on this committee. Throughout the summer of 1659, he attempted to influence the agenda as the nature of the union was debated by Parliament and the Council of State.⁷⁰ The debates in committee, however, were hardly under way before the sharp differences which now divided the Protesters over the legality of the

⁶⁶The tract, *A Lyvely Character of sum pretending Grandees of Scotland to the Good Old Cause...* (London, 1659), is reprinted in Nicoll, *Diary*, 237-40.

⁶⁷*Consultations* ii, 189.

⁶⁸Wariston, *Diary 1655-60*, 115; Wariston's speech can be found in full in Firth, *Clarke Papers* iv, 11-15.

⁶⁹Dow, *Cromwellian Scotland*, 241.

⁷⁰Reid, *Hay of Craignethan*, 42-3; *Consultations* ii, 185-6.

English regime, came into the open. In late May, James Guthrie wrote to Wariston, Fleetwood and Lambert opposing a union and advocating that Scotland be erected into an independent republic in alliance with the English. The English, he proposed, before leaving the country, would put power into the hands of the "godly party". In return, the Protesters would give assurance that England would be safe from "any hurt or danger from Scotland". Such a plan, Guthrie assured the officers, would free the English from the burden of maintaining an army of occupation in Scotland and pave the way for better relations between the godly in the future.⁷¹ As could be expected, the resurrection of this "whiggamore raid" plan raised the same objections as it had during the 1652 discussions on Scotland's settlement; particularly, that an independent Scotland would prove too much of a security risk.⁷² James Sharp helped to advance this belief when he told a government official, "if England should leave Scotland, we would soon find if the Remonstrators should hold the power long."⁷³

Wariston, although in sympathy with Guthrie's yearning for independence, was also opposed to the plan, believing it to be impolitic in the present situation. He feared, in particular, that pushing such a radical plan would jeopardize the "good repute" which the Protesters enjoyed with the new English government and lead to an increased measure of bondage. His fears were confirmed when he learned that Lambert had expressed serious doubts about the Protesters' ability to contain malignancy without English help.⁷⁴ Wariston, Argyll and Gillespie, therefore, proposed a more moderate plan for union; one which would ensure for Scotland "the liberty of Presbyterian Government" and the preservation of Scottish civil law.⁷⁵ In its main elements, this plan was very similar to the other option considered by the Protesters during the 1652 settlement: the union of England and Scotland, with the English fulfilling their responsibilities as a "godly magistrate".⁷⁶ As in 1652, this would entail the non-interference of the English government in the affairs of the kirk, the upholding of Scotland's "rightly established laws" concerning religion and reformation and the

⁷¹Ibid ii, 185; Wariston, *Diary 1655-60*, 116.

⁷²See *supra*, 159.

⁷³*Consultations* ii, 185.

⁷⁴Wariston, *Diary 1655-60*, 116.

⁷⁵*Consultations* ii, 185.

⁷⁶*Supra*, 154-60.

suppression of error and heresy. This last element, of course, included the abolition of religious toleration. In addition, this 1659 plan for union also included a call for the establishment of an extra-judicial committee, comprised solely of Protesters, for purging and planting the national kirk. Such a plan, Wariston and his colleagues hoped, would prove not only acceptable to the English, but also enable the Protesters to purge and control both the ministry and civil magistracy. In expectation of this plan being approved, Wariston wrote to Sir John Cheisly in late May, asking him to send up a list of nominees for the purging and planting committee.⁷⁷

With the Resolutioners no longer a threat, and their political allies in power, the Protesters expected little opposition to their plans for union. This, however, was not to be the case, for unbeknown to them, other forces were lining up to resist their designs. On 24 May, the Scottish MPs John Swinton and Sir James Macdowall of Garthland presented an address to Parliament signed by the Scottish deputies who had consented to the union of England and Scotland in 1652, requesting that Scotland be settled in accordance with the parliamentary declarations of 1651 and 1652.⁷⁸ Although not stated explicitly, this, of course, would entail the establishment of religious toleration and the evisceration of all Scottish civil law pertaining to religion. On 5 June, Sharp received secret information from one of his contacts that General Monck, now a determined opponent of the Protesters, had written to four leading members of the Council giving his opinion on the way Scotland should be governed. Although the exact contents of these letters are unknown, Sharp reported to the Edinburgh Resolutioners that Monck's opinion, if followed, would certainly frustrate the Protesters' designs.⁷⁹ It appears that Monck's letters had the desired effect, for by 8 June, Wariston was becoming distressed with his inability to gain a hearing for the "Scots busines".⁸⁰ On 28 June, his fears were exacerbated when his political allies, Major-General Lambert and Henry Vane refused to support his proposals for the settlement of Scotland.⁸¹ The final blow to Protesters' hopes, however, came in

⁷⁷Reid, *Hay of Craignethan*, 40.

⁷⁸*Journals of the House of Commons* vii, 664; Nicoll, *Diary*, 242-3;

⁷⁹*Consultations* ii, 188.

⁸⁰Wariston, *Diary 1655-60*, 118.

⁸¹*Ibid*, 122.

mid-July, when a petition arrived in London signed by over 200 Scottish Independents, Anabaptists and Quakers demanding religious toleration, protection from the kirk and the insertion of a "proviso" in the Act of Union abolishing "any law or Act of Parliament" in Scotland contrary to religious liberty.⁸² Within a few days, the powerful forces of English religious radicalism responded to the petitioners' request and mobilized in defence of religious toleration and liberty of conscience. On 27 July, they presented their Scottish brethren's petition to Parliament, who gave the petitioners their official thanks.⁸³ Although the debates on the Bill of Union dragged on throughout the remainder of the summer, from this point on, it was evident that the Protesters lacked the votes necessary for their proposed settlement to become law. This turn of events, Wariston predicted in his diary, would "mightily provoke them in Scotland."⁸⁴

Wariston's prediction was not long in its fulfillment. All across Scotland there was a storm of protest, as Resolutioners and Protesters alike, condemned the petition. The Edinburgh Resolutioners issued a declaration denouncing the petitioners as "covenant-breakers" and subverters of "true religion".⁸⁵ Thomas Wylie and the Protester-controlled presbytery of Kirkcudbright condemned both petition and petitioners in even stronger terms and instructed the ministers and elders, within their bounds, "to give tymous and faithfull warnings to the people of the sinfulness, scandall and danger of the said petition".⁸⁶ By early August, it was evident to the Protesters in Scotland that no good was going to come from the negotiations surrounding the Bill of Union. Soon thereafter, Wariston was barraged with letters from Guthrie, Rutherford and other Protesters rebuking him for his continued involvement with the English and insinuating that his failure to return home was due to his love of English "chaires and cushions".⁸⁷ Despite such taunts, Wariston and his supporters, remained undeterred, and, in late August, they launched a counter-attack against the "sectaries" proviso, condemning religious toleration and calling for Scotland's civil and religious liberties

⁸²Nicoll, *Diary*, 244-5.

⁸³*Journals of the House of Commons* vii, 736.

⁸⁴Wariston, *Diary 1655-60*, 128.

⁸⁵Row, *Life of Blair*, 338.

⁸⁶NLS Wodrow MS Folio XXX, no.48, f.157r.

⁸⁷Wariston, *Diary 1655-60*, 130-1; Reid, *Hay of Craignethan*, 145.

to be upheld.⁸⁸ By September, however, the issue of Scotland's settlement was overshadowed by the growing altercation between parliament and the army over who would be subordinate to whom.⁸⁹ This controversy continued to increase, until 13 October, when the "Wallingford House" clique of officers, led by Fleetwood and Lambert, forcibly dissolved the parliament. England was now without a legitimate government and the future of Scotland was placed in a state of limbo.

A Last Attempt at Union

News of the revolution in England provoked widespread fear and panic throughout Scotland. The general confusion increased when it became known that Monck had declared for Parliament and against the Council of the Army, bringing England to the brink of civil war. Among the ministers and religious segments of society, it was widely believed that the political turmoil which they were witnessing, was the outward manifestation of God's wrath against his sinful English and Scottish subjects.⁹⁰ In searching for the reasons for the Lord's wrath, the godly did not have to look far and the divisions in the kirk were soon identified as the chief "cause" of the land's misery. The realization of this truth produced, in the ministerial rank and file, a new willingness to achieve a union. In fact, the groundwork for such a union had already been laid. Since the previous June, Thomas Wylie, the moderator of the presbytery of Kirkcudbright and a moderate Protester, had been making private inquiries about the possibility of a new union attempt. Although his initial attempts to procure support for his plan met with little success⁹¹, he persevered and, in early September, he secured a promise from the influential Edinburgh Resolutioner, George Hutcheson, to extend himself to the utmost to aid the endeavour.⁹² During the summer and early

⁸⁸Firth, *Clarke Papers* iv, 49-55; Reid, *Hay of Craignethan*, 124; Wariston, *Diary 1655-60*, 133.

⁸⁹Reid, *Hay of Craignethan*, 134.

⁹⁰NLS Wodrow MS Octavo XXXI, no.2, "Considerations showing that the Lord is departing from the land...by Mr. Thomas Hog, minister at Kiltairn".

⁹¹NLS Wodrow MS Quarto XXIX, no.87, "Mr. David Dickson to Mr. Thomas Wylie about the Union, 7 July, 1659", f.231r.

⁹²NLS Wodrow MS Quarto XXIX, no.86, f.229r.

autumn, Wylie's undertaking received a further boost with the posthumous publication and rapturous reception of James Durham's impassioned plea for the factions to reunite, "A Dying Man's Testament to the Church of Scotland".⁹³ It was not until the revolution in England, however, with kirk and nation gripped with foreboding, that Wylie judged the time ripe to make his plans for union public.

In mid-October, Wylie and the presbytery of Kirkcudbright sent out their proposals for union to presbyteries and synods throughout Scotland, inviting them, in return, to table their own union overtures. The genius of this union attempt lay in its new approach to the problem. Wylie forsook the exclusive leadership conferences of years past and instead attempted to build a consensus among the ministers of all the kirk's courts. The response to this grassroots attempt at union was both positive and immediate. In late October, the synod of Fife welcomed Kirkcudbright's call for union and approved a set of union overtures drafted by Robert Blair.⁹⁴ Copies of these overtures were then sent throughout the country. The brethren of Fife called for a complete cessation of all hostilities between the parties. This included a ban on all "privat revyling" and "publick reproaching", as well as a prohibition on all legal proceeding against ministers in the kirk's courts. All tests of party loyalty in admitting men to the ministry were to be dropped and replaced with an oath to uphold the union overtures, as agreed upon by the courts. Ministers were to pledge that they would be diligent in purging out scandalous and insufficient ministers within the bounds of their respective courts. This was to be done, however, without respect to party affiliation and only in accordance with the rules of "uncontroverted Assemblies". Synods were required to receive ministers who had been deposed or suspended by the 1651 General Assembly "as if such sentences had never been given against them." Synods were also to oversee the reunification of divided presbyteries, "without ripping up the rise of their division" and no minister who had been admitted by one of these rival presbyteries was to be removed from office. In cases where two ministers were settled

⁹³J. Durham, *The Dying Man's Testament to the Church of Scotland or, A Treatise Concerning Scandal...* (Edinburgh, 1659).

⁹⁴NLS Wodrow MS Folio XXX, no.49, "Overtures for promoting peace in this church, proposed by some members of synod of Fife...21 October, 1659", ff.158r-159r; Rutherford, *Letters*, 689-91; Row, *Life of Blair*, 597.

in one charge, the synod would arrange to have stipends provided for both ministers or, when this was not possible, to transport one of the ministers to a vacant parish. The final and possibly most important stipulation was concerning the recent controversy over the nature of presbyterian government. The authority of church courts over individuals and the authority of superior courts over their inferiors, was to be restricted to "that which hath been unanimously and without contradiction acknowledged and exercised in this Church befor the late breach and division". Whoever claimed an arbitrary authority which was not in line with both the Word of God and the acts of uncontroverted General Assemblies, as well as those who refused to submit to such "moderat ministeriall authoritie", would be "unanimously declaimed" by the entire kirk.

These overtures were received cordially throughout the nation. Before the end of October, the Protester-controlled presbytery of Biggar approved Fife's overtures and sent a letter to Thomas Wylie and the presbytery of Kirkcudbright thanking them for their efforts in arranging such a "seasonable" union attempt and indicating their desire to do whatever was necessary to heal "the bleiding wounds of our mother church".⁹⁵ The Protester-dominated synod of Glasgow, although not taking a forward role in the union "for fear of marring it", also approved Fife's overtures and send letters of approval to its correspondent synods and the synod of Lothian, indicating their unanimous desire to bring the kirk's feud to an end.⁹⁶ Matters continued to move apace, and, in the beginning of November, representatives from various synods, including Fife, Perth, Glasgow, Dumfries, Galloway and Merse, met in Edinburgh and presented their own union overtures to the synod Lothian. After taking their proposals into consideration, the synod of Lothian produced their own set of union overtures, very similar to the Fife overtures, and sent them throughout the country.⁹⁷ Importantly, Lothian also sent a letter to the synod of Glasgow approving the Protesters' overtures and expressing their hope that their former differences would

⁹⁵NLS Wodrow MS Folio XXX, no.50, f.160r; Reid, *Hay of Craignethan*, 168, 172, 174, 177-8.

⁹⁶Ibid, 172; D.C. Mactavish (ed.), *Minutes of the Synod of Argyll, 1652-1661* (Scottish History Society, 1944), 206-7.

⁹⁷Reid, *Hay of Craignethan*, 178-81; NLS Wodrow Folio XXX, no.51, "The Synod of Lothian's agreement for Union, 4 November, 1659", ff.162r-162v.

soon be brought to a "happie close".⁹⁸ The synod of Glasgow responded quickly and, on 9 November, notified the synod of Lothian that it had approved their overtures and called for a "general meeting" to be convened, comprised of correspondents from every synod, to work out the actual details of the union.⁹⁹ With the factions closer to union than any time in the past nine years, this was a time of unparalleled hope throughout the national kirk. Although a few sticking points remained, the fundamentals of the union had been agreed upon and there was pervasive expectation that an official agreement would soon be concluded. Unfortunately for the Kirk of Scotland, such hopes were to prove very short lived.

The Return of the King

In December 1659, the attitude of the Resolutioners towards the intended union underwent a significant change as the chain of events which returned Charles II to the British thrones was set in motion.¹⁰⁰ As Monck prepared for his march to London, he secured the aid of the Resolutioners to keep the peace in Scotland during his absence. He also enlisted the polemical skills of the arch-Resolutioner, James Sharp, who drafted for Monck's use, a "Declaration of his intentions in marching into England with his army".¹⁰¹ Soon thereafter, Monck invited Sharp to London to champion the Resolutioners' cause and aid him in the realignment of the government.¹⁰² By late February 1660, the mood in the Resolutioner camp had changed dramatically and the fear which had been occasioned by the late turmoil in England gave way to hope, as news of Monck's successes reached Scotland. With the entire political landscape of England changed and the fortunes of the presbyterians and royalists on the rise, the Resolutioners became less and less amenable to a union with

⁹⁸NLS Wodrow MS Folio XXXI, no.57, f.144r.

⁹⁹NLS Wodrow MS Folio XXX, no.38, ff.128r-129r.

¹⁰⁰For a detailed examination of the situation in Scotland from October 1659 to May 1660, see Dow, *Cromwellian Scotland*, chapter 12.

¹⁰¹NLS Wodrow MS Folio XXXI, no.65.

¹⁰²Wodrow, *History* i, 4-5; For the most comprehensive examination of Sharp's activities in London prior to the Restoration see Buckroyd, *Life of Sharp*, chapter 4.

the Protesters, believing that the restored Long Parliament would be inclined to grant their desires concerning the kirk's settlement. As the political fortunes of the Resolutioners continued to improve during March and April, the importunate pleas of the Protesters for the consummation of the kirk's union fell on deaf ears.

As events rushed towards the Restoration, the Protesters became increasingly isolated. Cut off from all political assistance, shunned by the Resolutioners and surrounded by a sea of resurgent royalism and malignancy, they prepared for the king's return with fear and trepidation.¹⁰³ For the Resolutioners, however, the prospect of the return of Charles was an occasion for great joy. They confidently expected, despite many signs to the contrary, that the king would fulfill his covenanted obligation to establish presbyterianism, at the very least in Scotland. The Protesters, however, did not share in their optimism. Immediately prior to the Restoration, the Protesters made one final call for the synods to complete the proposed union.¹⁰⁴ Their answer came in early May, when Resolutioner-controlled synods throughout the land began to expel the ministers whom the Protesters had admitted in a "disorderly way".¹⁰⁵ Such mistreatment, however, was only a foretaste of the persecution to come. Shortly after the Restoration, on 8 July, Argyll was seized and sent to the Tower. Six days later, warrants were issued for the arrest of Wariston and two other prominent Protesters, Sir John Cheisly and Sir James Stewart, Lord Provost of Edinburgh. Cheisly and Stewart were apprehended quickly and placed in Edinburgh Castle, while Wariston narrowly made his escape and went into hiding.¹⁰⁶ On 23 August, James Guthrie, Robert Traill, John Stirling and eight other leading Protesting ministers were arrested by order of the newly re-formed Committee of Estates while they were busy preparing a letter to the king, congratulating him on his return and reminding him of his sworn obligation to uphold the Covenant in his three kingdoms.¹⁰⁷ The next day, the Estates issued a proclamation prohibiting all such illegal meetings and seditious papers.¹⁰⁸ Soon thereafter, Patrick Gillespie was

¹⁰³Wodrow, *History* i, 10.

¹⁰⁴Mactavish, *Argyll Synod Minutes*, 214-18; Wodrow, *History* i, 61.

¹⁰⁵Row, *Life of Blair*, 357.

¹⁰⁶Wodrow, *History* i, 62-5.

¹⁰⁷Row, *Life of Blair*, 356-7; Baillie, *Letters and Journals* iii, 446-7.

¹⁰⁸Wodrow, *History* i, 74-5.

arrested and Samuel Rutherford was confined to his home. Both were cited to appear before the Committee of Estates. On 19 September, Rutherford and Guthrie suffered the further indignity of having their books, *Lex Rex* and *Causes of the Lords Wrath*, proscribed and denounced as "seditious and treasonable" and burned by the public hangman at Edinburgh and St. Andrews.¹⁰⁹ In due course, a host of other Protesters, including James Nasmith and James Simpson, were arrested and hauled before the Estates.

During the whole of this persecution, the Resolutioners turned a blind eye to their brethren's suffering, with the majority of them refusing even to pray for their persecuted and imprisoned brethren.¹¹⁰ When the synods convened in October and November, many of them evidenced "a spirit of bitterness and revenge" against the Protesters. The synod of Merse-Teviotdale deposed a number of Protesters and wrote a congratulatory letter to the Estates, thanking them for their "piety and zeal" in punishing the Protesters. Similar scenes were enacted in the synods of Aberdeen and Moray.¹¹¹ By the close of 1660, however, the Resolutioners were beginning to encounter difficulties of their own. England appeared to be moving towards an Episcopal settlement, malignancy was rife among the Scottish nobility and despite fair promises from Charles and the Duke of Lauderdale, their own expectations of a General Assembly had not been met.¹¹² During 1661, the fortunes of the Resolutioners continued to slide, as they were forced to witness the parliament pass one act after another which hit at the very fabric of the presbyterian establishment.¹¹³ The final blow to their hopes fell on 28 March 1661, when the Act Rescissory annulled all legislation since 1633, thus depriving presbyterianism of all civil sanction. It was accompanied by another act, which declared that the king would maintain the reformed religion as "it was established within this kingdome dureing the reign of his royall father and grandfather" and that the government of the church would be settled

¹⁰⁹Ibid i, 75-6, 84.

¹¹⁰Row, *Life of Blair*, 364.

¹¹¹Ibid, 367.

¹¹²Wodrow, *History* i, 80-1; For an examination of the Scottish nobility during early 1660, see J. Buckroyd, "The Resolutioners and the Scottish Nobility in the early months of 1660", *Studies in Church History* xii (1975), 245-52.

¹¹³I.B. Cowan, *The Scottish Covenanters, 1660-1688* (London, 1976), 43.

"in such a frame as shall be most agreeable to the Word of God, most suteable to monarchicall government and most complying with the publict peace and quyet of the kingdome". In the mean time, the present administration of the kirk by sessions, presbyteries and synods would be allowed to continue.¹¹⁴

Realizing that episcopacy was about to be re-established, synods throughout Scotland attempted to enter their protests. On 4 April, the Protesters and Resolutioners in the synod of Glasgow-Ayr temporarily laid aside their differences and unanimously agreed on a declaration denouncing "prelatical episcopacy" and upholding presbyterian government. When the synod attempted to reconvene in May, however, they were dissolved by order of the king's commissioner.¹¹⁵ The synods of Fife, Dumfries, Lothian and Galloway were dissolved in a similar manner.¹¹⁶ Many other synods, however, particularly those north of the Tay, inclined strongly towards episcopacy. The synod of Aberdeen even went so far as to approve an address to the king and parliament in favour of episcopacy.¹¹⁷ Throughout the remainder of 1661 into 1662, events rushed towards their, now, inevitable conclusion. On 14 August, Lauderdale was ordered to write to the council in Scotland and inform them of the king's intention to establish episcopacy in Scotland.¹¹⁸ On 15 December, four Scottish prelates, including the "Judas" of the Covenant, James Sharp, were consecrated in Westminster Abbey. When various presbyteries attempted to protest this action, the Scottish Council issued a proclamation prohibiting the meeting of kirk sessions, presbyteries and synods, without the authority of the bishops.¹¹⁹ Finally, on 27 May 1662, episcopacy was officially restored by an act of Parliament. Soon thereafter, acts were passed declaring the Covenants unlawful and "conventicles" illegal. Under other acts, ministers who failed to take the oath of allegiance, to attend a diocesan meeting, or to observe the anniversary of Charles' birth were to be deprived. Similarly, all

¹¹⁴W.C. Dickinson and G. Donaldson (eds.), *A Source Book of Scottish History* iii (3 vols., Edinburgh, 1961), 155-6.

¹¹⁵Wodrow, *History* i, 117-18.

¹¹⁶Ibid, i, 118-30.

¹¹⁷Burnet, *History of My Own Time* i, 218.

¹¹⁸*The Register of the Privy Council of Scotland*, ed. P. Hume Brown, third series, vol. i, 1661-64 (Edinburgh, 1908), 28-9, 30-2.

¹¹⁹Dow, *Cromwellian Scotland*, 273.

ministers who had been ordained after the abolition of lay patronage in 1649, were to be deprived unless they secured presentation by a lawful patron and collation by a bishop before 20 September 1662.¹²⁰ On 1 October, the Privy Council ordered all ministers who had not complied with these requirements to cease preaching and leave the bounds of their respective presbyteries by 1 November. The end of presbyterianism in Scotland had come.

In the aftermath of this parliamentary proclamation, the exodus of presbyterians from the Scottish ministry commenced.¹²¹ During the course of 1662, the Protesters, almost to a man, were deprived of their livings. Consequently, the regions where they predominated were the most severely hit. In the synod of Galloway, 34 ministers from 37 parishes were deprived, while the synods of Glasgow-Ayr and Dumfries lost well over three-quarters of their ministry. In the strongly Resolutioner east, deprivations, while lower, were nonetheless substantial. In the synods of Lothian-Tweeddale, Merse-Teviotdale and Fife, approximately half of the ministers were deprived, including virtually all the leading Resolutioners. In the synod of Perth, however, only 21 out of more than 80 ministers refused to conform. The number of deprivations north of the Tay, was relatively small: twelve in the synod of Aberdeen and eight in Angus-Mearns. Of the remaining synods of Moray, Ross, Caithness-Sutherland and Argyll, only a relative handful of ministers refused to conform. Although estimates vary, in all, roughly 300 ministers, out of a total of approximately 900 parishes, sacrificed their ministry and livelihood for the sake of their presbyterian convictions.¹²² In evaluating these figures, nothing can mask the fact that of the nearly 600 ministers who conformed to episcopacy, the vast majority were professed Resolutioners. In the end, the Protesters' contention that the Resolutioner-controlled courts were filled with malignant ministers, disaffected to the Covenants and presbyterianism, was proved correct. The leading Resolutioners themselves, were well aware of this fact and in

¹²⁰Ibid, 275.

¹²¹The number of deprivations given in the following section, with a few exceptions, are approximate and based on Wodrow's list of deprivations compared with Hew Scott's *Fasti Ecclesiae Scoticae* and other printed ecclesiastical records.

¹²²Figures vary widely on the number of deprivations. National totals range from a low of 262, given by R. Mitchison, *A History of Scotland* (London, 1970), 251, to a high of nearly 400 given by Robert Wodrow, *History* i, 324-9.

years to come James Fergusson admitted that although the Resolutioners had "reason and truth" on their side, they had "a black and foul backing."¹²³

While episcopacy was being reintroduced, the generation of men which had led the Covenanting movement from the heady days of 1638, until the return of the king, was passing quickly away. On 27 May 1661, the Marquess of Argyll was beheaded at Edinburgh.¹²⁴ Five days later, on 1 June, James Guthrie was executed and his head impaled for public viewing on the Nether Bow.¹²⁵ Soon after Guthrie's death, Patrick Gillespie was hauled before the Estates to answer for his crimes. He was, however, pardoned after pleading for mercy and signing a paper renouncing the Western Remonstrance. He lived out the rest of his days in relative obscurity.¹²⁶ Samuel Rutherford died on 29 March 1661, before he could be tried on the charge of treason, else, doubtless, his fate would have been the same as Guthrie's.¹²⁷ Robert Baillie, died in August 1662, by all accounts of a heart broken with grief over the incoming of episcopacy, yet denying to the end the king's guilt in the matter.¹²⁸ Wariston escaped to the continent and eluded capture for a time, but was apprehended in France in late 1662. He was imprisoned in the Tower during the first half of 1663 and transported to Edinburgh in June. On 22 July 1663, he was executed in Edinburgh and his head put upon the Nether Bow next to the head of his friend and former colleague, James Guthrie.¹²⁹ As a result of the events of 1661-3, there was a considerable softening of the animosity between the factions. Indeed, many of the leading Resolutioners were downright penitent. After the proscription of presbytery, Robert Douglas commented, "our brethren the Protesters have had their eyes open, and we have been blind!" Similarly, David Dickson admitted, "The Protesters have been truer prophets than we." Even James Wood, the Resolutioners' chief polemicist throughout the 1650s, acknowledged that he and his brethren "had been mistaken in

¹²³L.W. Sharp (ed.), *Early Letters of Robert Wodrow, 1698-1709* (Scottish History Society, 1937), 303.

¹²⁴Wodrow, *History* i, 155-7.

¹²⁵Ibid i, 192-6.

¹²⁶Ibid i, 179-80; Row, *Life of Blair*, 388-9.

¹²⁷R. Gilmour, *Samuel Rutherford: A Study Biographical and Somewhat Critical...* (Edinburgh, 1904), 229-32.

¹²⁸McCoy, *Robert Baillie*, 219.

¹²⁹Wodrow, *History* i, 355-62.

their views they took of matters."¹³⁰ The Protesters too, were mollified towards their brethren, realizing that the differences which had divided them were small, compared to the enormity of their present afflictions. Thus it was, that after having been bitterly divided for nearly twelve years, the Protesters and Resolutioners went out into the wilderness together, united in suffering.

¹³⁰Ibid i, 250-1.

Conclusion

An Evaluation of the Factions' Support

Assessing the numerical strength of the Protesters and Resolutioners is an extremely difficult matter and, in the absence of complete presbyterial records, can only be estimated. One of the few scholars to investigate this matter seriously was Ian Cowan in his *Scottish Covenanters, 1660-88*. He calculated that by the Restoration, out of Scotland's approximately 900 parish ministers, roughly 750 were Resolutioners, and, of the remaining 150 ministers, about 113 actively supported the Protesters' cause, with 37 unaccounted for. He has further estimated, that of the 750 ministers claimed by the Resolutioners, only 600 actually adhered to the Resolutions and, of these, all but 40 were to conform to episcopacy in 1661. The remaining 150 Resolutioners, he classed as waverers, and it was from their ranks, he contends, that a large number of nonconformists were to appear. In all, he has concluded that of the approximately 300 ministers who were deprived in 1662-3, roughly 113 were Protesters, 40 committed Resolutioners, and the rest "waverers".¹ My own investigations, however, reveal a somewhat different picture. While in general agreement with Cowan's number of deprivations, I would differ with both his estimation of the Protesters' numerical strength and his understanding of the makeup of the Resolutioner party. After examining Robert Wodrow's list of deprivations² and the information given in *Fasti Ecclesiae Scoticae*, I would place the number of Protesters at the time of the Restoration at about 160, with the remaining 750 ministers falling broadly into the Resolutioners camp. I would further take issue with Cowan's identification of a class of Resolutioner "waverers" and, instead, draw a sharp distinction between those I would term "principled Resolutioners" and the rank and file of the Resolutioner party. The numbers of the former group, composed chiefly of leading Resolutioners from the eastern shires, I would put at approximately 150, while the latter, coming primarily from north of the Tay, I would place at about 600. In this

¹Cowan, *Scottish Covenanters*, 32.

²Wodrow, *History* i, 324-9.

respect my finding are much more in accord with Wodrow, who, in a number of places, relates that the bulk of the Resolutioner party was comprised of men of basically conservative convictions who accepted the reintroduction of episcopacy as passively as they had accepted presbyterianism.³

The relation that these numbers bear to the actual support of the factions at any given point during the 1650s is, of course, much more difficult to ascertain. It is known, however, that as early as September-October 1651 the Protesters were able to convene at short notice nearly 70 ministers for a national meeting in Edinburgh.⁴ This number undoubtedly increased as the 1650s progressed, with the greatest influx of new adherents probably coming during the "purging and planting" campaigns of 1654-5. By 1656, however, the relative numbers of each faction seem to have stabilized. That this was the case, is borne out by Lord Broghill, who reported to Secretary Thurloe in a letter dated 26 February 1656 that the Resolutioners controlled approximately 750 of Scotland's some 900 parishes.⁵ Assessing the factions support among the laity is a more difficult matter. It is almost certain, however, that the Protesters' lay support was proportionately far greater than the number of ministers in the party and, in certain western and south-western shires, was probably well above fifty percent. In fact, in 1657 Patrick Gillespie was able to claim in the presence of Oliver Cromwell that in Glasgow alone there were 25,000 people who supported their ministers.⁶ While such a claim may well have been an exaggeration, it is nevertheless a good indication of the strong support the Protesters enjoyed in the west. The general truth of Gillespie's assertion is further evidenced by the Protesters' ability to effectively control the synod the Glasgow-Ayr and its respective presbyteries with their substantial majority of ruling elders. It was this domination of the kirk's courts that prompted Robert Baillie to complain in March 1651 that, "Mr. Patrick, by the multitude of his yeoman elders, could carie what he pleased".⁷ Little is known of the Protesters' lay support in the eastern shires, although it is known that they commanded a considerable

³Sharp, *Early Letters of Robert Wodrow*, 302-3; R. Wodrow, *Analecta, or Materials for a History of Remarkable Providences* iii, ed. M. Leishman (4 vols., Maitland Club, 1842-3), 10.

⁴Firth, *Scotland and Commonwealth*, 327; *Supra*, 137-8.

⁵APS vi, ii, 899-900.

⁶Consultations i, 355.

⁷Baillie, *Letters and Journals* iii, 142.

following in Stirling, Edinburgh and Linlithgow, where some of their leading ministers were located. They also had substantial support in Bathgate, where, at the installation of one of their ministers, between sixteen and eighteen hundred of their adherents flocked to hear the gospel.⁸ In the rest of the country, however, where the Resolutioners were in clear majority, it can be reasonably assumed that the Protesters' lay support was less widespread and generally confined to the few parishes under their control.

Whate'er Became of the Covenants

As James Guthrie was about to be executed at Edinburgh's Mercat Cross, he lifted the napkin from his face and uttered the prophetic cry which was long after the watchword of the persecuted conventiclers, "The Covenants, the Covenants shall yet be Scotland's reviving."⁹ As the persecution of the presbyterian faithful increased in the years following the re-establishment of episcopacy, the trials and suffering of the earlier generation of Covenanters passed swiftly into romantic legend. As the stream of this nostalgic yearning for the days of presbytery and true godliness swelled, the divisions which rent the kirk during the 1650s, were, to a large extent, either suppressed or forgotten. By the late 1660s, the names of past heroes and martyrs of the Covenant, including, Wariston, Argyll, James Guthrie, Robert Baillie, David Dickson, James Wood, Patrick Gillespie and Robert Douglas, were mentioned in the same breath by the later conventiclers as faithful defenders of the Covenants and uncompromising opponents of erastianism and sectarianism. Although far from the truth, this myth has remained unsullied, not only in popular lore, but also in the halls of academia. Indeed, as late as 1988, David Stevenson was able to assert that for virtually all the ministers during the 1650s, Protesters and Resolutioners alike, "the Covenants represented a perpetual, unbreakable national obligation".¹⁰ However, as

⁸Wariston, *Diary 1650-4*, 231-2.

⁹J.K. Hewison, *The Covenanters: A History of the Church in Scotland from the Reformation to the Revolution* ii (2 vols., Glasgow, 1908), 92-3.

¹⁰D. Stevenson, *The Covenanters: The National Covenant and Scotland* (Saltire Society, 1988), 59.

this thesis has demonstrated, neither the factions' adherence to the Covenants, nor their opposition to erastianism and sectarianism, were as unswerving as has often been assumed.

Throughout the 1650s, the Protesters had demonstrated a decided lack of zeal in prosecuting their covenanted obligations, a willingness to countenance state interference in the kirk's sphere of authority and a lenient attitude towards sectarianism. In their letter to Cromwell, for example, written immediately prior to the 1652 settlement of Scotland, there was not only no call for the establishment of presbyterianism in the three kingdoms, there was hardly a mention of the Solemn League and Covenant itself, except in relation to the preservation of religious uniformity in Scotland. This same apparent disregard for the Covenant's wider requirements was repeated in both the party's 1653 and 1654 declarations to the English. In 1655, the Wariston-Guthrie wing of the party went a step further, demonstrating that they did not believe the Covenants to be inviolable in nature, when they attempted to have the godly enter into a "new Covenant"; a document which in practice, if not in theory, would have superseded both the National Covenant and the Solemn League and Covenant. Throughout the remainder of the 1650s, the Protesters dropped all reference to the Covenants in their dealings with the English and it was not until late 1659, that the Guthrie-Rutherford wing of the party relinquished their ambiguous stance and reverted to a position more in line with the one they held in the early 1650s. It is further true that by the middle 1650s virtually all the leading Protesters were willing to allow for some degree of erastian interference in the kirk's affairs. Indeed, it was their 1656 party conference which commissioned Wariston, Guthrie and Gillespie to go to London and petition Cromwell for the establishment of a state-appointed committee to oversee the affairs of the kirk. If the Protesters' attitude towards the Covenants and erastianism was flexible, so too was their position on sectarianism and religious toleration. Although opposed adamantly to Independency in principle, in practice, they were more than willing to have close fellowship with men they believed to be among the land's godly. While virtually all the Protesters believed the Independents to be their brethren in Christ, Patrick Gillespie's wing of the party was particularly sympathetic with their position and even refused to allow

the Protesters turned Independents within the bounds of the Glasgow synod to be disciplined by their respective presbyteries. This affinity continued to grow throughout the 1650s and by 1659, there is clear evidence that many in the Wariston-Gillespie wing of the party were willing to accept a state-established religious toleration in Scotland.

While the Resolutioners were quick to condemn what they believed to be the Protesters' defection and hypocrisy in these matters and preen themselves on their faithful attachment to their former principles and obligations, they themselves were far from guiltless in the matter. Although their understanding of the Covenants and their duty to oppose erastianism and toleration may not have been as adaptable as the Protesters, they too, were willing to be flexible in their relationship with the English. Their chief "sins", however, unlike the Protesters, were ones of omission rather than commission. Besides their 1652 testimony against the Tender and a few papers given to Monck, they remained largely silent concerning the government's violation of the Covenants and its introduction of religious toleration. This is particularly true after their successful negotiations with Broghill in 1655. From this point on, they joined with the Protesters in a conspiracy of silence, mentioning nothing of their various grievances and actively seeking the favour of the English. The Resolutioners lack of commitment to the Covenants was particularly demonstrated in the aftermath of the king's return from exile. Unlike the Protesters, who by this time had reverted to a more hard-line stance on the Covenants and erastianism, they displayed a willingness to accept the establishment of presbytery in Scotland alone and a degree of governmental involvement in the kirk's affairs. By mid-1660, many in the Resolutioners' ranks had forsaken the kirk's received understanding of the Covenants and were arguing that a more moderate form of episcopacy, with "constant moderators", was compatible with the Solemn League and Covenant's second article.¹¹ There is, in fact, good reason to believe, that the majority of Resolutioners who were deprived in 1662, would have conformed, if such a settlement had been attained. Indeed, the majority of those who refused to conform, appear to have been more concerned with the government's requirement that they secure presentation by

¹¹Row, *Life of Blair*, 361-4.

a lawful patron and collation by a bishop; an act which would have been tantamount to admitting that their previous ordinations had been irregular and therefore, unlawful.¹² That this was the case, is borne out by the fact that many of the deprived Resolutioners accepted the 1669 and 1672 Indulgences; neither of which required patronage or re-ordination.

An explanation of the motivation behind the Resolutioners' activities during the period 1650-62 is a relatively straightforward task, when compared with evaluating the actions of the Protesters during the same period. From the reception of the king in 1650, until the re-establishment of episcopacy in 1662, the Resolutioners appear to have been driven largely by pragmatic concerns. The defence of Scotland against foreign invasion and the protection of the kirk's presbyterian government, were, most definitely, their prime motivation in all that they did. This is not to say, however, that their theological and ideological presuppositions did not play an important role in the formation of their agenda. Certainly, they were able to point to theoretical precedent from the 1640s and earlier. Their use of such arguments, however, seems to have been primarily intended to buttress their already predetermined decisions. Indeed, there is no evidence that they experienced any of the tortuous ideological and theological permutations that the Protesters did in deciding their position on specific issues. This interpretation of the Resolutioners' motivation is consonant with the findings of Julia Buckroyd, who, in her examination into the political life of James Sharp, has not hesitated to describe the Resolutioners as "opportunists", men whose actions were not driven primarily by principle but by political expediency.¹³

The Protesters, on the other hand, were much more the ideologues. As such, the fine line between the parts which principle and pragmatism played in their activities during the 1650s, is far more difficult to assess. While it is evident that principle played a large role in their opposition to the king's return and the passing of the Public Resolutions, it is equally true that they were loath to loose their power in the kirk. Similarly, if the political and theological theory of Samuel Rutherford and others can explain their willingness to modify or replace the civil articles of the Covenants, it can

¹²Stevenson, *The Covenanters*, 60.

¹³Buckroyd, *Life of Sharp*, 70.

not explain their seemingly pragmatic decisions concerning erastianism and religious toleration. While their motivation in such matters is admittedly complex, there does appear to be one overarching concern within which the entire spectrum of their activities was prescribed; one which took precedence over other considerations - the cause of true religion and godliness. This postulate would explain their willingness to employ "magisterial" power during the theocracy of 1648-50 (despite their views on the "ministerial nature" of church government) and their reluctance to loose such power in 1650-1. It would also explain their willingness to modify the third article of the Solemn League and Covenant to allow for the rule of the English Commonwealth and their drafting of a new Covenant in 1655. The former would ensure that the English performed the role of a godly magistrate in relation to the kirk, while the latter would bind the godly under a new obligation to defend true religion. This pursuit of godliness would explain further the Protesters' attempts to secure an erastian settlement for the kirk in 1656-7 and their disregard of established presbyterian government and discipline. Numerically weak, they realized that it was only with English aid that they could purge the kirk of ungodly ministers; in the absence of such aid, however, they were more than willing to disregard the sentences of church courts and circumvent the normal channels of presbyterian polity in order to achieve their ends and safeguard the godly from oppression. In summation, it would appear that for the Protesters, the reformation of the national kirk and the preservation of true godliness took precedence over virtually every other consideration; including their covenanted obligations, their abhorrence of erastianism and the maintenance of presbyterian government and discipline. It was their search for this "one thing needful", which motivated their course throughout the 1650s and dictated their response to the king's return and the re-establishment of episcopacy in 1660-2.

The Legacy of the 1650s

Given the offensive character of the factions' division during the 1650s and the nature of their proceedings respecting erastianism, religious toleration, presbyterian

government and the Covenants, it is not surprising that the later conventiclers sought to draw a veil over the period. Nevertheless, both the conventiclers and the more moderate presbyterians, were the legitimate heirs of their respective forefathers, the Protesters and the Resolutioners. For example, the conventiclers, many of whom were former Protesters, followed the hard-line stance taken against erastianism by the Guthrie-Rutherford wing of the Protesters and refused to accept the 1669 and 1672 Indulgences. Many of the more moderate presbyterians, on the other hand, including the former leading Resolutioners, Robert Douglas and George Hutcheson, accepted the Indulgences and resumed their ministry. The sharp divisions which this issue occasioned between the two parties, was later likened by the historian Robert Wodrow to a reviving of the "burnings" of the Protester-Resolutioner controversy.¹⁴ The indulged and non-indulged ministers were also indebted to the factions of the 1650s for their views on passive and active obedience. Those who were to accept the Indulgences followed the Resolutioners' doctrine of passive suffering as articulated in Wood and Hutcheson's *Review and Examination* and chose, on the whole, to obey the governments prohibitions on preaching. The non-indulged, on the other hand, appropriated the Protesters practice of active disobedience and took to holding illegal conventicles. Perhaps the most striking example of the later conventiclers debt to their radical and Protesting progenitors, however, was their doctrine of defensive arms.

In accordance with the long-established Scottish (and wider European) tradition which justified the use of defensive arms, the more extreme conventiclers engaged in active resistance against governmental tyranny. Not surprisingly, they justified their decision to take up arms by appealing to the radicals' theoretical writing of the 1640s; particularly, Samuel Rutherford's *Lex Rex*. At one point in this treatise, Rutherford had stated, "To me, obedience passive is a chimera, a dream, and *repugnantia in adjecto*."¹⁵ With such a sentiment, the extreme conventiclers were in full agreement. However, they went a step further than Rutherford had dared and openly advocated the rights of the common people (and not just their lawful representatives, the inferior magistrates), to defend themselves against tyranny. Such a populist theory, however,

¹⁴Wodrow, *History* i, 251.

¹⁵Rutherford, *Lex Rex*, 155.

was not without precedent, and, in support of it, extreme conventiclers such as Sir James Stewart were able to draw on the more radical views of religious rebellion advocated by John Knox and his contemporaries.¹⁶ The later conventiclers also inherited the radical presbyterians' understanding of the contractual theory of monarchy. With Rutherford and others, they maintained that all monarchical government was founded on a mutual contract, or covenant, between people and king. When the king, therefore, failed to observe his part of the contract by turning tyrant and failing to uphold the cause of true religion, he forfeited his right to the throne.¹⁷ This view of monarchy enabled the conventiclers to dismiss the king's prerogatives on the exact same grounds which the Protesters had in 1651-2. Interestingly, it also led them to the same conclusions which the Protesters had reached concerning the nature of the Covenants' civil clauses. As with the Protesters, the conventiclers saw no essential contradiction in amending the Covenants to allow monarchical government to be replaced by a republic. In a document known as the "Queensferry Paper", some of the more extreme conventiclers even declared for a form of government similar in many respects to the rule of the kirk regime during the "theocratic" period of 1648-50.¹⁸ Once again, however, these conventiclers took their anti-monarchical views to an extreme which the Protesters had never dreamed of, deprecating the institution of kingship in an extremely frank manner. No man, observed Sir James Stewart, is born "with a crown on his head and a sceptre in his hand."¹⁹ Their particular ire, however, was reserved for the Stuarts: "The institution of monarchy in general", declared Alexander Shields scornfully, "does not make James Stewart a king - no more than John Chamberlain."²⁰

Finally, the radicals' experience of holding "godly" conventicles during the 1640s and the Protesters' theoretical defence of their non-submission to church courts in 1658, both had a profound impact on the later conventiclers' ecclesiology. Unable to submit to prelatical tyranny, they extrapolated upon the radicals' understanding of the

¹⁶J. Stewart, *Jus Populi Vindicatum...* (1669), 173-215.

¹⁷Rutherford, *Lex Rex*, 77-88, 208.

¹⁸Wodrow, *History* iii, 207-211.

¹⁹Stewart, *Jus Populi Vindicatum*, 85.

²⁰A. Shields, *A Hind Let Loose...* (Glasgow, 1797), 238.

"visible" and "invisible" church in order to justify their existence outside of a national ecclesiastical framework. Accordingly, when James Renwick was ordained by a group of Dutch ministers, it was argued that they had not ordained him a minister of the Church of Scotland, but of the "Church Universal", "a minister in any church whereof he was a member, and so consequently in Scotland."²¹ Similarly, it was as a "minister of Jesus Christ", that Donald Cargill excommunicated the king and his advisers at Torwood.²² It was, however, the distinction which Guthrie and his associates drew between the "essentials" and "circumstantials" of presbyterian church government in *Protesters no Subverters*, which enabled the conventiclers to circumvent the charges of separatism and maintain their presbyterian credentials. The conventiclers were also indebted to the arguments which the Protesters employed in this pamphlet against submission to unlawful church courts. This enabled them to buttress their rationale for refusing to submit to episcopacy.

Although the earlier generation of Protesters would not have owned all of the radical conventiclers' explications of their principles, there is no denying that both groups sprang from the same tradition of radical presbyterianism. It could, in fact, be argued that the conventiclers took many of their progenitors principles to their logical conclusion. In a similar manner, the Resolutioners, while not condoning the actions of those ministers who conformed, could not deny that they shared in the same, more moderate, tradition of churchmanship. They had, after all, argued in their *Review and Examination* that an episcopal church, although not sufficiently reformed, was nevertheless a true church of Christ and therefore to be obeyed. Ultimately, however, both the Protesters and the Resolutioners were part of the larger ongoing debate in the Scottish church history which began in the Reformation of 1559-60 and has not been reconciled to this present day. Although this debate has taken on many guises through the centuries - the radical versus the more moderate reformers, the godly versus the formalist, the "ministerialist" versus the "magisterialist" and the evangelical versus the moderate - the fundamental nature of the divide remains the same. The significance of the place of the Protester-Resolutioner controversy in this history lies in the fact that

²¹M. Shields, *Faithful Contendings Displayed*, ed. J. Howie (Edinburgh, 1780), 236.

²²J. Howie (ed.), *Sermons delivered in Times of Persecution in Scotland* (Edinburgh, 1880), 498.

it was the debate which forever shattered the kirk's institutional unity. Although virtually all of the presbyterian splinter groups which have existed since the 1660s have traced their spiritual origins back to the time of the Covenants, few, if any, have recognized that it is to the period of the 1650s which they owe their true debt of gratitude.

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