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The Scottish Parliament, 1639-1661: A Political  
and Constitutional Analysis

John Roach Young

Volume 1

Submitted for the degree of Ph.D. in the  
University of Glasgow, October 1993

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Scottish History, University of Glasgow

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## SUMMARY

The Covenancing Movement was essentially composed of radicals and conservatives. Radicals were in a minority among the noble estate, but had a strong base among the gentry and the burgesses. In addition, pragmatic Royalists were Royalists who accepted and subscribed compulsory Covenancing oaths and obligations in order to secure admission to public office, particularly Parliament.

The radical wing of the Covenancing Movement dominated parliamentary proceedings from 1639-1646. A radical political and constitutional agenda had been formulated prior to the 1639 Parliament. Such an agenda was enacted in the Scottish Constitutional Settlement of 1640-41. The radicals similarly orchestrated the calling of the 1643 Convention of Estates and the signing of the Solemn League and Covenant. Whilst there was a rapprochement between radical and conservative nobles in 1645-1646, the cutting edge of the radicals was maintained by the gentry and burgesses and the emergence of a Scottish Commons can be detected. The crisis over the position of the king in 1646-1647 led to the ascendancy of conservatism among the Scottish Estates, 1647-1648. The defeat of the Engagement Army in the summer of 1648 led to a coup d'etat in Scotland and the instillation of a radical regime which held power unchallenged until the defeat at the Battle of Dunbar in September 1650. Thereafter there was a patriotic accommodation between the various political factions in Scotland in light of the growing threat to national independence from Cromwellian military forces. Following military defeat at the hands of Cromwell, Scotland eventually became incorporated within the Commonwealth and Protectorate. In political terms, the continuance of an "Argyll interest" can be observed. The Restoration witnessed the rescinding of Covenancing legislation, although Covenancing procedures were adopted, rather than abandoned. Whilst the Restoration witnessed the reassertion of noble power, a significant political role for the gentry was still maintained.

That the gentry and burgesses provided the political backbone of the Covenancing Movement was reflected in the complicated committee structure of Parliament, 1639-1651. In addition, non-parliamentary gentry and burgesses were regularly involved in the proceedings of both parliamentary session and interval committees. Detailed parliamentary procedures and regulations were established in 1640-41 and continued to be modified according to circumstances throughout the 1640s and continued to 1651. The Restoration Parliament of 1661 saw a return to more traditional parliamentary regulation, particularly under the control of the crown and crown royal appointees.

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Gratitude is also expressed to the librarians and archivists of Glasgow University, Edinburgh University, the National Library of Scotland and the Mitchell Library, Glasgow, for their efficient professional services. The staff of the Scottish Records Office and Strathclyde Regional Archives similarly merit appreciation. Deserved thanks also go to the Marquess of Bute <sup>and</sup> the Duke of Atholl for their permission to consult their private collections.

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## ABBREVIATIONS AND CONVENTIONS

APS	<i>Acts of the Parliaments of Scotland</i> , T. Thomson & C. Innes (eds.), volumes v-vii (Edinburgh, 1814-1872)
CSPD	<i>Calendar of State Papers Domestic</i> (1639-1661), 16 volumes, W.D. Hamilton & M.A. Everett Green (eds.) (London, 1923-1931)
CSPV	<i>Calendar of State Papers and Manuscripts, Relating to English Affairs and Collections of Venice, and in other Libraries of Northern Italy</i> , volumes XXIV-XXXII, A.B. Hinds (ed.) (London, 1923-1931)
EHR	<i>English Historical Review</i>
EUL	Edinburgh University Library
GUL	Glasgow University Library
HMC	Historical Manuscripts Commission
NLS	National Library of Scotland
RPCS	<i>Register of the Privy Council of Scotland</i> , P.H. Brown (ed.), 2nd series, volumes i-viii (1625-1660) (Edinburgh, 1899-1906)
SHR	<i>Scottish Historical Review</i>
SHS	Scottish History Society
SRA	Strathclyde Regional Archives
SRO	Scottish Records Office
<i>The Scots Peerage</i>	<i>The Scots Peerage</i> , Sir J. Balfour Paul (ed.), 9 volumes, (Edinburgh, 1904-1914)
TRHS	<i>Transactions of the Royal Historical Society</i>

Dates:

Old Style dates used in contemporary Britain are retained throughout. The new year is taken to begin on 1 January according to Scottish usage, not 25 March (English usage).

Money:

The merk was valued at two-thirds of the pound Scots (£), twelve of which were equivalent to a pound sterling. All monetary values are Scots unless otherwise stated.

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## INTRODUCTION

### *(1) Historiography*

The Scottish Parliament has received no significant systematic analysis or study since that of R.S Rait *The Parliaments of Scotland* (Glasgow, 1924) and C.S Terry *The Scottish Parliament: Its Constitution and Procedure, 1603-1707* (Glasgow, 1905). At the outset of *The Parliaments of Scotland*, Professor Rait openly stated that

"H.M Register House in Edinburgh contains stores of MS. material which must be rendered available in printed form before they can be efficiently utilised for purposes of historical investigation. I have therefore published my conclusions as they are, but no-one is more fully aware than myself that this book must suffer - in addition to my own personal shortcomings - from the imperfections of any pioneer work. I hope that it may serve to advance the study of a neglected topic and may stimulate students to undertake some of the vast amount of research which is still necessary..."<sup>1</sup>

Rait's reluctance to undertake detailed manuscript analysis of parliamentary sources was noted by contemporary historians. In a review of Rait's text in 1925, Professor Tout observed that

"The chief limitation of the book is frankly confessed at the outset. Professor Rait does not seem to have extended his investigations far beyond the printed sources.... Our author seems content with the doctrine that manuscripts must be printed before they can be efficiently utilised for purposes of historical investigation. This is rather an old-fashioned view to take of the use of manuscripts.." <sup>2</sup>

In common with Rait, Terry also avoided analysing a large corpus of parliamentary manuscripts. In spite of Rait's call for more original research into Scottish parliamentary history, this remained uncharted territory until recent times. In 1992 volume one of *The Parliaments of Scotland. Burgh and Shire Commissioners* (ed.), M.D Young, was published by Scottish Academic Press on behalf of the Scottish Committee on the History of Parliament. Having taken over 50 years to complete, this important contribution to Scottish

parliamentary historiography provides biographical details of commissioners of the shires and commissioners of the burghs. One of the major drawbacks of this work, however, is that it does not include details of membership of national parliamentary committees as documented in the official parliamentary records (APS) or attendance details of members of parliamentary committees as recorded in the original manuscript committee registers.

The parameters of this doctoral thesis extend from the first Covenanted Parliament of 1639 to the Restoration Parliament of 1661. The two leading Covenanted historians, A.I. MacInnes and David Stevenson, have covered various aspects of Covenanted parliamentary history. Sundry aspects have been covered by Stevenson in *The Scottish Revolution, 1637-44* (Newton Abbot, 1973) and *Revolution and Counter-Revolution in Scotland 1644-1651* (London, 1977). More specifically, in *Government Under the Covenanters 1637-1651* (Scottish History Society, Edinburgh, 1982) Stevenson has calendared the proceedings of five parliamentary committees 1645-1651. Whilst these are undoubtedly important contemporary parliamentary sources, they constitute only a small portion of the available manuscript parliamentary committee registers. MacInnes, on the other hand, has provided an invaluable synthesis of the political organisation of the Covenanted Movement, with particular reference to its parliamentary form. MacInnes considers these aspects in "The Scottish Constitution 1638-51: the Rise and Fall of Oligarchic Centralism", in J. Morrill (ed.), *The Scottish National Covenant in its British Context 1638-51* (Edinburgh, 1990) and in *Charles I and the Making of the Covenanted Movement 1625-1641* (Edinburgh, 1991).

## **(2) Methodology**

Analysis of parliamentary personnel and human resources has been conducted in line with the assertion that the Covenanted Movement was composed essentially of radicals and conservatives. The term pragmatic Royalist has also been employed for those nobles who were Royalists or courtiers but who subscribed the necessary Covenanted oaths in order to secure admittance to Parliament. Throughout the 1640s, however, the distinction between pragmatic Royalists and conservative nobles became increasingly blurred. Apart from obvious pragmatic Royalists, those nobles who attended Parliament on a regular basis and/or were active on parliamentary committees have been classified as conservatives. Analysis of the nature of factionalism and "party" has been conducted from empirical data contained in the appendices to this doctoral thesis.

### **(3) Appendices**

Six forms of appendices have been constructed from the printed parliamentary records and manuscript parliamentary sources:

(i) The numerical compositions of each parliamentary session for each Parliament have been combined in appendix form. This indicates the numerical composition of each parliamentary estate and total parliamentary membership for each session per Parliament.

(ii) A further appendix has been constructed per Parliament illustrating the movement per estate and movement in total membership between parliamentary session for each Parliament. This allows for comparative analysis of fluctuations in the compositions of parliamentary sessions over the lifetime of the one Parliament.

(ii) For each Parliament, the parliamentary rolls for each parliamentary session have been constructed into one appendix pertaining to individual common membership for nobles, gentry and burgesses. This provides for analysis of common membership and retention of personnel between parliamentary sessions of the one Parliament. Membership details of the 1643 Convention of Estates have also been included for the periods 1639-41 and 1644-47. This allows for scrutiny of common membership between the parliamentary sessions of 1639-41 on the one hand and the First Triennial Parliament of 1644-47 on the other hand.

(iv) For each parliamentary session an appendix illustrating the committee structure of that session has been constructed. Each appendix indicates both session and interval committees. Where a certain committee was both a session and an interval committee this has been indicated in the appropriate appendix. Where a parliamentary session appointed a large amount of session and interval committees, separate appendices have been constructed for session and interval committees.

(v) Apart from those manuscript committee registers calendared by David Stevenson in *Government Under the Covenanters*, the sederunts of all remaining manuscript committee registers located in the Scottish Records Office have been constructed into an appendix for each committee. As well as listing the nobles, gentry and burgesses listed in the official parliamentary commission for each committee, these appendices indicate those nobles, gentry and burgesses who were not official members of each committee, but who were actually attending committee diets. Furthermore, each appendix for manuscript committee registers provides a numerical breakdown of attendance per parliamentary estate and total

membership. This provides a necessary tool for observing whether or not parliamentary regulations governing attendance per estate and total committee membership per diet were being observed.

(vi) Appendices have been constructed from printed sederunts of the Privy Council recorded in *RPCS*. These are useful for cross-analysis of membership and attendance between parliamentary interval committees and the Privy Council.

#### ***(4) General Historical Background, 1625-1638.***

The Personal Rule of Charles I, 1625-1639 constituted an unprecedented attack on and disregard of Scottish national institutions. Unlike his father, James VI, Charles failed to hold regular Parliaments and had treated his Scottish kingdom as a frontier region which was to adhere to policy initiated by the Crown. Although the Union of the Crowns of 1603 had ultimately weakened the relationship between the Crown and the Scottish political nation, by the transfer of the Scottish monarch to London, James VI had still made a conscious attempt to govern Scotland through regular calling of the Scottish Parliament and by listening to the advice of the more influential Scottish nobles.

Following the death of James VI in 1625, his son Charles had succeeded to the Crowns of Scotland and England. A Convention of Estates was called in 1625, solely for securing favourable taxation ~~measures~~ for the Crown in light of a continued military conflict with Spain. Although a Parliament had been planned for 1628, by 1630 pressure of business in England, combined with a lack of real political interest, had forced Charles to call a further Convention of Estates. The 1630 Convention was efficiently managed to secure Crown interests and stifle opposition to the Revocation Scheme. When the Coronation Parliament was eventually held in 1633, royal management of the parliamentary agenda continued.

The 1633 Parliament, in combination with the political devices employed by the king during the Personal Rule, was to provide a series of political and constitutional grievances on the part of the Scottish political nation. Charles had openly promoted bishops and archbishops as his political tools in the Privy Council and in state offices. Englishmen had also been added to the Privy Council as creatures of the Crown. The experience of the 1633 Parliament had emphasised the importance of proxy voting, a continued management of the parliamentary agenda with no opportunity for disagreement or debate and further employment of bishops on the Lords of the Articles. Moreover, the king was personally present and took notes on the proceedings, in a deliberate attempt to intimidate the Estates. Religious legislation enacted in 1633, notably the act allowing the king to determine clerical

dress, increased hostility to the king's religious reforms. The Book of Canons, introduced in 1636, combined with a new Scottish Prayer Book issued in 1637, based on Archbishop Laud's English model, provoked a nationalist revolt in 1638 whose origins can be attributed to the experience of royal government under the Personal Rule of Charles I.<sup>3</sup>

### *(5) Chapter Breakdown*

Chapter I examines the proceedings of the 1639 Parliament. In particular, the extent of whether or not a constitutional agenda had been formulated prior to the sitting of that Parliament is examined. In addition, the role of the gentry and the burgesses vis-a-vis the nobility in formulating a constitutional agenda is scrutinised. The nature and extent of constitutional reform, within a British perspective, which was enacted in 1640-41 is analysed in Chapter II. Chapter III examines the extent of radical dominance over parliamentary interval committees established in November 1641 in comparison to the Scottish Privy Council. Chapter III also scrutinises the role of those parliamentary interval committees in the calling of the 1643 Convention of Estates. The proceedings of the 1643 Convention of Estates and the management of that Convention by a radical caucus are also covered in Chapter III. The issue and extent of radical management is continued in Chapter IV with coverage of the 1644 Convention of Estates and the 1644 Parliament. Chapters V and VI examine the political reaction of the radical leadership in parliamentary terms to full-scale civil war within Scotland, 1645-46. The extent of rapprochement between radicals and conservatives within Parliament is scrutinised as is the nature and extent of punishment of rebels. The repercussions of continued Scottish involvement in the English Civil War regarding the position of Charles I are tackled in Chapter VII. The decision to leave the king under the jurisdiction of the English Parliament in return for the payment of financial arrears and the level of the rise of conservatism within Parliament is also covered in Chapter VII. Chapter VIII examines the Engagement Settlement and the securing of political power by the conservatives in the Committee of Estates and the dominance of the 1648 Parliament by the conservative faction. Chapter IX, on the other hand, charts the establishment of a radical political regime following the defeat of Engagement military forces in August 1648 and examines the nature of political retribution taken against Engagers. Chapter X continues the parliamentary analysis of the radical regime, within the confines of attempting to secure assent of the newly proclaimed Charles II to demands of Church and State which would make him a covenanted king. The repercussions of military defeat of the official Scottish armed forces at Dunbar by Cromwell are covered in Chapter XI. This is discussed primarily in terms of the growth of nationalism in light of military occupation by a foreign force. The

extent and nature of political rapprochement between the various Scottish political factions in light of the foreign military threat is scrutinised in detail. Chapter XII examines Scottish representation in the Cromwellian Parliaments, following the incorporation of Scotland within the English Commonwealth as a result of catastrophic military defeat at the Battle of Worcester in September 1651. The Restoration of the monarchy in England, following the collapse of the Protectorate, allowed for the Restoration in Scotland and a return to traditional Scottish political institutions. Chapter XIII examines the Restoration Settlement in Scotland, 1660-1661. It examines the re-establishment of the royal prerogative and the rescinding of Covenanted legislation.

1. R.S Rait, *The Parliaments of Scotland* (Glasgow, 1924), vii-viii.
2. Review of *The Parliaments of Scotland* by Professor Tout, *SHR*, 22 (1925), 95-96.
3. M. Lynch, *Scotland. A New History* (Edinburgh, 1991), 265-270; R. Mason, "The Aristocracy, Episcopacy and the Revolution of 1638" in T. Brotherstone (ed.), *Covenant, Charter and Party. Traditions of revolt and protest in modern Scottish History* (Aberdeen, 1989), 9-16; C.V Wedgwood, "Anglo-Scottish Relations, 1603-40", *Transactions of the Royal Historical Society*, XXXII (1950), 32, 40; W. Ferguson, *Scotland's Relations with England: A Survey to 1707* (Edinburgh, 1977), 112-113; D.G. Mullan, *Episcopacy in Scotland: The History of an Idea, 1560-1638* (Edinburgh, 1986), 173; A.I MacInnes, *Charles I and the Making of the Covenanted Movement 1625-1641* (Edinburgh, 1991), 49-77, 77-102, 128-155; David Stevenson, *The Scottish Revolution, 1637-1644* (Newton Abbot, 1973), 23, 26-27, 30-31, 33, 34, 42, 48; E.J. Cowan, "The Union of the Crowns and the Crisis of the Constitution in Seventeenth Century Scotland" in S. Dyrvik, K. Mykland, J. Oldervoll (eds.), *The Satellite State in the Seventeenth and Eighteenth Centuries* (Bergen, 1979), 122; M. Lee, *The Road to Revolution: Scotland Under Charles 1st, 1625-37* (University of Illinois, 1985), 131-133, 239; *RPCS*, 2nd series, I, 1625-1627 (Edinburgh, 1899), xxi-xxv, xxvi; *RPCS*, 2nd series IV, 1630-1632, (Edinburgh, 1902), v, vi, vii, viii; *RPCS*, 2nd series VI, 1635-1637 (Edinburgh, 1905), vi-vii.



## I THE 1639 PARLIAMENT.

" And now qu'hen come it this grate parliament  
 Long wished for and in grate expectatione  
 for all belivied, and wer right confident  
 Yet it should setle this distracted Nazione  
 And pute ane End all our greiffes and feares..  
 To see ane End pute to oure grate debait  
 By this so longed for present parliament  
 for setling all thinges both in kirke and stait.."1

Throughout the evolution of the Covenanting Movement against the administration and policies of Charles I, the question of a "free" parliament, primarily as a reaction against the experience of the 1633 Parliament, had emerged as an integral component of the demands of the Covenanting leadership. The issue had been incorporated within the National Covenant, the central document of Covenanting ideology.<sup>2</sup>

Despite the fact that royal assent for the summoning of a General Assembly and Parliament was not accepted until September 1638, the course of events had accelerated and intensified the struggle sharply. The Glasgow Assembly held in November and December 1638 had abolished the episcopal structure of the government of the Church of Scotland and demanded legal ratification of its proceedings in the next ensuing Parliament, (wherein lay the civil power), Parliament being the foremost judiciary of the kingdom. Furthermore, following the First Bishops' War in the contest between the Covenanters and the king, the king had recognised in the Pacification of Berwick (June 1639) that Parliament should finally convene in August 1639 (to be preceded by another session of the General Assembly), after two successive diets of Parliament on 15th May and 23rd July had been twice prorogued by royal warrant, with only the officials of Parliament present, who had had been forced to do so under threats from Traquair.<sup>3</sup>

Prior to the session of Parliament commencing on 31st August 1639, (plans for a session on 12th August having been likewise abandoned), the Covenanters had organised their personnel to a sufficiently high degree as to provide a solid base from which to infiltrate and control the Parliament, given the appropriate opportunity. From November 1637 the direction of the movement had been under the control of the Tables, a corps of the political elite of the

Covenanters to provide co-ordination and leadership to the movement, with each of the political estates represented (nobles, gentry and burghesses, respectively) plus the clergy. The Fifth Table (the executive table) provided the ultimate tier of organisation and leadership. This efficiency of organisation had enabled an informal meeting of the Estates to take place on 9th May 1639, described as "the noblemen, lords of parliament, commissioners of shires, and commissioners of burghs for the parliament", to provide a forum for the discussion of military preparations for the First Bishop's War.<sup>4</sup>

Just as the Tables had co-ordinated and controlled the proceedings of the Glasgow Assembly, it is evident from the run-up to and progress of the 1639 session of Parliament that a broad range of issues had been taken on board by the Covenanting leadership to be settled in Parliament, issues which were to be finally incorporated in the Scottish constitutional settlement of 1640-1641. These proposals can be interpreted as forming a specific manifesto, several of which were sent to those members of the estates elected to the Lords of the Articles sitting in closed session throughout the autumn and winter of 1639.

The demands can be differentiated into four identifiable groupings. Firstly, parliamentary ratification of the religious revolution carried out by the Glasgow Assembly was sought. Secondly the modification of the Lords of the Articles and its abolition as an instrument of royal authority and influence (as had been experienced in the 1633 Parliament) was advocated. Thirdly the remodelling of the constitution of Parliament, especially control over the appointment of Officers of State, Privy Councillors and Ordinary Lords and Extraordinary lords of the Court of Session and the safeguarding of the legitimacy and authority of future Parliaments, (by the compulsory holding of Parliaments every two to three years) was required. Fourthly, the return of the Incendiaries, the five individuals who in particular faced the wrath of Covenanting hatred and had been prominent in Charles I's Personal Rule was demanded (the Earl of Traquair, Sir Robert Spottiswood, Sir John Hay, Walter Balcanquhall and John Maxwell, Bishop of Ross). Traquair was well aware of the fact that "these people (the Covenanters) have somewhat else in their thoughts than religion."<sup>5</sup>

Parliamentary sanction of Covenanting policy as expressed in the Glasgow Assembly (including the abolition of episcopacy and the clerical estate) remained at the forefront of the Covenanting agenda, as the principal means of providing legal protection to the religious settlement and enhanced credibility by ratification by the supreme court of the realm. Francesco Zonca, the Venetian Ambassador in London, noted that the Covenanters "...could not rely upon the royal promise for the abolition of the liturgy book unless it was suppressed by decree of parliament."<sup>6</sup>

Nevertheless, as evident from examination of the second and third areas of the Covenanting agenda, the sanction of the religious settlement was only to provide one aspect of parliamentary business. Rather, it was constitutional concerns that were to predominate, the Covenanters being determined that religious revolution was to be complemented by

constitutional revolution, checks and balances being placed on absentee monarchy and the abuse of the royal prerogative.<sup>7</sup>

The two prime spheres identified for constitutional amendment were the abolition of the clerical estate in Parliament and modification of the electoral procedure of the Lords of the Articles. The Lords of the Articles had been restructured in 1621 to facilitate royal management of that Parliament. The same procedure had been followed in 1633. In 1621 those bishops and nobles elected to the Articles had chosen the representatives of the other two estates (gentry and burgesses), and this procedure had been followed in 1633 with the bishops electing the eight noble members of the Articles, and the nobles duly elected the eight respective members of the gentry and burgesses. There was also the added presence of Crown nominated Officers of State. It was this electoral power of the bishops in Parliament and their control of the composition of the Articles, complemented by their role as Crown nominees in the Privy Council and other public offices, that required their removal;

"the power to choose other eight of the Nobility whom they knew most addicted to his Majesty and those sixteen the rest; so that all depended upon them, and they upon his Majesty."<sup>8</sup>

The noble members of the 1633 Lords of Articles had been predominantly courtiers. Moreover, the Parliament of 1633 had provided no meaningful forum for discussion and the parliamentary members were merely obliged to vote either way on the legislation constituted by the Articles, with the king duly noting the names of those disobliging members voting against the already constructed body of legislation, turning the Estates into cyphers.<sup>9</sup>

As early as June 1639 Covenanted proposals were being articulated to secure diets of Parliament at regular intervals (every two to three years) and rumours were circulating that if the king would not summon them then the nobility would do so of their own accord. Such demands were justified on two grounds; the king's personal absence from the country, which hindered the airing of native complaints and grievances, and the prevention of the "disorders" committed by the corrupt councillors of the Personal Rule, justifications which were in reality merely a guise for keeping constitutional checks on an absentee monarch. Likewise, the appointment of Privy Councillors, Officers of State and officers of the Court of Session was to come under the sphere of parliamentary control. Previous appointments to both these bodies, "where men are placed at everie courtiers desyre" had only served the "courts pleasure without regard to kirk or kingdome". Future appointments were to revert to the former system of joint consultation between king and Parliament when Parliament was current.<sup>10</sup>

Apart from constitutional concerns a high premium was placed upon the return of the

above-named Incendiaries who, according to Covenanting propoganda, had been the cause of the troubles in the country due to their "evil" advice and misrepresentation of policy. Those "Incendiaries and false informants against the kingdom who (out of malice) have caused thes commotions for their own private ends" were to return to face the censure and punish ment of Parliament.<sup>11</sup>

From a different perspective, the Royalists were well aware of Covenanting aspirations and Traquair, as the foremost representative of the king's interest in Scotland, had been issued with specific instructions of how to proceed when the Estates finally convened on 31st August 1639. Although the session had been scheduled for 26th August it had been held over for five days due to the General Assembly's continued sitting. The king was adamant that the granting of a free Parliament was not to constitute ratification of legislation derogatory to Royal authority. Royal concern was focused on two particular areas; how to deal with the abolition of episcopacy by the Glasgow Assembly, with the consequent removal of a royalist voting block within Parliament, (the bishops having been already instructed not to attend the forthcoming session of Parliament), and the issue of the constitution of the Committee of the Articles. Royal Communications to Traquair stressed that the legislation which had been passed in the General Assembly was not to be repeated in Parliament under any circumstances. In particular, although royal assent had been given to the abolition of episcopacy by the General Assembly, Traquair was under strict instructions that any previous acts establishing episcopal government of the kirk were not to be repealed in Parliament, with specific reference to the legislative clause which deemed episcopacy to be unlawful in the Kirk, and not merely contrary to the constitution of the kirk. If royal refusal to consent to the rescinding of previous parliamentary legislation in favour of episcopacy provided a "rupture" between king and Parliament then religion was to be made to be the cause and not the delicate issue of royal power within Parliament.

Under the cloak of religion, however, attention centred on which grouping was to control power within Parliament. Monarchical interest made it imperative that some form of substitute should be implemented to replace the bishops' votes. Charles accepted the feasibility of a plan of which Montrose was the "leading spirit" that a body of fourteen ministers, or if that was not possible, fourteen laymen, who were to be "king's men" nominated by the Crown, should form the appropriate replacement. Not only were these fourteen to have the bishop's places and votes, but they were also to be present on the Articles and have the power of election of the noble component of the Articles. If this option was rendered impossible then "wee ought to haue the nomination of those lordes which the bishops had." On the other hand, if successful then the nomination of these appropriate individuals was to be left to Traquair. Traquair's instructions regarding the Lords of the Articles were clear; their power was not to be defined at this time, and that any discussion thereof was to be avoided, as were attempts to constitute and define the power of any other judicatories. Any contrary manoeuvres were to

interpreted "att nothing, but the overthro of royall authorati..."<sup>12</sup>

It was against this background that the Scottish Parliament convened on 31st August 1639, the day after the dissolution of the General Assembly which had ratified the legislation of the Glasgow Assembly.

***(1) The First Session of the Second Parliament of Charles 1st, 31st August to 14th November 1639.***

***(a) The Composition of the First Session of the Second Parliament of Charles 1st, 31st August to 14th November 1639.***

50 nobles, 47 gentry representing 25 shires and 52 burgesses representing 51 burghs (149 individuals in total) formed the parliamentary membership as per 31st August 1639 (see appendix 2). In terms of numerical composition per estate, the 1639 Parliament witnessed a drop of 20 nobles, two gentry and one burgess (a total drop of 23) compared to the 1633 Parliament. Therefore gentry and burghal levels remained almost constant, whilst the nobility witnessed a significant drop. In addition, 36 out of 50 nobles (72%), 12 out of 47 gentry (26%) and 11 out of 52 burgesses (21%) present in Parliament, 31st August 1639, had also been present in the 1633 Parliament as per 20th June 1633. Gentry and burghal common membership over both sessions was therefore almost identical and probably constituted a disaffected political grouping who had been alarmed at the king's behaviour in the 1633 Parliament. Indeed, their elections had undoubtedly been sanctioned by the Tables. The high retention of nobles over both sessions is unsurprising given the instability of the political environment in 1639.<sup>13</sup>

***(b) The Proceedings of the First Session of the Second Triennial Parliament of Charles 1st, 31st August to 14th November 1639***

Debate immediately emerged on 31st August over the election of the Lords of the Articles, the body which traditionally represented the means by which the Crown bulldozed legislation through Parliament. Given the absence of the bishops, Traquair (as King's Commissioner) and a grouping of royalist nobles defended the royal prerogative, in a private session in an inner room of a meeting of the nobility. This grouping of nobles argued that the noble

element of the Articles should be determined by the king, whilst the Covenanting nobles advocated self-regulation and the election of their representatives by themselves. The proceedings of this meeting were documented by the Earl of Airth, formerly the Earl of Menteith, formerly President of the Privy Council, 1628-30 and Justice-General of Scotland until 1633. Menteith had also managed the 1630 Convention for the Crown. Airth had been authorised by the king to assist Traquair in Parliament and attempt to galvanise a Royalist party. After a long and intense debate, the nobles resolved that if they consented to the king's commissioner appointing their representatives to the Articles, then a protestation would be issued stating that this would not be prejudicial to the choosing of their representatives in future Parliaments (which was duly done). As a concession to the Covenanting leadership on their compromising stance, Traquair agreed he should nominate such nobles as should satisfy the Covenanting nobles. Thereafter, the whole of the nobility proceeded to choose the gentry and burgess representatives. Whilst this was in progress, representatives of both the gentry and burgesses (in essence from the Tables) entered and demanded to air their views, handing in a joint protestation of the right of their respective estates to elect their own members upon the Articles. By this time, however, the choice of the Articles had been made, and it is clear that the choice of the representatives of the political estates of the gentry and burgesses had been determined by the nobility. Upon this issue dissension had emerged between Covenanting and Royalist nobles. Argyll protested on the behalf of the Covenanting party that this mode of election was not to prejudice their rights in future Parliaments and advocated the introduction of legislation by the Articles that each estate (nobles, gentry and burgesses) should elect their own representatives to sit on the Articles. On the other hand, Huntly, the spokesman for the Royalist nobles present in Parliament, demanded that the mode of election of the gentry and burgess members should rest with the noble estate. Both Argyll and his kinsman Loudoun made a point of distancing themselves from Huntly's point of view with the shire and burgh representatives present. When the Estates reassembled, the composition of the Articles was communicated to the body of the House, along with their orders to attend daily in the Inner Parliament House, and the Estates to continue to sit until the Articles had concluded their deliberations. The Articles defied Traquair, however, and refused to meet until the 4th September.<sup>14</sup>

Of the eight nobles on the Articles only two (Huntly and Southesk) were not associated with the Tables. However, the fact remains that Covenanting domination of noble representation on the Articles was less complete. This can be attributed to a reflection of a stronger Royalist contingent among the noble estate in general compared to the other two estates, (the ranks of the gentry and burgesses were filled with Covenanters). Although hard-line Covenanters such as Argyll and Rothes were included as concessions to the Covenanting leadership, a more moderate grouping of Covenanters and even some Royalists were in the ascendancy. Argyll and Rothes, and Lindsay constituted three of the leading radical Covenanting nobles

in Parliament and were in the front-line of demanding constitutional change and a stronger assertion of Parliament's power vis-a-vis the monarchy. Rothes and Argyll in particular were vehemently opposed to episcopacy, and Rothes had a long track record of defiance of royal authority behind him; in the Parliament of 1621 he had refused to vote on the Five Articles of Perth and is said to have challenged the royal prerogative and the accuracy of voting in the 1633 Parliament. Montrose, Lauderdale, and Marischal can be identified as more conservative Covenanters and willing to make some form of concessions to the king. Montrose was to be the leading figure in the formulation of the notorious Cumbernauld Band, a reaction against the hardline activities of the radical nobles. Montrose had also been in correspondence with the Crown since the Pacification of Berwick. Marischal likewise was to sign this band. Lauderdale had been identified by Hamilton as a possible recruit to the Royalist camp. Both Montrose and Marischal were active participants in the Covenanting cause. Montrose had been elected to the Tables on 15th November 1637, was an enthusiastic supporter of the National Covenant and an important lay member of the Glasgow Assembly. Covenanting enthusiasm had manifested itself in his command of military divisions in the north of the country, that forced the town of Aberdeen to subscribe the Covenant and captured the Marquis of Huntly and his son Lord Gordon in March 1639, with further military manoeuvres against Viscount Aboyne, Huntly's second son, in June 1639. Nevertheless, Montrose had become alienated by the radicals in both the Glasgow Assembly and the General Assembly of 1639, particularly by the stand against the royal prerogative. Although he did not openly break with the mainstream Covenanters quite yet, he had been the architect of royalist design to replace the power of the bishops in Parliament with a body of fourteen "king's men". Marischal had played an active role in Covenanting affairs in Aberdeenshire in the First Bishop's War and was still deemed the dominant figure in Covenanting circles in the counties of Aberdeen, Banff and Kincardine.

Royal interests were not entirely absent in the composition of the Articles. The Marquis of Huntly adhered to the royalist cause (having raised forces against the Covenanters in 1639), and remained the major royalist noble within the Parliament House. Southesk had actively opposed the introduction of the service-book in Scotland, but did not favour armed resistance to the king and may be regarded as an old-guard Royalist; he had a full career of royal employment behind him, especially under James VI. Hamilton recommended Southesk's disposition to the royal service, and even advocated his employment as Chancellor in 1638-39. It also appears that the Earl of Airth (formerly Menteith), a supporter of the Court, attended the meetings of the Articles despite his non-inclusion on that body, and also attended any other committees concerning parliamentary affairs when called to do so by Traquair. Any subsequent voting power based on this attendance would seem doubtful, however.

The four Officers of State on the Articles, the Earl of Roxburgh (Privy Seal), Sir James

Carmichael (Treasurer Depute), Sir John Hamilton of Orbiston (Justice Clerk) and Sir Thomas Hope of Craighall (King's Advocate), can rightly be regarded as forming a powerful voting block, although Hope of Craighall was later to desert to the Covenanters and was under suspicion of covertly working for and advising the Covenanters.<sup>15</sup>

Both gentry and burghal membership of the Articles was based on the Tables. Three burgh members, for example, Patrick Bell (Glasgow), Thomas Bruce (Stirling), and John Semple (Dumbarton), had represented their respective burghs as lay commissioners at the Glasgow Assembly and the General Assembly in session directly before the formal meeting of the Estates. One of the gentry members, Sir Robert Graham of Morphie (Kincardine/Mearns) was not recorded in the parliamentary rolls of 31st August 1639, although he had been commissioned to sit in Parliament (see appendix 2). This complete dominance of gentry and burgh members clearly indicates on the one hand the depth of Covenanting support among the gentry and burgesses, and on the other that the Covenanting nobles had proved numerically superior in the private session held by the noble estate to determine the Articles, and the failure of the emergence of a strong Royalist opposition among the nobles, which in turn ensured that Covenanting domination of the other two estates on the Articles would be secured.

All gentry representatives on the Articles were Covenanting activists, but tended to be concentrated within a broad geographic domain. Four represented shires predominantly on the east coast stretching from the Lothians to the Mearns; Sir Patrick Hepburne of Wauchton (Haddington), Sir George Dundas of that Ilk (Linlithgow), Sir Thomas Lyon of Auldbar (Forfar) and Sir Robert Graham of Morphie (Kincardine/Mearns). Two gentry on the Articles represented Borders' shires; Sir William Douglas of Cavers (Roxburgh) and Sir Robert Grierson of Lag (Dumfries and Annandale). Of the last remaining members, Sir Robert Innes of that Ilk, represented the more peripheral shires of Elgin and Forres (represented jointly in the 1639 Parliament), yet Sir George Stirling of Keir (Stirling) was located sufficiently close to the Lothians to be included as part of the broad Lothians domain. As a political conformation their composition appears to have been more on individual merit and quality, rather than a deliberate emphasis given to certain shires, although the majority were in close proximity to the capital. Significantly, none of the west coast shires merited representation. Sir Thomas Lyon of Auldbar and Sir George Stirling of Keir formed part of the protest which had presented the joint petition of the gentry and burgesses to the meeting of the nobility and Traquair to determine the Lords of the Articles.

By way of contrast, consideration of the burghal element in geographical terms reveals a concentration of power between the west and east coasts of the country. Three burghs (Glasgow, Dumbarton, and Irvine), constituted three of the most powerful burghs in the west, both in terms of the economic and financial muscle which they contributed to the Covenanting cause, and in the quality of personnel they provided, particularly Robert Barclay



(Irvine) and John Semple (Dumbarton). A similar, if not identical situation prevailed on the east coast, Edinburgh, Aberdeen, Linlithgow and Dundee constituting the dominant burghs and their representatives being major national Covenanting figures of their particular estate, especially John Smith (Edinburgh), and Alexander Jaffray (Aberdeen). The one remaining burgh member, Thomas Bruce, although a Covenanting activist, represented the burgh of Stirling, which produces a final geographic relationship of those burghs represented on the Articles. Thus, a "3-1-3-1" formation emerges reading from west to east, with Stirling the linchpin in the centre, and Aberdeen lying on the outward eastward flank. Whether or not this constituted a deliberate policy option formulated by the Covenanting leadership, or mere recognition of the economic might of those burghs and the particular quality of their respective representatives, or a combination of both, remains a matter of speculation. The end result, however, produced a highly effective means of ease of formulation of policy and efficient organisation of the major burghs as a distinct grouping within Parliament in general and a powerful voting block on the Articles in particular.<sup>16</sup>

Therefore, analysis of the composition of the Lords of the Articles reveals that Covenanting voting strength on the legislation to be proponed in closed session would ultimately rest with the shire and burgh representatives. Nevertheless, the Covenanters had succeeded in infiltrating the most important internal organ of Parliament as a means of controlling the legislation to be presented to the House, despite the fact that they had failed to achieve modification in the electoral procedure of the Articles (the election of the representatives of the Articles by each estate), and that they had been forced to submit to the election of the nobles by the king's Commissioner Traquair.

However, as suggested by the divisions among the nobles, the Covenanters did not represent a homogenous body and considerable tension existed between the separate estates. The Lords of the Articles began their deliberations on 4th September 1639 with the debate over their manner of election still raging. Particular resentment existed among the gentry and on the 2nd or possibly 3rd September the commissioners of the shires and those of the burghs had assembled in the Parliament House (although the Estates were not due to meet again until the Articles had completed their business) and proceeded to elect their own representatives to the Articles, in line with the tenor of their protestation of 31st August. This appears to have been an assertion of the principle of freedom of election of their respective representatives, for the "rival" nominations conformed to those already elected, although there was a move to have the representative of the burgh of Perth elected in place of that of Linlithgow. The gentry ~~expressed~~ concern over what had taken place in the private meeting between Traquair and the nobles. Fears were expressed that the gentry were going to be politically marginalised by the nobility as an estate.

Historical inquiry into the Scottish constitutional settlement of 1641 has tended to concentrate on the respective parliaments of 1640 and 1641 and has failed to fully explore the

bulk of legislation designed in Articles in 1639 which to receive full parliamentary ratification in 1640-41. It has also failed to recognise the key role played by the gentry and burghal estates.<sup>17</sup>

Throughout the convocation of the Articles in closed session the gentry representatives in particular, but also those of the burgesses, were issued with a plethora of topics which required discussion by the Articles, representing a fusion of national, constitutional, regional and sectional interests. The Lords of the Articles as a single grouping (nobles, gentry and burgesses) were constantly reminded that they were to be a strictly preparatory committee, which was to report to Parliament and not the king.

Areas of constitutional concern focused on the need for a redefinition of both the election, and parliamentary powers of, the Lords of the Articles. Each estate was to elect its own members to the Articles and there was to be no "publick conclusion" of legislation discussed therein. Rather, its role was to be of a preparatory nature only and prior to voting on legislation by the full estates, a copy of the material to be voted on was to be issued to each estate for digestion and discussion on the day before the final vote. Freedom of speech was to be ensured; on the day of voting, after the reading of each article proponed, each member was to be entitled to vote according to his own mind. This constituted a reaction against the king's behaviour in the 1633 Parliament. Stricter parliamentary control over the officials of the House required to be employed; the right of appointment of the clerk of Parliament was to be transferred from the king to the Estates, a limitation of the royal prerogative. On the day of voting on legislation presented by the Articles representatives from each estate were to subscribe the conclusions reached, as a means of ensuring total parliamentary control of all legislation passed. Ultimate power and sovereignty was to rest with the full estates, without whose consent any legislation concluded by the Articles alone would be rendered null and void.

Within a broader constitutional perspective, the relationship between Parliament and the Privy Council required revision and redefinition. Parliament was to be the dominant of the two bodies and Privy Councillors were to be liable to the censure of Parliament. Once more, this constituted a reaction of the Personal Rule in Scotland, when Bishops had played a prominent role, as Royal appointees, in the operation of the Scottish Privy Council. In addition, proxy voting (as had been apparent in the 1633 Parliament) was to be abolished with voting rights being deemed non-transferable, as were the voting rights of "strangers", a particular reference to the acquisition of Scottish titles by Englishmen (again a reaction against the experience of the Personal Rule).

Constitutional and procedural initiatives overlapped in demands for the regulation and control of parliamentary membership. The composition of the Scottish Parliament was to be redefined. In line with the expulsion of the bishops from Parliament, the "Three Estates" were to be legally reconstituted as noblemen, barons and burgesses. The redefinition of the Three

Estates was likewise to affect voting rights within the House, with voting restricted to members of Parliament. The relative voting strength of the gentry was to be increased by a corresponding decrease of that of the nobility; those nobles who held high office as statesmen were to be limited to one vote only and not two, in their dual capacity as both nobles and statesmen. By 19th October, during the sitting of the Articles, this had been further articulated to increase their actual voting power by giving each shire commissioner a unique vote and not merely one vote per shire per se, which would thus double their voting power. The influence of the gentry on the Tables was to be matched by increased gentry parliamentary power.

Further concerns for far-reaching constitutional change manifested themselves in the demand that separate annual conventions should be held for both the nobles and the commissioners of the shires, modelled along the lines already adopted by the Convention of Royal Burghs. Despite arguing from a position of precedence (with the existence of the Convention of Royal Burghs), in reality this was merely a cover for the continuation of the Tables, a demand which was to take a different and more specific form with the establishment of the Committee of Estates in 1640.

Detailed procedural proposals were to be implemented; a reflection firstly against unpopular procedural methods employed in the 1633 Parliament and secondly of a desire to establish Parliament as an effective and efficient national institution. Any member of Parliament was to have the right of handing any bill or supplication to the Articles during the sitting of Parliament, and was to receive an appropriate response on his specific bill or supplication. This proposal appears to have its origins in the apprehension that the Articles in the past had received and rejected what they pleased to the grievance of the kingdom. Any previous legislation hindering these proposals was to be repealed.

The political aspirations of the gentry were not limited to control over parliamentary membership and procedure. The personnel of the judicial ranks were to be regulated by Parliament. Significantly no Lord of Session was to be appointed without the prior advice (meaning approval) of the nobles and gentry in the House - the exclusion of the burgesses may well have been an attempt by the gentry to marginalise the burgesses or to demonstrate their independence from the burgesses. Justices of the peace were to be elected by the commissioners of the shires, with the respective commissioner of shire in Parliament choosing the justice of the peace for his own shire. Once more, this marked an increased confidence and political aggressiveness on the part of the gentry.<sup>18</sup>

Given the divisions among the nobility and the commercial interests of the burghs (which dominated burghal supplications to the Articles), it is undoubtedly the case that much of the radical initiatives came from the gentry. A leading English correspondent observed that the demands of the gentry aimed at such things " as quite overturn the very constitution of all future Parliaments."<sup>19</sup>

On 6th September the ratification of the acts of the General Assembly was passed in Articles and a further ratification rescinding all former acts in favour of bishops or episcopacy delivered to the king's advocate, Hope of Craighall. Traquair subscribed the National Covenant twice on 6th September, both as king's commissioner and Earl of Traquair. In the process of doing so, Traquair established the precedent (however unintentionally) that Parliament and the <sup>1639</sup> ~~1639~~ <sup>1639</sup> of the kingdom were also to subscribe the National Covenant.

The following day, on 7th September, the act concerning the lawful constitution of the 1639 Parliament was likewise delivered to Sir Thomas Hope (Argyll had asserted the legality and validity of the Parliament immediately on the opening of the Articles on 4th September), a further indication that the Covenanting leadership had a significant body of material already constructed. On 17th September it was agreed that the acts concerning the 1639 Parliament to be a perfect judicatory in terms of composition, that the abolition of episcopacy and the civil power of churchmen, and that of the constitution of all future Parliaments, were to be drawn up by three separate enactments. However, speculation arises regarding the act of the constitution of all future Parliaments. Two rival acts had been handed in on 12th September, one by the king's advocate, Sir Thomas Hope of Craighall on the instructions of Traquair, and another by the Covenanters (who are not specified but were almost certainly members of the Fifth Table). This induced a long and controversial dispute concerning the constitution of Parliament. Traquair desired that the ecclesiastical estate be replaced by abbots and priors, whilst the Covenanters sought their place to be taken by the gentry.

A compromise act was passed on 24th September, which proved unacceptable to several leading Covenanters. Although no details of this compromise act exist, pamphlet material indicates that doubt existed concerning the ability of this act to pass in Parliament, despite having gone through the Articles, on the grounds of the absence of a whole estate (the clergy); hence the need for the gentry to be reconstituted as the Third Estate. Two days later, on 26th September, Lord Loudoun with several Covenanting representatives of the Three Estates (in effect the Tables), demanded the withdrawal of the compromise act whilst producing another of their own, which was to be read in Articles. This latter act was designed to pass in the full Parliament.

Part of Traquair's strategy to provoke dissension and division amongst the Covenanters on the Articles had been to keep the Articles in session for as long as possible to the point whereby he might gain the support of a majority to enable a delay in deciding constitutional concerns. Traquair

obviously thought that this position had been achieved by 4th October when he announced that Parliament would meet on the 8th to vote on matters presented by the Articles, or wanted to limit the extent of Covenanting gains. Direct evidence of voting behaviour in Articles is sparse but on 5th October Traquair demanded a vote on whether or not proposals for

regulation of the power of the Lords of the Articles were to be referred to the king or voted on by Parliament.

Although the majority of the nobles (five out of eight) and all the Officers of Estate sided with Traquair in his wishes for referral to the king, and despite the fact that Traquair had successfully lured two gentry and one burgess to his mind, the combined strength of the burgesses and the gentry, with three nobles (Argyll, Lindsay, and Rothes) was sufficient to secure a vote in full Parliament on the act of the constitution of future Parliaments. The final voting analysis was as follows: fourteen for a vote in parliament, twelve for referral to the king, with two members being absent (one shire and one burgh representative). Traquair went on to the defensive after this crucial vote and did not hold the planned meeting of parliament on the 8th October and delayed such a meeting eight times until the 14th November.

The rescinding of previous acts in favour of episcopacy and the civil power of churchmen was extended on 18th September to cover their rights of riding and voting in Parliament. The Act of Recissory consequently passed through Articles on 24th September for presentation to the Estates.<sup>20</sup>

By 23rd October, a Covenanting delegation had approached Traquair and complained of the long sitting of the Articles. Nevertheless, the Articles continued to sit until the 30th October. On 1st November Parliament commissioned Lords Loudoun and Dunfermline to proceed to the king to seek his consent to the acts passed in Articles, which was refused on the grounds that the commission had not been signed by Traquair as king's commissioner. The king consequently ordered Traquair to prorogue the Parliament to 2nd June 1640 (Loudoun and Dunfermline returned to Edinburgh on 29th November). In the intervening period Charles aimed to have subdued the Covenanters by physical force, thus enabling him to reverse Covenanting innovations in Kirk and State. After repeated postponements and a handout of honours to Royalist nobles on 31st October (Hamilton's brother was created Earl of Lanark, Lord Ogilvie created Earl of Airlie, Lord Dalziel created Earl of Carnwath and Colonel Ruthven, governor of Edinburgh Castle, created Lord Ruthven of Ettrick), a full meeting of the Estates was held on 14th November. At this diet Traquair immediately prorogued Parliament to 2nd June 1640, despite Covenanting protestations that it was an unprecedented event for the Estates to be prorogued without their own consent and despite concerns voiced over the legality of the manner of prorogation. The senior clerk of Parliament had refused to obey the Lord's instructions to declare the Parliament prorogued, as did the junior clerk, and Traquair had consequently taken the matter of prorogation into his own hands with the use of a private warrant. The Tables had been preparing for prorogation since 28th October. The Estates protested that they were a sitting Parliament and stressed the need for legislation to determine future nomination of the Articles by the separate estates. Furthermore, members of each estate were selected to remain in Edinburgh, with full parliamentary authority, to await the king's reply on their remonstrances and before dissolving. In effect, this constituted a

continuation of the Tables and was referred to as the "Committee", being the forerunner of the Committee of Estates formally sanctioned in 1640, which became more concerned with military preparations for the Second Bishops' War than awaiting fruitless replies from the king.

Traquair himself had doubted the legality of prorogation and convinced the leading Covenanters, called before the Privy Council, that if the Estates willingly dissolved then the king would hear any of their representations, but if they continued to sit it would be under the pain of treason.

Following the failure of Loudoun and Dunfermline to gain access to the king, a further supplication was then delivered by William Cunningham of Brownhill to the king on the behalf of the Estates seeking his ratification of legislation passed in Articles, but Cunningham returned to Edinburgh on 23rd December having failed in his mission.<sup>21</sup>

In spite of Traquair's threats and in light of the failure of the Cunningham mission, a decision was taken on 23rd December by the parliamentary representatives remaining in Edinburgh (especially the nobles and the burgesses) to issue communications to all the nobles, commissioners of the shires and commissioners of the burghs who had been present in the 1639 Parliament to convene in a full meeting of the Estates on the 11th January 1640. The remit of the meeting <sup>was</sup> to decide on future policy. The meeting actually took place on both the 15th and 16th January respectively. Leslie, commander-in-chief of the Covenanting forces was also present, indicating that it was specifically military issues that were on the agenda, given the run-up to the outbreak of the Second Bishops' War. A contemporary pamphleteer commented on the "Resolutione of the Parliamenteaire Men"; "neither armes nor allurements, neither threats nor promises can by divisione gayne dominion against the conscience of the Covenant of God" and "they have decreed to take hold of the present opportunitie which god and the king hath putt in their hands."<sup>22</sup>

Leslie appears to have played a leading role in the course of action to be taken. It was upon his initiative and advice that a commission was decided upon to go once more and present the grievances of the Estates. This commission of four was composed of Covenanting activists; Loudoun, Douglas of Cavers, and Robert Barclay, although Dunfermline was also included for his high diplomatic standing. Following an inconclusive meeting of the Privy Council, the commissioners left for Court on 31st January, where they succeeded in gaining a royal hearing. The deputation insisted to the king that prorogation should be by act of Parliament or consent of the Estates, but refused to commit themselves fully on the extent of royal power on this particular. The deputation stressed that the Articles should be abolished and replaced by a parliamentary committee accountable to Parliament. This was well appreciated at Court as greatly diminishing the royal prerogative in Scotland. Furthermore, the Covenanters had manipulated the situation to their advantage by insisting that no governor of either England or Scotland was to be placed in any of the royal garrisons without the consent of Parliament;

thus "upon the death or removal of every governor a Parliament must be called or for ever continued," a clear counter-measure against the repeated prorogations of Parliament.<sup>23</sup>

## *(2) Conclusion.*

The Scottish Constitutional Settlement enacted in 1640-41 owes its origins to the work of the Tables in 1639. The gentry, in particular, and the burgesses were campaigning vigorously for constitutional reform. Whilst the noble representatives on the Committee of the Articles were spilt between radicals, conservatives and Royalists, gentry and burghal representation formed a solid phalanx of voting power to drive through the Covenanting agenda in the Articles. Such a programme of constitutional reform was a reaction against the experience of the Personal Rule in general and the 1633 Parliament in particular. The employment of bishops in public office and partisan royal nominees was to cease. Effective political power was to be transferred from the Crown and invested in Parliament. By the close of the 1639 Parliament the Royalist Party was on the defensive and the king had been forced to prorogue the session in order to avoid further political advancement by the Covenanters.

1. NLS ADV.MS 19.3.8, Sir James Balfour, Collection of Pasquinades, folio 24.
  
2. HMC, 11th Report, appendix, *The Manuscripts of the Duke of Hamilton* (London 1887), 95, 96; SRO Dalhousie Muniments, GD 45/1/53; NLS Wodrow Quarto LXXXVII, number 22, folio 130; NLS Wodrow Folio LXIV, number 7, folio 1; NLS ADV.MS 19.1.17, Papers Concerning the Covenanters, 1637-86, folio 7; Gordon Donaldson & W.C Dickinson (eds.), *A Source Book of Scottish History*, volume III, (1567-1707), (Edinburgh, 1961), 101; W.A. Balcanqual, *A Declaration concerning the Late Tumults in Scotland* (Edinburgh, 1639), 109, 122; G. Burnet, *The Memoirs of the Lives and Actions of James and William, Dukes of Hamiltons and Castleherald* (London, 1838), 126; J. Rushworth (ed.), *Historical Collections*, volume II (i), 753, 940; G.M Paul (ed.), *Fragment of the Diary of Sir Archibald Johnston of Wariston, 1639*, (SHS, Edinburgh, 1896), 28, 72, 74; Stevenson, *Scottish Revolution*, 169; MacInnes, "The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism" in *The Scottish National Covenant in its British Context 1638-1651*, 2, 5.
  
3. APS, v, 248-249. The parliamentary officials present in Parliament on 15th May 1639 were the Earls of Mar, Perth, Lauderdale and Galloway, along with Lord Napier. NLS MS 2263, Salt and Coal: Events, 1635-1662, folio 165.



4. Stevenson, *Scottish Revolution*, 166; Stevenson, *Government Under the Covenanters*, xxi; *Source Book of Scottish History*, 105, 114; A.I MacInnes, "Covenanting Revolution and Municipal Enterprise", *History Today*, volume 40 (May, 1990), 10; NLS Deposit 175, Gordon of Cumming Papers, Box 81, folio 9; NLS ADV.MS 19.3.8, Sir James Balfour, Collection of Pasquinades, folio 16; NLS ADV.MS 29.2.9, Papers Concerning the Covenanters, folio 128; Rait, *Parliaments of Scotland*, 374; P. Yorke, earl of Hardwicke (ed.), *Miscellaneous State Papers, 1501-1726*, volume II, 103, 134-35; W.D Macray (ed.), *The Ruthven Correspondence* (Roxburghe Club, London, 1828), 57.
  
5. Hardwicke, *State Papers*, 118; CSPV, 1639, 559; NLS ADV.MS 19.1.17, Papers Concerning the Covenanters, folios 3, 7; Rushworth, *Historical Collections*, II (ii), 942; *Fragment of the Diary of Sir Archibald Johnston of Wariston*, 72; Stevenson, *Scottish Revolution*, 152, 169; MacInnes, *Covenanting Revolution and Municipal Enterprise*, *History Today*, volume 40 (May 1990), 10; Peter Donald, *An Uncounselled King. Charles I and the Scottish Troubles, 1637-1641*, 206-207.
  
6. CSPV, 1636-1639, 418.
  
7. *Source Book of Scottish History*, III, 115; Stevenson, *Government Under the Covenanters*, xxi; Stevenson, *Scottish Revolution*, 117; MacInnes, "The Scottish Constitution, 1638-51: The Rise and Fall of Oligarchic Centralism", in *The Scottish National Covenant in its British Context 1638-51*, 111.
  
8. NLS Wodrow Folio LXIV, number 7; MacInnes, *Charles I and the Making of the Covenanting Movement*, 87; D.G. Mullan, *Episcopacy in Scotland: The History of an Idea, 1560-1638* (Edinburgh, 1986), 173, 187, 196.
  
9. SRO RH2/2/14, Cosmo Innes Transcripts, volume II, number 30, Anent the Committee of parliament called the committee of articles, folios 14-15; *Source Book of Scottish History*, III, 234; Terry, *The Scottish Parliament*, 110; Rait, *Parliaments of Scotland*, 279-80, 370-371; Sir David Dalrymple, Lord Hailes, *Memorials and Letters relating to the History of Britain in the reign of Charles I* (Glasgow, 1766), 47-48; MacInnes, *Charles I and the Making of the Covenanting Movement*, 87-89; C. Charlton, *Charles I. The Personal Monarch* (London, 1983), 186.
  
10. CSPV, 1638, 418; Rushworth, *Historical Collections*, II (ii), 942; NLS Wodrow Folio LXIV, number 39; *Fragment of the Diary of Sir Archibald Johnston of Wariston*, 1639, 73-74, 77.

11. NLS ADV.MS 19.1.17, Papers Concerning the Covenanters, folio 171; CSPV, 1639, 562.
  
12. HMC, 9th Report, part ii, appendix, *Traquhair Muniments*, (London, 1887), 249-250; SRO Hamilton Papers, GD 406/1/1031; NLS Wodrow Folio LXIV, folio 10; NLS MS 2263 Salt and Coal: Events, 1635-62, folio 166; APS, v, 248-49; S.R. Gardiner, *The Fall of the Monarchy of Charles I*, 1637-42 (London, 1882), volume 1, 249; A.I MacInnes, "The Origin and Organization of the Covenanting Movement during the reign of Charles I, 1625-41; with a particular reference to the west of Scotland", volume 2, 287.
  
13. APS, v, 7-9, 251-252. The analysed figures include Officers of State.
  
14. APS, v, 252-253. The gentry representatives who presented the petition of protest were Sir Thomas Lyon of Auldbar (Forfar), Sir George Stirling of Keir (Stirling), Sir David Home of Wedderburne (Berwick) and Sir William Cunningham of Cunninghamhead (Ayr). The burgess representatives were John Smith (Edinburgh), Richard Maxwell (Edinburgh) and Thomas Bruce (Stirling) (*Ibid*). Terry, *The Scottish Parliament*, 311, fails to realise that the Covenanting nobles only agreed to Traquair nominating their representatives because he was forced to nominate those of their choice. NLS Wodrow Folio LXIV, number 45; NLS MS 2263 Salt and Coal: Events, 1635-62, folio 166; SRO Breadalbane Muniments, GD 112/39/786; SRO Hamilton Papers, GD 406/1/1070; SRO Montrose Papers, GD 220/4/78; Gardiner, *The Fall of the Monarchy of Charles 1st*, volume 1, 253; Rait, *Parliaments of Scotland*, 374-375; Stevenson, *Scottish Revolution*, 171; MacInnes, "The Origin and Organization of the Covenanting Movement", (University of Glasgow, Ph.D thesis, 1987), volume two, 287; MacInnes, *Charles I and the Making of the Covenanting Movement*, 82-83; J. Gordon, *History of Scots Affairs, 1637-41*, J. Robertson & G. Grub eds., (Spalding Club, Aberdeen, 1841), II, 64; *Scots Peerage*, I, 133-136, VI, 164; M. Lee Junior, *The Road to Revolution: Scotland under Charles 1st, 1625-37* (University of Illinois, 1985), 44, 47, 108.
  
15. APS, v, 252-254; *Scots Peerage*, IV, 546, VI, 57, 244-45, VII, 297-298, VIII, 65; Balfour, *Historical Works*, II, 360-61; Hardwicke, *Miscellaneous State Papers*, II, 115-116; Burnet, *The Memoirs of the Lives and Actions of James and William, Dukes of Hamilton and Castleherald*, 53; Stevenson, *Scottish Revolution*, 171; MacInnes, "The Origin and Organisation of the Covenanting Movement" (University of Glasgow, Ph.D thesis, 1987), volume two, 288; *Memoirs of the Marquis of Montrose*, (Edinburgh, 1856), volume 1, 252, 254-55; HMC, 11th Report, appendix, *The Manuscripts of the Duke of Hamilton* (London, 1887), 98.

16. APS, v, 251-252, 252-54. See appendix 5. *Dumbarton Common Good Accounts*, 1614-60, F. Roberts & I.M.M Macphail eds, (Dumbarton, 1972); *Dumbarton Burgh Records*, 1627-1746 (1860), page 60. John Semple had been elected to the Tables from 1637 (*Ibid*, page 5); *Charters and Documents Relating to the City of Glasgow, 1175-1649*, part 1, ed. J.D Marwick, (Glasgow, 1897), ccclxxix; *Extracts from the Records of the Royal Burgh of Stirling, 1519-1666*, ed. R. Renwick (Glasgow, 1887), 181-182; *Aberdeen Council Letters*, volume 2 (1643-44), L.B. Taylor ed., (1950), 135.
17. This particularly applies to Stevenson, *Scottish Revolution*, and MacInnes, "The Origin and Organization of the Covenanting Movement", two volumes, (University of Glasgow, Ph.D thesis, 1987). The political role of the gentry must also be reassessed in light of Keith Brown's emphasis on the Scottish aristocracy in *Kingdom or Province* and Roger Mason in "The Aristocracy, Episcopacy and the Revolution of 1638" in *Covenant, Charter, and Party. Traditions of revolt and protest in modern Scottish History*, ed., T. Brotherstone (Aberdeen, 1989). Peter Donald in *An Uncounselled King*, 212-213, has noted the importance of legislation prepared in the Articles in 1639 and the political importance of the gentry and the burghs.
18. NLS Wodrow Folio LXIV, numbers 8, 26 and 39; SRO Breadalbane Muniments, GD 112/39/786, GD 112/39/789; CSPD, 1639, 508-509; CSPD, 1639-1640, 6; APS, v, 247-258, appendix 593-618; Taylor, *Aberdeen Council Letters*, II, 135, 148; Gordon, *History of Scots Affairs*, III, 63-82; Gardiner, *The Fall of the Monarchy of Charles I*, volume 1, 257; Stevenson, *Scottish Revolution*, 172-174; MacInnes, "The Origin and Organization of the Covenanting Movement" (University of Glasgow, Ph.D thesis, 1987), volume two, 288-289. The main thrust of the supplications handed in by the burghs concerned themselves with economic and commercial interests, and were of a less political and constitutional nature. Fiscal measures were advocated to repair the economic damage resulting from severe levels of taxation imposed upon the movement of external capital into the country, in order to boost foreign investment and the inward flow of foreign capital. Customs duties were to be reduced, monopolies and patents abolished, and protective policies applied to the cloth industry, with the export of wools and skins prohibited.
19. CSPD, 1639, 508-509.
20. APS, v, appendix 593-618; SRO Hamilton Papers, GD 406/1/1070; NLS MS 2263 Salt and Coal: Events, 1635-62; NLS Wodrow Quarto LXXVI, Number 22, folio 129, Number 24, folios 132-133; NLS Wodrow Folio LXIV, Number 8; SRO Breadalbane Muniments, GD 112/39/789-91; SRO Airlie Muniments, GD 16/40/4; SRO RH2/2/14, Cosmo Innes's Transcripts, volume II, number 30; Balfour, *Historical Works*, II, 361-362; Gordon, *History of Scots Affairs*, III, 66-68; Stevenson, *Scottish Revolution*, 173-177; Rait, *Parliaments of Scotland*, 375. Much of the gentry's proposals received due consideration by the Articles. The passing of the act anent the change in the diets of the Court of Session through Articles was delayed on 30th September

until the town council of Edinburgh had been consulted. This act was subsequently modified on 14th October to the form which received formal parliamentary ratification in 1641. Further judicial concerns included the passing of the act anent the manner of election of the president of the Court of Session (18th October), the commission for trying the privileges of the judiciary (7th October) and consideration by the Estates of suitable persons to fill these justice commissions. Covenanting personnel on the Articles were particularly dominant on the commission for the construction of the act for bringing the "rebels" of the First Bishops' War to trial (with five out of eight members- Argyll, Sir Patrick Hepburn of Wauchton, Sir William Douglas of Cavers, Alexander Jaffray and Patrick Bell). Likewise, the act discharging proxy votes in parliament passed through on 7th October and on 4th October legislation providing financial recompense for the parliamentary attendance of the commissioners of shires passed through; 5lb per day from the first day of the riding of the parliament to the last inclusive and Sir George Stirling of Keir was charged with the responsibility of determining the source of financial liability. On 14th October this was specified to 5lb to every shire commissioner. Constitutional matters apart, it should also be stressed that a large body of material passed through Articles which reflected parliament's role as a dominant national institution. Parliament had not met for six years and a vast body of supplications had been submitted for consideration of a local, economic, educational and ecclesiastical nature. Local matters included the regulation of market fairs in Jedburgh and Dumfries, economic included the importing of copper money, salmon fishing and the jurisdiction of the Convention of the Royal Burghs, educational that of the plantation of schools and a commission to visit St. Andrews University, and ecclesiastical that of ministers' stipends and the erection of kirks.

21. APS, v, appendix 616, 255-58; SRO GD 406/M1/87; NLS MS 2263 Salt and Coal: Events, 1635-62, folio 167; CSPV, 1636-1639, 600; RPCS, 1638-43, 141-142; Balfour, *Historical Works*, II, 361-363, 364-368; Gordon, *History of Scots Affairs*, II, 74-78; *Scots Peerage*, I, 32, 311, 746, II, 464; Rait, *Parliaments of Scotland*, 65-66; Stevenson, *Scottish Revolution*, 175-177; MacInnes, "The Origin and Organization of the Covenanting Movement" (University of Glasgow, Ph.D thesis, 1987), volume two, 288-289.

22. NLS Wodrow Quarto LXXVII, Number 22; Rait, *Parliaments of Scotland*, 375.

23. NLS MS 2263 Salt and Coal: Events, 1635-62, folio 168; CSPD, 1639-1640, 534-535.

## II THE SCOTTISH CONSTITUTIONAL SETTLEMENT OF 1640-41.

Within a British perspective, events had turned to the Covenanters advantage before the planned meeting of the Estates on 2nd June 1640. The English Short Parliament had been convened by Charles on 13th April to secure further military and financial support against the Covenanters. The Short Parliament, however, had failed to be as amenable to royal wishes as Charles had hoped for, and had provided an excuse for Covenanting forces to be strengthened in preparation for the Second Bishop's War. In addition, the Tables had been issuing literature in England urging English commissioners to the Short Parliament to galvanise opposition to the Crown in terms of English grievances. The four Scottish diplomatic commissioners had been arrested prior to the opening of the Short Parliament, although Dunfermline, Douglas of Cavers (Roxburgh) and Robert Barclay (Irvine) (but not Loudoun) had returned to Edinburgh on 20th May. They were issued with an order from the king to prorogue the session of 2nd June to 7th July. The Lord Advocate, Hope of Craighall, confined to his home since January 1640 in light of royalist suspicion at Court of his Covenanting sympathies, was likewise ordered by Charles to assist in the prorogation.

However, the Estates sat in defiance of Charles's attempt at prorogation by mere royal proclamation, stressing that prorogations had always taken place in Parliament. Craighall attempted to use a commission under the quarter seal, issued in August 1639 allowing himself and three others (Lord Elphinstone, Lord Napier, and the Justice-Clerk) to act as king's commissioner in Parliament in the absence of Traquair, as a legal basis to prorogue the House. When Craighall attempted to implement this the other two officials refused their consent, as they had received none from Traquair, which nullified any legality of this controversial commission; as Craighall himself noted. On the part of the Covenanting leadership, the subsequent lack of legally constituted orders of prorogation amounted to "a Tacite consent" and "presumed allowance" that Parliament had a legal right to convene.<sup>1</sup>

*(1) The Second Session of the Second Parliament of Charles 1st, 2nd-11th June 1640.*

*(i) The Composition of the Second Parliament of Charles 1st, 2nd-11th June 1640.*

36 nobles, 43 gentry representing 23 shires and 52 burgesses representing 51 burghs (131 individuals in total) constituted the parliamentary membership as per 2nd June 1640 (see appendix 2). In terms of numerical composition per estate, this constitutes a drop of 14 nobles and four gentry. Burghal numerical composition remained identical over both sessions (see appendix 3). 30 out of 36 nobles (83%), 39 out of 43 gentry (91%) and 47 out of 52 burgesses (90%) present in Parliament, 2nd June 1640, had also been present in Parliament, 31st August 1639 (see appendix 4). Therefore there was a high retention of personnel between the two sessions, indicating efficient party management.<sup>2</sup>

*(ii) The Proceedings of the Second Session of the Parliament of Charles 1st, 2nd-11th June 1640.*

In the absence of a king's commissioner, the Estates elected the radical noble Burleigh as President of Parliament. The Estates sat for only nine days, but enacted sixty items of legislation (53 of which were public acts) in the parliamentary ratification of constitutional revolution. In essence, the range of these enactments are identical to the demands issued by the Covenanting oligarchy/Tables from 1638-39 and presented in Articles from 2nd September to 30th October: the reconstitution of Parliament, civil ratification of the religious revolution of the Glasgow Assembly, the introduction of procedural innovations, and the reordering of the administration of the country under the Covenanting Movement.<sup>3</sup>

Immediately after creating a precedent of the right of Parliament to elect its own President with full parliamentary authority, the Estates wasted no time on 2nd June in sweeping through the most important piece of legislation; the Act anent the Constitution of the present and all future Parliaments (which had caused so much controversy in Articles). The legitimacy of the composition of the present session of Parliament sanctioned as a "compleit and perfyte Parliament And to have the samene power and authoritie and Jurisdictione as absolutlie and fullie As any Parliament formerlie". All future parliaments were ordained to consist of the Noblemen, Barons (in reality the gentry) and Burgesses as the Three Estates, to whom voting rights were restricted. The fact that the gentry were the driving force on the Tables was recognised by the doubling of the voting strength of the gentry. Previously the voting powers were invested in the shire, even although each shire was represented by two commissioners. Now each commissioner of the shire was entitled to a vote.<sup>4</sup>

As an integral component of the reconstitution of the Three Estates, the clerical estate was declared null and void and the civil power of any ecclesiastical dignitaries (archbishops, bishops, abbots, priors or prelates) in Parliament was rescinded. In specific terms, legislation of the Parliaments of 1597 (the act anent parsons and prelates representing the third estate)

and 1606 (the act anent the restitution of the bishops and their reconstitution as the third estate) were rescinded. Therefore the voting powers of the shire commissioners had been expanded at the expense of the clerical estate.<sup>5</sup>

The assertion of Parliament over its own affairs continued with further voting regulation. Proxy votes were abolished and a financial criterion was applied to all "strangers" (i.e. foreign noblemen, meaning Englishmen) having votes in Parliament. No foreign nobleman could gain parliamentary membership unless he possessed at least 10 000 merks (£6667 Scots) worth of land in Scotland. This constituted a reaction against the 1633 Parliament where proxy voting had been widespread amongst the nobility.<sup>6</sup>

Apart from the abolition of the clerical estate as a legal component of Parliament, further ratification of the Glasgow Assembly's proceedings included a broad scope of ecclesiastical issues. Most importantly, both the Act anent the Ratification of the Acts of the Assembly and the Act of Recissory (abolishing all previous legislation detrimental to presbyterianism and replacing the functions of the bishoprics with that of the presbyteries) received ratification on 6th June. In addition, legislation was enacted firstly dealing with churches formerly under the control of bishoprics which had now become vacant and secondly dealing with the plantation of kirks. Compulsory subscription of the National Covenant and the Confession of Faith was required by all the lieges of the kingdom. Such subscription was deemed necessary for the holding of all public offices and can be interpreted as a weapon of party management to exclude all opponents of the Covenant.<sup>7</sup>

The bulk of legislation enacted concerned procedural innovations introduced within the House. These were designed to make the Estates more responsible for their own proceedings and regulation, free from the shackles of previous royal abuse. At the beginning of each parliamentary session all books, registers and parliamentary records were to be exhibited to the assembled estates and were to be made available for inspection at any required time during a parliamentary session. All grievances in future were to be given in open Parliament, and not merely to the Clerk Register as previously established by an enactment of 1594 (which was annulled). Indeed, the use of the Committee of Articles/Lords of Articles was deemed to be optional and not mandatory in all subsequent Parliaments inclusive;

"All subsequent parliaments may according to the importance of affaires for the tyme either choose or not choose severall Committies for Articles as they shall thinke expedient".<sup>8</sup>

If employed, the remit of such a committee(s) was strictly limited to that of a preparatory nature, and each of the estates were given the freedom to elect their own representatives to it/them separately. Complementing the Act appointing all Grievances to be given in plain

Parliament, any such preparatory committees not only were limited in dealing with matters presented in open Parliament, but were also compelled to report all their deliberations back to the whole Estates for discussion before voting, any any such voting must take place likewise in open Parliament.<sup>9</sup>

Crucially, the expedient of an optional Committee of Articles appears to have been employed on 2nd June (four days earlier) with the establishment of the session committee for "Reveising the paperis agitit in Articles" in 1639, a major step in the constitutional process, and elected "by the haill bodie of the Estatis promiscuoslie togidder and not seperatlie by ilke ane of thrie estatis apairt"<sup>10</sup>, for revising all the papers and supplications handed in during the Articles in 1639. Composed of four of per estate (see appendix 5), this committee was dominated by radicals who thus gained control in the priority of bills and overtures which were to be presented to the House. The three leading radical nobles, Argyll, Rothes and Balmerino secured inclusion and led the committee.<sup>11</sup> Acting as a reformed Lords of the Articles, therefore, the constitutional ideal of election by each estate was already in practice (on 2nd June) before receiving full parliamentary sanction of the reconstitution of the Articles as an optional expedient on 6th June.

Complementing the unprecedented reconstitution of the Articles by the authority of the Estates themselves and strengthening the magnitude of constitutional revolution, the Triennial Act (6th June) and Act 43 (10th June) asserted the sovereignty of Parliament as the ultimate court of the realm and the right of Parliament to convene on a regular basis and on its own authority.

Under the terms of the Triennial Act, a "full and frie" Parliament was to be held at least every three years; a measure which restored the practice of frequent parliaments before the departure of James VI to England in 1603, and which would hinder a return to arbitrary government. Before the conclusion of any future Parliaments (inclusive) the time and venue of the next Parliament were to be <sup>ISSUED</sup> by the king's commissioner, with the approval of the Estates, and was to be constituted in the final legislative enactment of <sup>all</sup> Parliaments. Therefore the Estates could convene in future without the formality of a royal summons.

Likewise, the upholding of the enactments of Parliament as the supreme national legislature was enshrined in Act 43, ordaining all the subjects and <sup>liages</sup> of the country to "obey menteene and defend the conclusiones Actes and constitutiones" of the session of Parliament commencing 2nd June. All were required to subscribe a band declaring the legality of the parliamentary session. In view of the requirement of compulsory subscription of the National Covenant, these combined measures ensured that only adherents to the Covenanting cause could gain access to public office.<sup>12</sup>

Nevertheless, the legislation of 2nd-11th June went much further than the remedying of past abuses and the introduction of procedural innovations to enhance the sovereignty of



Parliament. Act 24 (8th June), the Act constituting a Committee of Estates to sit until the next session of Parliament not only signifies parliamentary approval of the conduct of the Tables from 1637-1640, but also marks the initiation of a parliamentary committee as a provisional government between parliamentary sessions to deal with all civil, economic and military affairs.

Justified as a temporary expedient on the grounds that the country was under the threat of "utter exterminoun and totall distructione" and in consequent need of an institution to order, govern and direct the kingdom in light of this threat, the Committee of Estates was given ~~considerably~~ <sup>Remarkably</sup> wide powers. Full power was given by parliament to the committee to preserve and maintain the armed forces, both on foot and land. Civil order and any matters concerning the "peace and quyet" of the kingdom were also to be its domain, thus circumventing the Privy Council, the College of Justice and other judicial bodies (although this was strenuously denied in the terms of the commission). Stringent fiscal and economic powers were included in its remit, with full authority to borrow and levy money for public use, determine levels of taxation and collect any such taxes and appoint auditors to examine and report on any appropriate accounts. The authority of the Committee of Estates as a national force included further powers to order and direct all shires, burghs, presbyteries, stewarties, regalities and all local committees.

Although the committee received its commission from Parliament and was ~~ultimately~~ <sup>ultimately</sup> answerable to Parliament, its composition was not restricted to parliamentary members. Full warrant was given to "call and convene" any noble, baron or burgess or any other individual for their assistance where the committee thought it necessary and expedient. As an indication of an institution gearing itself towards war, all general officers of the army were given the right of attendance.<sup>13</sup>

Further legislation of the June 1640 session complemented the formal establishment of the Committee of Estates in bringing the government and administration under the auspices of the Covenanting movement, being especially concerned with preparations for war. On 4th June a session committee for the provision of the army was established, staffed by Covenanting activists from all three estates (see appendix 5) and the Lord General of the armed forces, to maximise the use of existing economic resources to establish an efficient supply network for the army. On 4th June also, the Act for the Border Shires sanctioned the immediate mobilisation of Covenanting troops to resist any English invasion. Building upon retrospective legislation, Act 23, concerning the Common Relief, established a national system of collection for the tenth penny per head per rent in each presbytery and burgh raised from 1639 as a contribution to the First Bishops' War. The leadership of the Covenanting armed forces was sanctioned on 9th June with a whole series of ratifications issued from the rank of Lord General (Alexander Leslie of Balgonie) to that of General Major.<sup>14</sup>

The powers of the Exchequer were redefined along the lines of managing the king's rents and casualties. The Lords of the Exchequer to be "onlie Judges". According to Balfour, this legislation was constructed with Traquair specifically in mind. As Lord Treasurer in the 1630s Traquair had abused the Exchequer to look after the interests of his close associates. The Act against Leasing Makers was similarly aimed against Traquair and the other four Incendiaries who had given "bad informations to his Maiesty and counsell of England, contrarey to the treuthe and quhat was really done and acted by the couenanters." The concept of treason was expanded to include all those who initiated or were involved in policy options which were prejudicial to the Covenanting Movement. This is consistent with the requirement of compulsory subscription of the National Covenant and the Confession of Faith for the holding of public office and banding defending the authority and enactments of the June 1640 session.<sup>15</sup>

Taking the whole body of legislation passed in the nine day session from 2nd to 11th June and assessing the royal prerogative vis-a-vis Parliament, the power of the former had been clearly diminished whilst that of the latter had been greatly enhanced. In the words of Sir James Balfour, the June 1640 session of Parliament exhibited

"the reall grattest change at ane blow that euer hapned to this churche and staite thesse 600 years baypast; for in effecte it ouerturned not onlie the ancient state gouernment, bot fettered monarchie with chynes and sett new limitts and marckes to the same, beyond wich it was not legally to proceed."<sup>16</sup>

The fact that the political initiative now lay firmly with the Covenanting leadership, led by the radicals, and that the Estates were determined to control their own proceedings was reflected on 11th June when Parliament was ordered to reconvene on 19th November 1640.<sup>17</sup>

### *(iii) The Appointment of Parliamentary Interval Committees.*

12 nobles, 16 gentry and 12 burgesses (40 individuals in total) formed the membership of the Committee of Estates established on 8th June 1640 (see appendix 5).<sup>18</sup>

Noble representation was dominated by radicals. Rothes, Cassillis, Lothian, Wigtown, Lindsay, Balmerino, Coupar and Burleigh fall into this category. The omission of Argyll is due to his commission to subdue the Earl of Atholl, Lord Ogilvie and the Farquharsons in

the north of the country to defend Covenanting interests. Loudoun's exclusion is explained by the fact that he was under royal imprisonment at this time.

On the other hand, room was provided for the inclusion of more conservative and quasi-Royalist Covenanters. Montrose, Dunfermline, Napier and Loure come into this category. Their inclusion probably amounts to a degree of flexibility amongst the Covenanting leadership in retaining a balance of individuals who had the king's ear and might be used in any relations with the Court.

Representation of the gentry amounted in total to 16, despite the fact that the committee had been deemed to consist of equal numbers (12 of each estate). Three of this 16 were included in their judicial capacity as Senators of the College of Justice; Sir Alexander Gibson of Durie (Fife), Sir John Hope of Craighall (Perthshire) and Sir John Scot of Scotstarvet (Fife). Whilst gentry representation was dominated by Covenanting activists, eight of the 16 gentry (50%) were not members of Parliament as per 2nd June 1640 (see appendices 4 and 5). Three were the above named Senators of the College of Justice. Of the additional five non-parliamentary gentry, the majority were gentry from the south-west and the central belt. In overall terms, gentry representation was dominated by the east (eight gentry), but also included representation from the central belt (four gentry), the west (two gentry) and the Borders (two gentry).

Seven of the 12 burgh members of the Committee of Estates were not members of Parliament as per 2nd June 1640 (see appendices 4 and 5). Five represented eastern burghs, whilst two represented western burghs. Of those burgh representatives who were not parliamentary members, all represented the "top ten" burghs as per the order of the burghs in the rolls of Parliament, and those burghs had been represented by other individuals in the session commencing 2nd June (see appendices 4 and 5). Of the total burgh representation (12), only the burghs of Montrose (number 13) and Jedburgh (number 23) lay outside the top ten burghs as per the rolls of Parliament, 2nd June 1640. Of these twelve, only three burghs (Glasgow, Ayr, and Jedburgh) did not come from the east coast. The east coast commanded burgh representation of the Committee of Estates stretching from Linlithgow to Aberdeen, but particularly concentrated on Edinburgh. The capital city, Edinburgh, gained one third of burghal representation on the Committee of Estates. As well as including the burgh's two parliamentary commissioners as per 2nd June 1640, two additional Edinburgh burgesses secured membership (see appendices 4 and 5). This can be explained by the fact that not only was the capital the focus of political life, but also the centre of financial and capital accumulation. Indeed, it was the Edinburgh burgesses who were particularly involved in financial activities to provide financial muscle to the Covenanting Movement.<sup>19</sup>

Gentry and burghal representation was therefore not directly related to parliamentary membership. This indicates that grass-roots activists were being brought on to the most important parliamentary committee established to date. In effect, the Committee of Estates

was a formal institutionalisation of the Tables.

The Committee of Estates was not restricted to sitting in Edinburgh. It was severed into two sections. One section was to remain in Edinburgh (or any other convenient place) as a provisional government. The other section was to accompany the Covenanting armed forces on all military manoeuvres.

These sections were to be divided in such a manner that neither "the army nor the countrie at ant tyme shall want a competent number to sit and resid constantlie for determineing of all materis incumbent to them." The distribution of the split was as follows: 12 of each estate for both sections together (i.e 36) and 18 for each section separately (i.e 6 per estate). The quorum for both sections was determined to be any 7 "promiscuouslie." Each section had full power to govern itself per se and had control over any new members added to each respective section when Parliament was not sitting. In the event of a death/deaths of any member/members on the commission, the subsequent replacement members were to be nominated by the majority of the quorums at the camp or at Edinburgh (depending on which section the deceased member belonged to). Moreover, any transactions of the respective quorums, in legal terms, were to have the "full strenth of a valid and lafull decreet and sentance of what evir business or convenciency shall be prescrybit." The only limitations placed on each section were any declarations of war and/or any concluding of peace negotiations; both these transactions required a minimum consent of both quorums in unison. Despite being separate administrative and legislative bodies in essence, Adam Hepburne of Humble was appointed clerk to the Committee of Estates in order to maintain an adequate level of contact between the two sections and his attendance and that of his deputies was made compulsory. Sir Archibald Johnston of Wariston, procurator for the Kirk and arch ally of Argyll, was to be in constant attendance with the army section and given the responsibility of the preparation and construction of any legislative documents, treaties and public declarations. Wariston was not a member of Parliament at this time but appears to have been included for his legal expertise and to give a degree of allowance to the interests of the kirk.<sup>20</sup>

#### *(iv) The Operation of Parliamentary Interval Committees.*

Following the break-up of the Estates on 11th June, the attention of the Covenanting leadership was concentrated on preparations for the military invasion of England, which duly took place on 20th August 1640, after the articles of war had been issued on 10th August.<sup>21</sup>

On 3rd and 6th August the Edinburgh section of the Committee of Estates assembled along

with those members of the army section who were presently in the country, along with the "wholl ministers who were present her." It was on these two days that the decision was formally taken for Scottish forces to invade England. This was a unanimous decision "without any kynd of contradiction found first." Although of an offensive nature, invasion was justified on the grounds that the country was engaged in a peculiarly defensive war, without which "(all uther meanes being denyed) this cuntrey cannot long subsist," and was further justified as the only way to prevent an invasion of Scotland.<sup>22</sup>

Both sections of the Committee of Estates were subsequently active in the nomination of the Scottish commissioners to participate in the peace negotiations at Ripon, which commenced on 2nd October 1640. On 31st October and 4th November quorums of both sections had assembled with this remit specifically in mind. (The negotiations began at Ripon in October 1640, then transferred to London in December 1640 before being finally concluded in August 1641).

Analysis of those present reveals a composition of eight nobles, six gentry, and 10 burgesses. Radical nobles were present in greater numbers than conservatives. The radical contingent consisted of Rothes, Cassillis, Lothian, Lindsay, Burleigh and Balmerino and outnumbered the conservatives Montrose and Napier. Of the gentry present 5 were noted Covenanting activists; Sir Thomas Hope of Kerse, William Drummond of Riccarton, Sir William Cunningham of Caprington, James Chalmers of Gadgirth, and George Dundas of Maner. Sir John Couper of Hogar was also present, although he was not listed in the original commission. This provides a clear illustration of non-parliamentary members being employed. Nine out of 10 burgesses were listed on the original commission; Edward Edgar, Richard Maxwell, James Scot, George Porterfield, William Hamilton, William Moir, James Sword, Hugh Kennedy and John Rutherford. According to the terms of the Committee of Estates, William Moir was to sit in absence of Alexander Jaffray. On 28th October Moir was ordained by the town council of Aberdeen to attend the committee in Edinburgh as the representative of the burgh. The tenth burgess is only included as "Hume", but at any rate was not listed as a member of the original commission. As per the rolls of Parliament 2nd June 1640 a George Home was present in the capacity as commissioner for the burgh of North Berwick, and it might well be the case that both are the same individuals.

The inclusion of Montrose on the quorum which elected the diplomatic representatives of Parliament is of particular interest given his involvement in the Cumbernauld Band of August 1640. The Banders in effect constituted a reaction amongst many nobles against the domination of the movement by the central caucus of Argyll, Loudoun, Burleigh, Balmerino and company, and did not wish a further diminution in the king's authority. In particular, they aimed against the ambitions of Argyll. Nevertheless, the involvement of Montrose was not disclosed until the turn of the year.

The Ripon contingent in all consisted of four nobles, three gentry and three burgesses.

Roths, Dunfermline, Loudoun and, surprisingly, Lord Urquhart represented the nobility. Hepburn of Wauchton (Haddington), Douglas of Cavers (Cavers) and Drummond of Riccarton (Linlithgow) represented the gentry. John Smith (Edinburgh), Alexander Wedderburne (Dundee) and Hugh Kennedy (Ayr). In addition, General Leslie was included, both as a leading Covenanter but probably also as a military representative. Alexander Henderson and Johnston of Wariston as representatives of the Kirk. These commissioners had been entrusted with full power to conclude a treaty.

In total, therefore, the diplomatic grouping amounted to 13. The quorum was set at seven, with two per estate always required to be present. The original grouping constructed on 31st August does not seem to have consisted of this 13 in total, but of 10, for on 3rd November, Roths, Drummond of Riccarton and Hugh Kennedy were admitted as three further commissioners to participate in the Ripon negotiations. On the other hand, Balfour states that there were eight Scottish negotiators at Ripon; Dunfermline, Loudoun, Douglas of Cavers, Hepburne of Wauchton, John Smith, Alexander Wedderburne, Alexander Henderson and Johnston of Wariston. This assessment is nevertheless in accordance with the guidelines laid down in the two respective commissions, with two of each estate and a total quorum of at least seven, but also with a further balance of two Kirk representatives.<sup>23</sup>

The growing importance of Argyll as a national figure is reflected in the inclusion of Argyll in the concluding stages of the Treaty of London, (August 1641) although he had not originally been charged with that responsibility. The negotiations at this point were at a particularly delicate stage, and it was Roths who was determined to have Argyll present. Indeed it was also Roths who shrewdly gained both the assent of the English commissioners and Charles I to this, which was subsequently approved by the Committee of Estates at Edinburgh.

The remit of the negotiators was not restricted to matters of constitutional and parliamentary interest, but within these areas four specific demands prevailed. Firstly, to secure royal assent to the legislation of the June 1640 session. Secondly, this parliamentary legislation was to be published in the king's name. Thirdly, the Incendiaries were to be returned to Scotland to face the censure of parliament, particularly Traquair who under no circumstances whatsoever was to participate in the peace negotiations, due to his "malversation anent the proceedings" of the parliament and General Assembly. Fourthly, financial reparations were demanded for the Scottish armed forces. Due to the financial pressure of the Covenanting occupation of England, Charles had been forced to summon the English Long Parliament to meet on 3rd November, which in actual fact was only to provide a strong ally on the side of the Covenanters against the king. This is reflected in other six areas of constitutional concern. Conservators of the Peace were to be established to remedy any issues of disagreement between the two countries, who were to meet when the respective parliaments were not in session. The Scots also demanded that *friendly*

Parliaments should be held in both countries- a clear move to influence English parliamentary proceedings, given the Triennial Act had already been passed in Scotland. However, these endeavours should not be interpreted as attempts to establish parliamentary union between the Parliaments or a "supranational institution," but rather as attempts to export the Covenanting revolution on a British scale and to give the Scottish Estates a greater role in British affairs. In addition, any future marriage of the king's son required the approval of both kingdoms and a greater number of Scotsmen were to acquire positions of influence at Court, <sup>with the fact</sup> arguments wholly consistent that it had been the king's native kingdom that had enabled a Union of the Crowns in 1603 and that the erosion of Scottish influence around the king required rectification. Further demands were later articulated that the king should reside in Scotland for certain periods and that the Prince of Wales and his successors should receive parts of their education in Scotland, primarily as means to overcome the effects of absentee monarchy and reinforce the Scottish identity of an increasingly British monarchy. Absentee monarchy had been detrimental and prejudicial to the nation in all spheres of national life and whilst the Covenanting revolution had revolved on the sovereignty of Scottish institutions, the monarchy was to be incorporated within this "Scottishness" and made more in touch with the needs of the nation.<sup>24</sup>

Furthermore, the Committee of Estates was not only concerned with establishing a closer form of "union" with the English Parliament during the peace negotiations. It was involved in major diplomatic initiatives on a European scale for the establishment of a tripartite confederation/league involving the Scottish Estates, the English Parliament and the Estates General of the United Provinces. An itemised agenda of seven articles <sup>was</sup> delivered to the Scots diplomatic commissioners on this matter which required discussion with the English commissioners.<sup>25</sup>

From the tenor of Article One, it would appear that the league/confederation was to be secured in general terms by the agreement of the Scots and English commissioners:

"that they concurre with thes of the kingdom of Ingland who are upoun yat treatie (i.e Ripon/London) to secure the conditionnes of that league and confedilacie to all his maties kingdomes..."<sup>26</sup>

Even so, the committee at Edinburgh could give no "particular directioun" to the "generall conditionnes" of the confederacy (Article Two), but advised their diplomatic contingent to familiarise themselves with previous leagues between England and the Low Countries and/or France and/or Spain. Article Three stressed that "diligent attendance to the forme and concepcioun" of any previous leagues between the kingdom of England and the United Provinces should be paid; principally to protect Scottish interests in the newly proposed

confederation, but this also suggests that the proposals had gone beyond the stage of mere discussion and were on the point of being incorporated within a written document. Articles Four to Six focused specifically on the preservation of Scottish trading and economic privileges; protection of Scottish fishing rights (Article Five), ratification of burgh trading privileges in the Low Countries (Article Six) and the consolidation of the office of Conservator within the Low Countries (Article Four).<sup>27</sup>

Trading and economic benefits resulting from such a league would certainly be advantageous and strong ties already existed. The Netherlands had provided the major source of arms and ammunition for the Covenanting forces during the Bishops' Wars. Thomas Cunningham, James Weir and James Eleis, three Scottish factors at Campvere, likewise played an important role in the traffic of Scottish commerce in the Provinces.<sup>28</sup>

The Dutch political system certainly offered attractions to the Covenanters with a strong emphasis on federalism and a stadtholder with powers limited by the provincial estates. It also offered attractions to the ideal of centralised Covenanting oligarchy. Clement Walker, writing at a later date (1650) argued that Argyll was "in conspiracy with certaine his Confederates" in order to "transforme the Kingdome of Scotland into a Free State like the Estates of Holland."<sup>29</sup>

Strengthening the evidence that a tripartite confederation was a serious diplomatic consideration, further enquiry reveals that a league with the Dutch had a strong attraction to the English Parliament. Giovanni Giustinian, the Venetian Ambassador in England in 1641-42, observed that there was "a secret intention to approach the Dutch form of government, for which the people here show far too much inclination," and later refers to the "eagerness.... to bring the government into conformity with that of Holland."<sup>30</sup>

Furthermore, an undated pamphlet of a speech given by a certain William Bennet, probably to the English Long Parliament, gives details of contemporary analysis of the European alliance system. Bennet advocated that, "wee should enter into such a league with the Hollanders;" on the grounds that the Dutch will "never enter into warre, or league, meerely for Religion."<sup>31</sup> Bennet's argument ultimately centred on the European alliance system, but the fact remains that a closer relationship was being sought by English parliamentarians also. This may have been related to the fact that the king was conducting negotiations with the House of Orange which were eventually to result in a marriage alliance.<sup>32</sup>

Despite the fact that a tripartite confederation ultimately failed to emerge, conclusive evidence has nevertheless been provided which requires the institution of the Committee of Estates to be placed within a wider European perspective.

## *(2) Continuations of Parliament, 19th November 1640 to 15th July 1641.*



When the Estates reconvened on 19th November 1640 no Commissioner had been sent by the king. Given the fact that the military conflict had not yet been settled, the Estates agreed that Parliament should be continued to 14th January 1641. Burgleigh was elected as President of parliament in the absence of Royal representative (once more stressing the right of the Estates to determine their own proceedings).

Indeed, between 19th November and the king's attendance in parliament from 17th August 1641, Parliament was prorogued on no less than 3 occasions (14th January, 13th April and 25th May), on the basis of a communication of 31st December 1640 from the king requiring that the Estates should not meet again because <sup>the king</sup> ~~he~~ was unable to be present in person, and neither could he send a commissioner, due to the absence of many of the nobility. In actual fact the Covenanting leadership did not wish another full session of the Estates to take place until the peace negotiations had been satisfactorily concluded and the Treaty could thus be ratified.<sup>33</sup>

### ***(3) The Third Session of the Second Parliament of Charles I, 15th July-17th November 1641.***

The royal presence had been intended on the part of Charles and expected on the part of the Estates for the session of Parliament commencing on 15th July 1641. Royal attendance, however, had been delayed by the English Parliament through the difficulties of the ratification of the Treaty of London.

#### ***(i) The Composition of Parliament, 15th July 1641.***

43 nobles, 49 gentry representing 28 shires and 57 burgesses representing 56 burghs (149 individuals in total) constituted the membership of Parliament as per 15th July 1641. Noble attendance than all previous sessions of Parliament, 1639-41, except for the 1639 Parliament (see appendices 2 and 3). Both gentry and burghal attendance levels were greater than all previous sessions of Parliament (see appendices 2 and 3). In terms of total membership, the session of 15th July 1641 was higher than all sessions, 1640-41, and was equal to the total attendance level of the 1639 Parliament (see appendices 2 and 3). Such figures indicate increased commitment and activism to the Covenanting cause in terms of parliamentary human resources. In terms of individual membership, 22 out of the 43 nobles (51%), 15 out of the 49 gentry (31%) and 12 out of 57 burgesses (21%) present in Parliament, 15th July

1641, had also sat in Parliament, 25th May 1641 (see appendix 4). Individual membership figures also indicate that there was a ~~large~~ pool of human resources, particularly gentry and burgesses, that the leadership of the Covenanting Movement could draw on.<sup>34</sup>

*(ii) The Proceedings of Parliament, 15th July to 14th August 1641.*

Following the now commonplace election of ~~Burleigh~~ <sup>Burleigh</sup> as President in the absence of a royal commissioner, Loudoun and Dunfermline, as principal diplomatic negotiators, moved that the Estates should prorogue until the king could be present and initiated a vote on the issue. The Estates voted against prorogation, but in accordance with the king's wishes, resolved "not (to) proceed to any sentence act or determinatione till his Maties owne comeing" on 17th August, and only to prepare business for that date, unless any urgent affairs should occur. According to Sir James Balfour, this was carried by only 50 votes.<sup>35</sup>

The Estates continued the consolidation of the powers of Parliament and developed intricate procedural innovations. Indeed, although much energy was spent on establishing and constructing the procedure by which the Incendiaries and Plotters (who had been imprisoned in May 1641 as signators of the Cumbernauld Band for plotting against the radical leadership) were to be brought to trial and prosecuted, and was concerned with the conclusion and subscription of the Treaty of London, attention should be drawn to the procedural and constitutional measures that were approved for enactment by the Estates.

On 16th July a session committee of six was established to consult with the Constable and Marischal and the magistrates of Edinburgh to determine on appropriate procedures for regulating the order of the House (see appendix 5). The committee appears to have been led by Lothian.<sup>36</sup>

By 19th July, 13 articles for ordering the House had been agreed on and were communicated to the Estates. Article One emphasised the nature of the redefined Three Estates by stressing that only members of Parliament could remain in the House when the Estates were in session. This ideal was later ~~implemented~~ <sup>implemented</sup> in practice when the eldest sons of four nobles were removed from the House. The gentry and burgesses had refused to vote because this was contrary to the orders laid down on 19th July. According to the orders, a maximum of three parliamentary clerks and the procurator of the Kirk were allowed admittance to serve the Estates, but enjoyed no debating or voting rights. On the other hand, Article Two permitted the attendance of all the members of the Committee of Estates, including any Lords of Session and non-parliamentary gentry and burgesses along with any clerks of the Committee. By implication this suggests that the Committee of Estates might continue to meet when Parliament was in progress (despite the fact that the commission of

1640 expired on the first meeting of the next Parliament). It does not appear that this countenanced voting or debating rights (as per Article Seven). Sir Thomas Hope of Craighall, king's advocate, was later allowed admission (17th August) on the basis that he was also advocate for the Estates. Nevertheless, Craighall was denied voting *Privileges* and was only to speak when commanded by the Estates. Articles Four, 12 and 13 tightened up on non-attendance of members by establishing methods of ascertaining those members present and by setting down three tiers of fines per estate for non-attendance and latecomers. Article Four established the number of sessions per day (2) and their duration. This was designed to provide a more efficient structure for the deliberative and legislative process.

In addition, prior to the arrival of the king in Parliament, the Estates had already set in motion the procedure that was to be implemented on all bills and overtures submitted to the House. Article Nine of the regulations had ordained that a consultative period of 24 hours was allowed for consideration of any overture by each of the estates separately (in effect the Tables). A session committee of 12 (with four of each estate) had been established on 28th July to consider all bills and overtures submitted. The leading Covenanting nobles were not members of this committee, which indicates that committee work was being spread throughout the noble estate.

All necessary supplications and citations were to be granted and the specific remit of the committee was to report back to the body of the House on the contents of all such bills. On 3rd August, this had been specified as the power to pass bills for citation only, with one of each estate to subscribe them, and all other bills were to be reported to the House. In effect, all bills and supplications were to undergo a fourfold process that evolved from 19th July until the close of the 1641 Parliament. Depending on the individual nature, any bills/overtures were to be submitted to a specialist committee for consideration, after an initial reading by the House (a whole plethora of which flourished between 17th August and 17th November). Thirdly, following consultation by a specialist committee the decision whether or not the bill was to proceed any further in the legislative process was to be considered by each estate separately (in accordance with Article Nine). Finally, the Estates would reconvene to vote on the appropriate legislation, each member of Parliament having a free vote (in accordance with the legislation of the June 1640 session).<sup>37</sup>

The Committee for the Bills has recently been described as a "clearing house for standing and ad hoc committees" and the third stage of the above process has been represented as an assertion of the "party discipline" of the Tables.<sup>38</sup>

However, whilst this legislative process did provide for and enable a strong degree of control by the Covenanting leadership over all bills and supplications passing through Parliament, it can rather be interpreted along the lines of an increased parliamentary role for all three estates. It can be viewed as the introduction of a more efficient organ to deal with all such legislation (which is consistent with all the procedural innovations introduced).

Indeed, the actual composition of the Committee for the Bills reveals that of the four noble representatives, both Mar and Kinghorn had signed the Cumbernauld Band, implying an association with Montrose. The other two nobles, Elphinstone and Johnstone, had no strong association with the Covenanters. Although the gentry element was staffed by influential Covenanted barons (Sir Gilbert Ramsay of Balmaine, Sir William Forbes of Craigievar, and Sir Thomas Ruthven of Frieland), only two of the burgesses were influential Covenanters to date; Robert Cunningham (Kinghorne) and George Gardine (Burntisland). This strengthens the argument that the Committee for the Bills was more an institutional tool for the benefit of Parliament, although it did enable the Covenanted leadership ultimately to control the progress of all bills and overtures.<sup>39</sup>

Further enactments prior to 17th August asserted the determination of the Estates to control its own affairs. The quorums for all committees appointed was set at 50% of the total membership per committee. On 11th August the oath requiring each and every member of Parliament to uphold and defend the sovereignty of Parliament before any business was initiated, as was subscription of the National Covenant for admission to Parliament. As perceived by Robert Baillie, this was designed to:

"make all the members of Parliament so fast to the Church and State as was possible, and to be without danger of temptation and Court corruption."<sup>40</sup>

As well as being an instrument of party discipline, the oath of 11th August must be viewed as a continuation of the process initiated in the June 1640 session whereby subscription of the National Covenant, the Confession of Faith and the oath to recognise the legality of the June 1640 session was required.

It was similarly determined on 12th August that it should be enacted that in all future Parliaments the previous President of Parliament should continue in that post until the parliamentary oath was taken by all members, after which a new President should be elected. Moreover, no President could continue in that office without a fresh election being taken. This measure was to have immediate effect in the 1641 Parliament. Hence Burleigh who had held that position consecutively since June 1640 was replaced by Balmerino on 18th August (as a temporary nomination by the king until the manner of electing a President had been decided on). Balmerino had been tried for treason during the Personal Rule, having emerged as a critic of the king's policies, and was one of the leading Covenanted nobles associated with Argyll. The fact that Balmerino had been nominated by the king indicates that Charles was on the defensive and was adopting a policy of conciliation. On 13th August it had been agreed that the "publict bussiness" (i.e. constitutional concerns) was to take precedence over any other matters such as private petitions and grievances which required

the attention of the Estates. Crucially, it was also agreed on 13th August that <sup>a</sup>separate enactment should be made to exclude all Officers of State from Parliament, which was likewise to encompass all related voting rights. This was in keeping with the exclusion of Officers of State from parliamentary committees since 1639. Any previous legislation passed in their favour was to be annulled.<sup>41</sup>

Parliamentary attention was also focused on the Incendaries and Plotters. Preparations were being made for the trial of those individuals. On 29th July the Committee anent the Incendaries was established. Consisting of six per estate (see appendix 5), the remit of the committee was primarily to draw up a list of necessary witnesses to be cited and examined. The committee was led by Argyll, Eglinton and Cassillis.<sup>42</sup>

Viewing events within a British perspective as a whole, the Treaty of London had finally been ratified by the English Parliament on 7th August, and had received the royal assent on 10th August. This allowed Charles to finally attend the 1641 session of the Scottish Parliament in person. The session commencing on 15th July was closed on 14th August (no formal record of this was instituted, or failed to be recorded), and a new session commenced on 17th August with the king present.

### *(iii) The Composition of Parliament, 17th August 1641.*

56 nobles, 50 gentry representing 29 shires and 57 burgesses representing 56 burghs (163 individuals in total) constituted the membership of Parliament as per 17th August 1641 (see appendix 2). Attendance levels for all three estates were greater than all previous parliamentary sessions 1639-41 as was the total membership figure (163) (see appendices 2 and 3). The increase in parliamentary membership, particularly the nobility, can be attributed to the fact that the king was now present in the House. In terms of individual membership, 35 out of the 56 nobles (62%), 46 out of the 50 gentry (92%) and 53 out of the 57 burgesses (93%) present in Parliament, 17th August 1641, had also sat in Parliament, 15th July 1641 (see appendix 4). That the retention rates of the gentry and burgesses were so high, can be attributed to the fact that no new elections had been held. Indeed, in strictly constitutional terms the proceedings commencing on 17th August did not constitute a new parliamentary session.<sup>43</sup>

### *(iv) The Proceedings of Parliament, 17th August to 17th November 1641.*

Upon his first formal contact with the Scottish Parliament since 1633, Charles stressed in

his opening speech his willingness to "settle and compose all differences" and ratify the enactments of the June 1640 session. This manoeuvre was met with hostility by the Covenanting leadership as a royal attempt to reject the legality of both the meeting of and proceedings of that session, as well as the parliamentary band of maintenance. Parliamentary observers stressed that:

"This if it had been yielded had been of Dangerous consequences for the putting of the Scepter to Acts is but a Ceremony signifying the Royal Assent, which to these Acts we have already in the Treaty. And the King's putting the Scepter to them now were to make them Acts of this present session of parliament and as much as if they had not been Laws sufficient force to bind the Subjects from the time wherein they were enacted."<sup>44</sup>

Initially, the king's proposal had been both popular and acceptable, and had been interpreted as a logical means to perform the terms of the peace treaty. It was only when the true implications of this were seized on by only two or three individuals (who are not specified) and communicated to the rest of the Estates through the efficiency of the Tables, that appropriate action was taken.

Additionally, the imprisonment of Sir William Cockburn of Langtoun (Berwick) by Charles during the morning session, for taking upon himself the right to exercise the office of Usher was taken "extrem ill" by the Parliament. That a member of Parliament should be removed from the Parliament House and imprisoned during a parliamentary session without the prior approval of the Estates was regarded as "a dangerous preparative."<sup>45</sup>

It might well also be argued that it is at this point that Argyll openly emerged as the dominant figure in Parliament. On 13th August the meeting of the nobility had taken place where it had been decided that the proponing and concluding of all public business was to take priority in the parliamentary session. Argyll had been elected by the nobility convened as President of that meeting, suggesting a strong grouping of Covenanting nobles. Likewise, it was Argyll who took the initiative in the morning session of 17th August in securing Charles's agreement that a deputation of six should consult with the king if "any thing debatable" should be proposed. This provided the occasion for a rapidly elected deputation of six, elected by each estate meeting separately. According to Robert Baillie, this grouping had been in existence since 13th August and the election would thus appear as a matter of mere ratification. Argyll formed the leading figure of this deputation, which was dominated by activists. Sir Thomas Hope of Kerse (Clackmannan) and Sir Robert Innes of that Ilk

(Elgin) represented the gentry. Patrick Leslie (Aberdeen) and James Sword (St.Andrews) represented the burgesses. Lord Almont was also included and was an ally of Montrose (Almont had signed the Cumbernauld Band), as was Balmerino, President of Parliament and ally of Argyll. The deputation then secured a conference with the king for discussion of two counts; not to make any further reference to legislation of the 1640 session until the Treaty of London had been dealt with by Parliament (which the king agreed to) and to demand that those councillors who had advised the king to commit a member of Parliament without the consent of the Estates should be brought to trial (in reality a covert warning against the king's actions in the House).

When the Estates recovered on 18th August no time was wasted in asserting the legitimacy of Parliament to determine its own proceedings in enacting three items of legislation consistent with the constitutional revolution of the June 1640 session and legislation prepared, but not voted on, from 15th July. This was in keeping with the practice of Parliament ratifying the past practices of the Covenanters (i.e the 1640 Parliament ratified the legislation prepared by the Tables and the 1639 Lords of the Articles). The legality of the election of Burleigh as President consistently from June 1640 onwards was approved, as was his replacement by Balmerino in that office in the present session, until the manner of the future election of future Presidents had been determined. This was based on a "private promise" that the act establishing the election of President would be ratified before the close of the parliamentary session. The fact that the radical leadership continued to orchestrate parliamentary proceedings was reflected by the fact that the Committee of Estates continued to meet in secret until the third week of the parliamentary session.

In accordance with the terms of the new parliamentary oath agreed on 11th August (requiring the preservation of Parliament's powers and privileges and the bringing the Incendiaries to proper trial and the preservation of peace between Scotland, England and Ireland), the "Act anent the oath to be given by everie member of parlamente" was approved both for the present session of Parliament and all future Parliaments, before the Estates were to proceed to determining any acts. This was duly signed by all members of Parliament on 31st August; a gap of 13 days before the implementation of the oath.

Subscription of the National Covenant, the Band of Maintenance and the parliamentary oath was forced on the Marquis of Hamilton, the Earls of Roxburgh and Lanark and Lords Yester and Ormont before the Estates on the same day "before they sitt or voice." This was in accordance with legislation enacted on 13th August which had barred all nobles from sitting and voting in the House unless they had subscribed all of the above oaths and bands. On 17th August, Hamilton, the Duke of Lennox, and the Earls of Morton, Roxburgh, Annandale, Kinnoul, Lanark and Carnwath (all adherents of the Court) had been refused access to the House. By 19th August all but two (Carnwath and Kinnoul) had pragmatically added their signatures.

In addition, Charles was forced to retract his imprisonment of the Cockburn of Langtoun and agree that "no member of the house of parliament shall be committed for any misdemanor in tyme of parliat without the advyse of the estates in tyme comeing."<sup>46</sup>

Therefore, within two days of attending the 1641 Parliament, Charles I had been forced on the defensive as the momentum of constitutional revolution continued and the Estates had immediately set the pattern that was to prevail until the close of Parliament on 17th November.

In total, 145 items of legislation passed through Parliament between 17th August and 17th November. 125 of these, the overwhelming bulk, concerned the "public business." The concentration of attention on the public business had a knock-on effect on the legislative process concerning private affairs/petitions; a total of 220 of which were rushed through before the close of Parliament. This appears to have been a deliberate policy option. On 13th August the House had ordained that all public business was to be dealt with before any private measure could be introduced. The enactment of such a large amount of legislation was unprecedented compared to previous parliamentary sessions, 1633-1641.<sup>47</sup>

The concentration of historical study regarding Privy Councillors, Officers of State and Sessioners in the session of the 1641 Parliament from 17th August to 17th November has tended to ignore or gloss over important procedural developments and other enactments of a constitutional nature. Indeed it was in this session of Parliament that a complicated committee structure was evolving and undertaking important political evaluations of all such legislation. Even when recognition has been given to the existence of a committee structure, attention has nevertheless been restricted to the foundation of the important interval committees established from 15th-17th November to govern the country until the next session of Parliament, all under Covenanting control and in essence constituted the breakdown of the Committee of Estates into smaller, more specialised units. However, session committees flourished throughout the session, principally as a means to deal effectively with a mass of material submitted for legislation, but also as a by-product of the time-consuming debate over Officers of State, Privy Councillors and Sessioners.

Consistent with the noted trend of the Covenanting leadership constantly revising and renewing its previous legislation, a session committee was established on 19th August to revise all acts and articles presented in Parliament since 15th July 1641. Although composed of four per estate (see appendix 5), noble representation was based on the conservative wing of the Covenanting nobility (Roxburgh, Southesk, Mar and Elphinstone). No nobles and gentry included on this committee had been members of the Committee for Revising Papers Discussed in Articles of 2nd June 1640 (see appendix 5). Only one burgess, Richard Maxwell (Edinburgh), was included on both committees (see appendix 5). This would seem to indicate that committee work was being spread throughout all three estates. It would also appear that it was the committee established on 19th August that steered legislation through



the House.<sup>48</sup>

That private legislation had to be rushed through the House was reflected in the establishment on 11th November of a specific session committee for ratifications to be enacted in Parliament. It is to this committee that credit must be given for the passage of 220 private measures in the final days of Parliament. In effect, this committee was acting like the former Lords of Articles in putting forward measures for enactment en bloc. Composed of two per estate (see appendix 5), both nobles (Southesk and Elphinstone) were also members of the committee established on 19th August (see appendix 5). No common membership on both committees exists for the gentry and burgesses (see appendix 5).<sup>49</sup>

Clearly these session committees played a crucial role in the effective operation of Parliament and the successful conclusion of all required legislation. Although the Lords of the Articles/Committee of Parliament had remained an optional expedient to be used if the Estates required, the psychological barrier of using an institution which had provided the means for so much royal corruption made its use a non-starter. Combined with the Committee for the Bills established on 28th July 1641, the Committee for Revising Acts and Articles, and the Committee for Pursuing Ratifications must be interpreted as three separate, but interlinked, committees which had taken over much of the procedural and legislative functions which had previously been performed by the Lords of the Articles.

Enactments concerning the public business can be differentiated into three specific areas. Firstly, they related to the approbation of the conduct of the Scottish commissioners during the peace negotiations and the ratification of the treaty. Secondly, they concerned the sanctioning of Parliament's control over the executive and judiciary and further internal procedural developments. Thirdly, they concerned the transfer of power from the Committee of Estates to newly-created specialised committees (both session and interval) dominated by activists, primarily to retain the government of the country in the hands of the Covenanting leadership after the close of Parliament.

Following the return of the Scots commissioners from London, the king signed the Treaty of London<sup>50</sup> in Parliament on 25th August. The treaty was duly ratified by the Estates on 26th August. Although the differences between king and Parliament concerning the election of the Officers of State had failed to be agreed on in the treaty, the Act of Pacification and Oblivion (incorporated in the treaty) did not apply to the five Incendiaries and four Plotters cited on criminal charges, who were to face trial by Parliament. A committee of three per Estate was correspondingly established to discuss with the king a specific six point remit concerning matters "not fullie determined in the treattie bot remitted to be determined be the king and parliament." The committee's main sphere of interest rested on securing royal assent to the publication of the acts of the June 1640 session (finally agreed to on 31st August), the trial and processes against the Incendiaries and Plotters, and the establishment of a diplomatic commission to preserve peace between England and Scotland. Noble

representation was based solely on the radical wing of the Covenanting nobility and consisted of Argyll, Cassillis and Lothian.<sup>50</sup>

Throughout the session major controversy and attention ultimately centred on the appointment of Privy Councillors and Officers of state. The Covenanting leadership was determined that both these offices should be accountable to, and elected by Parliament, a fact disguised in their remonstrances in the context of the advice and approbation of Parliament. In keeping with the legislation of 1640, subscription of the National Covenant was to be made a necessary prerequisite for the holding of office as Officer of State, Councillor or Sessioner. Four of the five Incendiaries cited to Parliament had been Officers of State and principal office holders during the Personal Rule. The election of these officers by the king alone had been the "fountain of our evils, and was lyke to be a constant root of corruption, both in Kirk and State, if not seen to." There was also a strong argument of historical precedent which provided for an increased parliamentary element in these nominations (prior to the Union of the Crowns officers of state had been appointed with parliamentary approval).<sup>51</sup>

On the other hand, Charles I regarded the appointment of such officers as a "speciall part of his prerogative, a great sinew of his government, the long possession of the Kings in Scotland, the unquestionable right of the Kings in England." Indeed, Charles was particularly wary and fearful of any limitation of his prerogative on this subject which might be taken as a precedent by the English Parliament. Therefore, the battle lines had been drawn, but it was the Covenanting leadership that was to triumph. Given the increasingly alarming state of affairs in his English dominions and Ireland, Charles only had a finite amount of time available in Scotland and it was this factor that governed his final yielding to Covenanting demands.<sup>52</sup>

Parliamentary control over Officers of state, Privy Councillors and Lords of Session had been on the Covenanting agenda since 1639. At the meeting of the nobility on 31st August 1641 three points had been agreed on by "way of opinioun". Firstly, that the nomination of individuals for these offices belonged to the king but that the nominations should <sup>also</sup> give "most content and satisfactioun" to the Estates. Secondly, these appointments were to be made with the advice and consent of the Estates when Parliament was in session, and during intervals of Parliament by consent of the Council of Session. Thirdly, those appointed were to be liable and accountable to the censure of king and Parliament. Such endeavours were to ensure that "so far as is possible all ways of ambition and corruption may be stopped."<sup>53</sup>

The judicial appointments of Senators of the College of Justice similarly were to be made by the king with the advice of Parliament, to prevent a return to the reputed corruption of that institution during the Personal Rule. The rationale of such arguments rested on the absence of the monarch from the country which would cloud his knowledge of the suitability of individuals for these positions, but were also "groundit upon the ancient Lawis and

custome of this kingdome."<sup>54</sup>

On 2nd September 1641 a "great committee" of 36 (12 of each estate) was elected by the Three Estates separately to attend the king specifically on the above matters. No official reference exists in the Acts of Parliament of Scotland to this committee and no breakdown of membership is available. It may be supposed, however, that Covenanting activists filled its ranks although there was probably a spread of radicals and conservatives among the noble contingent.<sup>55</sup>

This committee attended the king on 3rd September whereupon he communicated his decision that he would make all such appointments with the advice and approval of Parliament and generally adhered to the demands of the nobility on these matters expressed in 1639. The king's paper containing his decision was then discussed and voted on by the Estates separately. The nobility concluded that the paper was satisfactory to the appropriate demand in the Treaty of London. Although the gentry found the paper to be satisfactory in "ane greate parit," they nevertheless articulated on what exactly the advice and approval should constitute. Furthermore, any Officers of State, Councillors and Sessioners appointed during intervals of Parliament were only to have their tenure to the next Parliament, whereupon their appointments were either to be approved or changed. Additionally, the consent of the majority of Privy Councillors was to be required concerning both the nomination and election of all Councillors. The Privy Council was likewise to be legally called upon 15 days notice. Burgess concerns were in common with those of the gentry. A delegation of three per estate was sent on 9th September to discuss these additional demands of the gentry and burgesses.

Analysis of the Act anent the election of Officers of State, Councillors and Sessioners, which passed through the House on 16th September, reveals that all of the above demands of the gentry and burgesses were incorporated within that act. Regarding this one important item of legislation, it is therefore clear that it was the commissioners of the shires and the commissioners of the burghs, and not the nobility, who constituted the dominant architects of the final form of the enactment.

Following the passing of the appropriate act on 16th September, Charles immediately submitted a list of nominees of Privy Councillors and Officers of State on 17th September. 58 names were submitted. 49 of these nominations related to Privy Councillors, whilst nine related to Officers of State. Six of the 49 Privy Council nominations were English politicians of the Court who were to be employed in the capacity of supernumerary councillors. The employment of six English politicians was a device retained from the Personal Rule; the king had added nine Englishmen to the Privy Council of 1633. Of the remaining 43, seven were members of the gentry and all were significant Covenanting activists. Sir Patrick Hepburne of Wauchton, Sir George Dundas of that Ilk, Sir David Graham of Fintrie, Sir Thomas Morton of Cambo, Sir Alexander Erskine of Dun, Sir Robert

Innes of that Ilk and Sir David Graham of Morphie constituted this grouping of gentry. This marks a significant increase from the Personal Rule and indicates royal recognition of the political power of the gentry within the Covenanting Movement. The Provost of Edinburgh was included as the sole representative of the burghs. General Alexander Leslie, commander of the Covenanting armed forces, was included, not as a military representative, but in reality as a member of the nobility which he was shortly to be promoted into. The remaining 34 constituted a solid block of pragmatic Royalist nobles. Eight Covenanting nobles included Argyll, Dunfermline, Balmerino and Cassillis, but were wholly outnumbered by pragmatic Royalists, including Lennox, Hamilton, Huntly and Perth.

Controversy ultimately raged over the appointment of Chancellor, Treasurer and Clerk Register. The Chancellorship was vacant since the death of Archbishop Spottiswood, as was the Treasurership and the office of Clerk-Register due to the citations of Traquair and Sir John Hay as Incendiaries. The Earl of Morton was nominated as Chancellor and Loudoun as Treasurer, whilst Sir Alexander Gibson of Durie was nominated as Clerk Register. When the composition of Privy Councillors and Officers of State was intimated to the Estates on 20th September, dissension immediately emerged. Charles was forced to concede that the total number of Privy Councillors and Officers of State would not actually exceed 52. Argyll took particular exception to the nomination of Morton, his father-in-law, as Chancellor. The argument continued for over a week until Morton personally announced that he did not wish to be considered for the post. Charles was forced to modify his nominations and against his better judgement, nominated the radical Loudoun as Chancellor and the conservative Lord Almont as Treasurer. Loudoun was also a Campbell and a kinsman of Argyll. Almont's nomination was strongly opposed by Argyll and rejected by the Estates. Although Almont was on the conservative wing of the movement, it was suspected that his sympathies leaned towards the Crown. An English correspondent, Thomas Webb, noted that the opposition to Morton was led by adherents of Argyll, that is the radicals. Baillie noted that the majority of the Estates wanted Argyll as Treasurer. Yet, a certain individual called Hirst, an English spy circulating in Edinburgh, observed that Morton and Argyll were:

"hott in competition for the Chancellorship, the prime place of the kingdom: the King preferring the first, and the Parliament the other."<sup>56</sup>

Therefore, it can be argued that the nomination of Loudoun as Chancellor was a concession by Charles to the Covenanting leadership whilst avoiding putting Argyll into such an important office. Moreover, the nomination of Almont was flatly rejected by the Estates on Argyll's instigation (due to Almont's association with Montrose and his signing of the Cumbernauld Band), and rather than leave the Treasury in Argyll's hands (as the majority

wished), Charles was forced to establish a Treasury Commission, which was to endure until the next Parliament.

On the part of the Estates there was considerable confusion concerning how the policy of advice and approval of Parliament should be implemented. The gentry advocated that voting on the nominations of Officers of State should be determined by voting billets (a move which was rejected), in effect a secret ballot but the nominations were ultimately decided by the Estates meeting separately to discuss the issue and then voting in plain parliament.

By 13th November, <sup>Charles</sup> had been forced to modify his original list of nominees. Seven pragmatic Royalist nobles had been rejected as Privy Councillors (Huntly, Airth, Home, Tullibardine, Galloway, Dumfries and Carnwath), and replaced by 7 Covenanting nobles (Sutherland, Lothian, Dalhousie, Yester, St. Claire, Burleigh and Balcarras). Four of these nobles (Sutherland, Lothian, Burleigh and Yester) were radicals, whilst the other three were conservatives. Leslie remained but this time as the newly-created Earl of Leven. In all, the reconstituted Privy Council consisted of 52 members, six of whom were English courtiers. Despite the amendments the Privy Council was still dominated by pragmatic Royalist nobles. Only 10 nobles were noted radicals. Furthermore, 23 of the whole Council had served as councillors in the last council of the Personal Rule. Nevertheless, in common with all members of the Estates and Lords of Session, all Privy Councillors were required under oath to defend and uphold not only the National Covenant, but also acknowledge the 1641 Parliament to be free and lawful and subscribe to protect the legality of its enactments. The total membership of the reconstituted Privy Council consisted of 29, nobles, 12 gentry and one burgess.

The Privy Council had virtually ceased to function in 1640-41 and following the formal close of parliament on 17th November real power lay with the interval parliamentary commissions (Common Burdens, Brotherly Assistance, Conservators of the Peace) and not with the Privy Council.

Of the nine Officers of State, six retained the offices they had held during the Personal Rule. Roxburgh continued as Lord Privy Seal, Lanark as Secretary of State, Sir Thomas Hope of Craighall as King's Advocate, Sir John Hamilton of Orbiston as Justice Clerk, Sir James Carmichael as Treasurer Depute, and Sir James Galloway as Master of Requests. Sir Alexander Gibson, younger of Durie, was appointed Clerk-Register, despite the popular belief that it would go to Sir Archibald Johnston of Wariston and the opposition of Argyll to Durie. Indeed, there was a proliferation of literature against Durie, "most whereof manie wondered Durie gott the prize." Loudoun gained the Chancellorship, and according to Baillie, the Treasury was put into commission until the Covenanters could get it into Argyll's hands.<sup>57</sup>

Parliamentary control over the judicial appointments also reached the statute books on 13th November. Henceforth, the tenure of office of both Ordinary and Extraordinary Lords of

Session were to be *ad vitam vel culpam*. In effect, this represented the defeat of Charles's attempts to have the tenure of Sessioners based on the principle of *ad beneplacitum* in the earlier years of his reign.

Of the 15 Ordinary Lords of Session, 11 were retained from the Personal Rule. The four remaining places were filled by active Covenanters; Sir John Leslie of Newton, Sir Thomas Hope of Kerse, Sir Adam Hepburne of Humble and Sir Archibald Johnston of Wariston. Of the four Extraordinary Lords, Argyll and Angus kept their places, and Balmerino and Lindsay filled the 2 other offices vacated by Traquair and the former Bishop of Ross. Radical nobles therefore filled the places of all four Extraordinary Lords. No President of the Court of Session was specified and the election was to be performed by the Session itself (which took place in January 1642 with the election of Sir Andrew Fletcher of Innerpeffer). All these judicial officials were bound to subscribe the same Covenanting bands and oaths as Councillors and members of Parliament.<sup>58</sup>

The *de facto* political significance of these appointments and the necessary subscription of Covenanting oaths was to mark a severe limitation of the royal prerogative. The influence of the Crown had been marginalised and it was the Scottish Parliament that in effect controlled national executive and judicial appointments. Within the institution of Parliament, it was the Covenanting Movement, particularly the radical wing, that controlled the parliamentary agenda.

The outbreak of the Irish Rebellion had occurred while the Scottish Estates were still in session. In order to formulate parliamentary policy on the issue and establish closer diplomatic channels with the king, a delegation was established on 18th October to consult on the matter. Radical nobles dominated this commission; Leven, Loudoun and Lothian. Almont was also included, although this probably amounted no more as token recognition of moderate interests and the king's personal favour. Baillie notes that Argyll was the dominant influence of this commission, although he was not included on it, and that the committee "in two or three nights did agree all things privatelie with the King, most according to Argyle's mind."<sup>59</sup>

Legislation enacted during the two month constitutional controversy of autumn and winter 1641 established further ground rules concerning procedure and asserted the determination of the Estates to control their own proceedings. All members of Parliament were granted the right of attending and sitting in any committees of Parliament and any member could be called to participate in the proceedings of any committee (19th August). The diet of the meeting of Parliament, Estates separately and all committees was reorganised on a more effective basis to maximise both the time and human resources available (19th August). On 11th November, legislation was enacted which provided a national structure of financial remuneration for expenses incurred by the gentry during the parliamentary session. Therefore the political muscle of the gentry was being reflected in the commissioners of the

shires securing an improved financial package. £5 per day was allowed per head per day from the first to the last day inclusive, and a travelling allowance in terms of days spent travelling to and from Parliament was set likewise at £5 per day. Furthermore, all freeholders, heritors and liferenters were to be liable for the expenses of the commissioners of the shires in the form of taxation. This legislation also suggests two further scenarios regarding the commissioners of the shires; firstly, the legislation is a recognition of the numerical superiority and voting strength of the gentry within Parliament, and secondly, it would appear that the County Franchise Act of 1587 which imposed taxation on freeholders in the shires was not being adhered to.<sup>60</sup>

The fact that it was the Covenanting Movement, and not the king, that was the driving political force was reflected in the royal handout of offices and pensions to leading Covenanters. The Earl of Argyll was created a Marquis and General Leslie created Earl of Leven. Lords Loudoun and Lindsay received promotion to the title of Earl, promotions which had been suspended for their opposition to Charles in the 1633 Parliament. Archibald Johnston of Wariston and Alexander Gibson of Durie were knighted, and Alexander Henderson was given office in the chapel-royal. Loudoun and Argyll received pensions of £12 000 sterling (£144 000 Scots) per annum. Sir Archibald Johnston of Wariston received £2400 sterling (£28800 Scots) per annum. The General of the Artillery, Alexander Hamilton, received £9600 sterling (£115 200 Scots) per annum and the young Earl of Rothes £10 000 sterling (£120 000) per annum. According to a contemporary source, these concessions and favours were given out on the king's understanding that,

"as soon as the late Storm should be perfectly calm'd  
they would repeal whatever was now unreasonably  
exorted from him"<sup>61</sup>

The prime motive of Charles, however, was securing Scottish Covenanting neutrality in the English Civil War. Charles wanted to avoid the nightmare scenario of the Covenanters aligning themselves with his enemies in England in a military alliance. Furthermore, the conduct of the Committee of Estates as the national government was approved.<sup>62</sup>

At the close of the session on 17th November 1641 it was ordained that the First Triennial Parliament was to convene on the first Tuesday of June 1644. Technically this was under the terms of the Triennial Act.<sup>63</sup>

#### *(v) The Committee Structure of Parliament, 1639-41*

Seven parliamentary session committees and seven parliamentary interval committees have been combined with the Lords of the Articles to provide an analytical committee structure (see appendix 5). The total number of committees which any individual could sit on was therefore 15 (see appendix 5).<sup>64</sup>

39 nobles constitute the total field of nobles analysed (see appendix 5). Six radical nobles were included on between five and eight committees. Argyll served on eight committees, Loudoun, Balmerino and Burleigh served on six committees, whilst Cassillis and Eglinton were included on five (see appendix 5). By way of contrast, four conservative nobles also served on between five and eight committees. Lindsay was nominated to a total of eight committees, Lauderdale and Southesk were nominated to six, whereas Glencairn secured membership of five committees (see appendix 5). The remaining 29 nobles analysed were nominated to four or less committees (see appendix 5).

40 gentry constitute the total field of gentry analysed (see appendix 5). Two gentry secured membership of a total of seven committees; Sir William Forbes of Craigievar (Aberdeen) and Sir George Dundas (Linlithgow) (see appendix 5). Sir Robert Grierson of Lag (Dumfries) was included on six committees, whilst six further gentry were nominated to five committees. Sir Robert Innes of that ilk (Elgin), Sir Patrick Hepburn of Wauchton (Haddington), Sir Thomas Hope of Kerse (Clackmannan), Sir David Home of Wedderburne (Berwick), William Rigg of Ethernie (Fife) and Sir Alexander Erskine of Dun (Forfar) constituted this grouping of gentry (see appendix 5). The remaining 31 gentry analysed were nominated to four or less committees (see appendix 5).

35 burgesses constituted the total burghal field analysed (see appendix 5). Four burgesses were included on a total of six committees each; Patrick Bell (Glasgow), Robert Barclay (Irvine), John Semple (Dumbarton) and James Sword (St. Andrews) (see appendix 5). Six further burgesses secured nomination to a total of five committees. John Smith (Edinburgh), James Fletcher (Dundee), John Scott (Montrose), Patrick Leslie (Aberdeen), George Bell (Linlithgow), Alexander Douglas (Banff) and George Garden (Burntisland) formed this grouping of burgesses (see appendix 5). The remaining 24 burgesses analysed were included on four or less committees (see appendix 5).<sup>65</sup>

Near parity therefore existed in the numbers of nobles and gentry employed compared to the burgesses. Near parity also existed in the numbers of nobles (10), gentry (9) and burgesses (11) who were nominated to a significant number of committees. The radical nobles combined with the above gentry and burgesses formed a caucus which appears to have been controlling the proceedings of parliamentary session and interval committees. Indeed, at the time of the debate concerning the manner of bringing to trial of the Incendiaries and Plotters, Baillie observed that the "leading men of the Barrons and Burrowes did daylie consult with Argyle." The above gentry and burgesses were probably among the individuals Baillie was referring to. It is also highly likely that such meetings



took place on a regular basis.<sup>66</sup>

#### *(vi) The Appointment of Parliamentary Interval Committees*

Three categories of interval committees were established before the close of the 1641 session of Parliament. All were under the auspices of the Covenanted leadership and continued the work of the Committee of Estates as the governing force in the country until the next session of Parliament. Their categories were as follows; financial, diplomatic and judicial (see appendix 5). In effect, these constituted a breakdown of the Committee of Estates into more specialised committees with a broader field of membership..

The Treasury Commission consisted of four nobles and one gentry. Argyll and Loudoun represented the nobles. Baillie stresses that both Glencairn and Lindsay were allied to Hamilton. According to Baillie's analysis, therefore, Lindsay and Glencairn were pragmatic Royalists, although Lindsay's prominence within the Covenanted Movement would suggest that he was a conservative. Sir James Carmichael was included in the capacity of Treasurer Depute. Attempts by Loudoun to have three further gentry (Sir Archibald Johnston of Wariston, Sir Adam Hepburne of Humble and Sir Archibald Campbell) included on the commission failed. Radical control of the Treasury Commission was not therefore totally complete, but at the time the commission was regarded as only a temporary expedient until the office could be gained by Argyll.<sup>67</sup>

The Commission for Regulating the Common Burdens and the Commission for Receiving the Brotherly Assistance from the English Parliament were the other two interval committees with financial remits. Both were established on 15th November had common memberships of 14 of each estate (see appendix 5). Therefore the membership of each committee was 42 members. Also added to each commission were General Alexander Leslie (created Earl of Leven by order of Parliament on 6th November) and Sir Alexander Hepburn of Humble, former clerk to the Committee of Estates. Hence the total membership of each committee was 44.

Both committees ~~in fact~~ enjoyed common identical memberships. Seven of the 14 nobles were noted radicals (Argyll, Loudoun, Eglington, Cassillis, Lothian, Balmerino and Burleigh). Although the remaining seven nobles were primarily conservatives, the 14 gentry and 14 burgesses were primarily allied to the radical nobles under the leadership of Argyll. In overall political terms, both commissions were controlled by the radicals. Pragmatic Royalist nobles who were included on the reconstituted Privy Council did not gain membership of either committee. Two the 14 gentry and five of the 14 burgesses were not members of Parliament as per 17th August 1641. Neither was Hepburne of Humble as

per 17th August 1641 (see appendices 4 and 5). Five primarily radical nobles, one gentry and two burgesses had also been members of the 1640 Committee of Estates (see appendix 5). This indicates not only that non-parliamentary grass-roots activists were being brought on to interval committees, but also that there was a depth of human resources which the radical leadership could draw on to staff interval committees.

The Common Burdens had a specific remit of establishing financial order following the Bishops' Wars. All arrears of taxes were to be accounted for, secured loans were to be paid for, and valuations for the tenth and twentieth pennies were to be completed. The remit of the Brotherly Assistance Commission was to deal with the £220,000 sterling due from the English Parliament in equal instalments over a two year period and determine how this sum should be disbursed.<sup>68</sup>

Two separate diplomatic commissions were established on 16th November; the Commission for conserving the Articles of the Treaty and the Commission anent the Articles referred to consideration by the Treaty (see appendix 5). The former commissioners became known as the Conservators of the Peace, appointed to meet with commissioners from the English Parliament for conserving the peace treaty, whilst the latter commission was particularly concerned negotiations with the English Parliament on issues which had failed to be settled by the Treaty of London (including discussions on the establishment of free trade between the kingdoms, and for determining the level of Scottish forces to participate in the Irish Rebellion). The Commission anent the Articles, on the other hand was a more specialised committee, with the remit of conducting delicate discussions and negotiations concerning the Irish Rebellion and ultimately the English Civil War.

The Conservators of the Peace were composed of 17 nobles, 18 gentry and 18 burgesses. Radical nobles were outnumbered by pragmatic Royalists and conservatives. Argyll, Loudoun, Eglinton, Lothian, Leven and Balmerino formed the contingent of radical nobles. The remaining 10 nobles were all pragmatic Royalists and conservatives (Hamilton, Lennox, Morton, Glencairn, Roxburgh, Almont, Lanark, Dunfermline, Lauderdale and Kinnoul). Nevertheless, the gentry and burghal contingents ensured overall political control of the committee. Indeed, no pragmatic Royalist noble gained access to the Committee anent the Articles referred to consideration by the Treaty. This constituted the major diplomatic grouping that was solely to continue negotiations with the English Parliament. All the members of the Commission anent the Articles referred to consideration by the Treaty were also Conservators of the Peace. Although the conservative Lindsay was included, the remaining noble representation was exclusively radical (Balmerino and Lothian), whilst Argyll and Loudoun were included as supernumeraries. Gentry and burghal members were all radicals, notably Johnston of Wariston (Edinburgh) and Robert Barclay (Irvine). Four nobles, four gentry and six burgesses had also been included on the 1640 Committee of Estates (see appendix 5). The low retention rate of personnel can be attributed

to two factors. Firstly, the Committee for Conserving the Articles of the Treaty was the only committee to which such a large number of pragmatic Royalists gained access. Secondly, the 1640 Committee of Estates was smaller in composition compared to the Committee for Conserving the Articles of the Treaty.<sup>69</sup>

The Commission for Plantation of Kirks and Valuation of Teinds was established as the appropriate means for the disposal of patronage rights following the abolition of episcopacy and the extension/redefiniment of parish boundaries and for the valuation of teinds for subsequent redistribution. This ecclesiastical commission was primarily composed of 14 of per estate. All 14 nobles, 14 gentry and 14 burgesses were also members of the Commission for the Common Burdens and the Commission for the Brotherly Assistance. Hence a radical caucus was in control of three crucial parliamentary commissions. In addition, four Officers of State (Earl of Roxburgh, Privy Seal, Sir Alexander Gibson of Durie, Clerk Register, Sir Thomas Hope of Craighall, King's Advocate, Sir James Carmichael, Treasurer Depute, and Sir John Hamilton of Orbiston, Justice Clerk) and three Senators of the College of Justice (Sir Andrew Fletcher of Innerpeffer, Sir Thomas Hope of Kerse and Sir Adam Hepburne of Humble) were also included. Total noble membership therefore amounted to 15, whilst that of the <sup>gentry</sup> amounted to 20; a reflection of the fact that teind revaluation was primarily for the benefit of the gentry.<sup>70</sup>

The method by which the Incendiaries and Plotters were to face trial had provided another sphere of controversy in parliamentary proceedings. Charles I had favoured trial by full Parliament but the "greater number of voices" was for trial by committee and on 16th November an appropriate commission was established for undertaking this. That committee was composed of six per estate (see appendix 5). Four of the six nobles were noted radicals (Loudoun, Weymes, Burleigh and Coupar), whilst the other two (Forrester and Lauderdale) were conservatives. Nevertheless, pragmatic Royalists gained no representation on this important judicial committee. The radical nobles were backed up by the gentry and burghal contingents. One of the six gentry and two of the six burgesses were not members of Parliament as per 17th August 1641 (see appendices 4 and 5). Two further gentry (Sir Adam Hepburne of Humble and Sir Alexander Gibson of Durie) were included on the committee in the capacity as Senators of the College of Justice. Neither of these gentry was a parliamentary member as per 17th August 1641 (see appendices 4 and 5), although Gibson of Durie had recently been appointed as Clerk Register. The inclusion of the two Senators added a numerical imbalance in the composition of the committee in favour of the gentry and away from the nobility and burgesses. Both Humble and Durie had been included on the 1640 Committee of Estates, along with two nobles and one burgess (see appendix 5). Only two members of the committee, Loudoun and George Gray (Haddington), had served on the Committee anent the Incendiaries instituted on 29th July 1641 (see appendix 5). The earlier commission had been primarily concerned with ensuring that the Incendiaries would

actually face trial and censure by the Estates, whilst the latter was the actual committee that would try the Incendiaries and Plotters.<sup>71</sup>

*(vii) Conclusion.*

The Scottish Constitutional Settlement enacted in 1640-41 severely curtailed the royal prerogative and transferred political power firmly into the hands of Parliament (through control of the executive and judiciary). Parliamentary affairs were controlled and managed by a core of radical nobles, gentry and burgesses. Sophisticated procedural developments reformed the internal organisation of the House and provided a more efficient basis for the sifting through of a vast bulk of legislation. Within both British and European perspective, the developments of 1639-41, particularly the Scottish constitutional settlement of 1641, requires to be properly placed in terms of power at the forefront of an epoch which has been termed "the Age of the Estates". Historical discussion of the English Civil War in parliamentary terms has concentrated on the constitutional enactments of the Long Parliament and has tended to ignore the fact that the June 1640 session of the Scottish Estates provided a powerful precedent for the actions and reforms undertaken by the Long Parliament. The Scottish Constitutional Settlement ultimately provided a constitutional model on which the Long Parliament could draw.

1. NLS MS 2263 Salt and Coal: Events, 1635-62, folio 169; CSPV, 1640-1642, 53; CSPD, 1640, 208, 307; *Diary of Sir Thomas Hope of Craighall, 1634-45*, T. Thomson ed., (Bannatyne Club, Edinburgh, 1843), 117; Balfour, *Historical Works*, II, 373; *The Memoirs of the Lives and Actions of James and William, Dukes of Hamilton and Castleherald*, 166-167; *The Memoirs of Henry Guthrie*, 67-72; Gordon, *History of Scots Affairs*, III, 100-86; J. Spalding, *The History of the Troubles and Memorable Transactions in Scotland and England, 1624-45*, J. Skene ed., (Bannatyne Club, Edinburgh, 1828-1829), I, 213-214; James V-James VII, 327; Stevenson, *Government Under the Covenanters*, xxii; Stevenson, *Scottish Revolution*, 192-193; MacInnes, *Charles I and the Making of the Covenanting Movement*, 195; Rait, *Parliaments of Scotland*, 340-341; A.I MacInnes, "The Long Road to Edgehill", *The Sunday Mail Story of Scotland*, 16, (Glasgow, 1988), 446; C. Russell, *The Crisis of Parliaments. English History 1509-1660* (Oxford, 1971), 326-327; R. Lockyer, *The Early Stuarts. A Political History of England 1603-1642* (London, 1989), 235.

2. APS, v, 251-252, 258-259. Three shires (Bute, Elgin and Forres and Nairn) were represented by only one commissioner only. See appendices 2, 3 and 4. Two of the gentry recorded in the parliamentary rolls of 2nd June 1640 had been replaced by other commissioners in April and May 1640. On 2nd April Harry Montgomery of Giffan had been commissioned for the shire of Ayr to replace Cunningham of Cunninghamhead who was ill. On 30th May Sir William Cockburn of Langtoun had been commissioned for the shire of Berwick to replace Home of Blackadder who was also ill. However, both Cunningham of Cunninghamhead are recorded in the parliamentary rolls of 2nd June 1640 and may have recovered from illness by that date (*Ibid*, 258-259; SRO PA. 7/25/4, PA. 7/25/6). Two burgesses were commissioned in May 1640 to replace the commissioners for their respective burghs. On 20th May Alexander Wilkieson was commissioned to sit for Lauder and on 30th May James Scott was commissioned to sit for Montrose. Both burgesses are included in the parliamentary rolls of 2nd June 1640 (APS, v, 258-259; SRO PA. 7/25/79, PA. 7/25/82).

3. APS, v, 259-299; Balfour, *Historical Works*, II, 373.

4. APS, v, 260-261; Balfour, *Historical Works*, II, 374; MacInnes, *Charles I and the Making of the Covenanting Movement*, 196.

5. APS, v, 260-261.

6. *Ibid*, 296-297.

7. *Ibid*, 270-271, 271-276, 276-277, 290-292. On the judicial front, the diet of the Court of Session was modified on 5th June to two

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meetings per annum (1st November to the end of February, and 1st June to the 31st July), but more importantly Act 53 on 11th June abolished the distinction between Spiritual and Temporal Lords of Session (since the reign of James V and the establishment of the College of Justice the Lords of Council and Session had been split equally between the two) and henceforth barred all churchmen from being Lords of Session (*Ibid*, 266, 297).

8. *Ibid*, 270, 278-279, 279; Balfour, *Historical Works*, II, 374; Rait, *Parliaments of Scotland*, 186-187, 286; Ferguson, *Scotland's Relations with England*, 118.

9. APS, v, 278-279; Ferguson, *Scotland's Relations with England*, 118; Ann Hughes, *The Causes of the English Civil War* (1991), 51.

10. APS v, 262.

11. *Ibid*. The four gentry on the committee were Sir George Stirling of Keir (Stirling), Sir Patrick Hepburn of Wauchton (Haddington), Sir Thomas Hope of Kerse (Clackmannan) and William Drummond of Riccarton (Linlithgow). James Fletcher (Dundee), John Osburne (Ayr) and Robert Cunningham (Kinghorn) were three of the burgesses on the committee. The burgh of Edinburgh was also represented on the committee. John Smith (Edinburgh) and Richard Maxwell (Edinburgh) represented the burgh in Parliament as per 2nd June 1640. It is not specified which of these two Edinburgh burgesses were included on the committee. See appendices 4 and 5.

12. *Ibid*, 290; Balfour, *Historical Works*, II, 378; Ferguson, *Scotland's Relations with England*, 118; Lynch, *Scotland. A New History*, 272.

13. APS, v, 282-284; Stevenson, *Scottish Revolution*, 194-197; Stevenson, *Government Under the Covenanters*, xxi-xxvi; MacInnes, "The Origin and Organization of the Covenanting Movement", volume 2, 292-293; Lynch, *Scotland. A New History*, 272.

14. APS, v, 264, 280-282. The five nobles on the Committee for the Provision of the Army were Lothian, Lindsay, Burleigh, Johnston and Loure. The five gentry on that committee were Sir William Douglas of Cavers (Roxburgh), Sir David Home of Wedderburne (Berwick), Sir Ludovick Houston of that ilk (Renfrew), Sir Thomas Ruthven of Frieland (Perth) and William Rigg of Ethernie (Fife). The five burgesses on the committee were Robert Arnot (Perth), Gabriel Cunningham (Glasgow), Alexander Jaffray (Aberdeen), James Scott (Montrose) and George Gray (Haddington). See appendix 5.
  
15. Balfour, *Historical Works*, II, 376, 378; MacInnes, *Charles I and the Making of the Covenanting Movement*, 197.
  
16. Balfour, *Historical Works*, II, 379; Stevenson, *Government Under the Covenanters*, xxi-xxvi; Stevenson, *Scottish Revolution*, 194-197; CSPD, 1640, 289, 307, 329, 449; Burnet, *Memoirs of the Dukes of Hamilton*, 168; *Proceedings of the Short Parliament of 1640* (Camden Society, 4th series, 1977), 117-118; Menteith of Salmonet, *History of the Troubles of Great Britain*, 57-58; Rusworth, *Historical Collections*, II (ii), 1042-1212; Donaldson, *James V-James VII*, 327; Ferguson, *Scotland's Relations with England*, 118-119; Rait, *Parliaments of Scotland*, 341, 377; Terry, *The Scottish Parliament*, 89, 107-112, 118-121; Hughes, *The Causes of the English Civil War*, 51; Brown, *Kingdom or Province?*, 119-120.
  
17. APS, v, 299; MacInnes, *Charles I and the Making of the Covenanting Movement*, 210.
  
18. APS, v, 282-284. See appendix 5.
  
19. *Ibid.* Sir Thomas Nicholson of Carnock (Stirlingshire), George Dundas of Maner (Peebleshire), Sir Patrick Murray of Elibank (Haddington), Sir William Cunningham of Caprington (Ayrshire) and James Chalmers of Gadgirth (Ayrshire) formed the grouping of the additional five non-parliamentary gentry. The eight east coast gentry on the Committee of Estates were as follows; Sir Patrick Hepburne of Wauchton (Haddington), Sir Patrick Murray of Elibank (Haddington), Sir Patrick Hamilton of Little Preston (Haddington), George Dundas of Maner (Linlithgow), William Drummond of Riccarton (Linlithgow), ( ) Leslie of Forbes (Aberdeen), Sir Alexander Gibson of Durie (Fife) and Sir John Scot of Scotstarvet (Fife). The four gentry from the central belt on the Committee of Estates were Sir Thomas Nicholson of Carnock (Stirlingshire), Sir George Stirling of Keir (Stirlingshire), Sir John Hope of Craighall (Clackmannan) and Sir Thomas Hope of Kerse (Clackmannan). The two west coast gentry on the Committee of Estates were James Chalmers of Gadgirth (Ayrshire) and Sir William Cunningham of

Capringtoun (Ayrshire). The two gentry from the Borders were Sir David Home of Wedderburne (Berwick) and Sir William Douglas of Cavers (Roxburgh). Edward Edgar (Edinburgh), Thomas Paterson (Edinburgh), William Hamilton (Linlithgow), Alexander Wedderburne (Dundee), George Porterfield (Glasgow), Hugh Kennedy (Ayr) and James Sword (St. Andrews) were the five burgesses on the Committee of Estates who were not members of Parliament as per 2nd June 1640.

20. *Ibid*; MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641*, 196; Gordon, *History of Scots Affairs*, III, 181-184; Rait, *Parliaments of Scotland*, 377.

21. Of the surviving records, the first recorded transactions of the Committee of Estates are dated 3rd August 1640, although the Committee probably met regularly between 11th June and 3rd August. A communication from the army section of 10th August refers to the "commissioners of parliat who ar at this tyme intrusted with the affaires of this kingdome being frequentlie conveyned" (EUL, Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folio 1). MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641*, 197.

22. EUL, Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folio 1.

23. EUL, Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folio 1; NLS Salt and Coal: Events, 1635-62, MS 2263, folio 173; APS, v, 282-284, 335-336; Sir John Borough, *Notes of the Treaty carried on at Ripon between King Charles and the Covenanters of Scotland*, A.D. 1640, (Camden Society, 1869), 3-9, 13-18; Balfour, *Historical Works*, II, 407; CSPD, 1640-1641, 155; Rushworth, *Historical Collections*, II (ii), 1285; *The Memoirs of Henry Guthry*, 89; Stevenson, *Scottish Revolution*, 207; Rait, *Parliaments of Scotland*, 68; Hardwicke, *Miscellaneous State Papers*, 190; *Extracts from the Records of the Burgh of Aberdeen, 1625-1642*, ed., J. Stuart (Scottish Burgh Records Society, 1872), 245; L. Kaplan, *Politics and Religion During the English Revolution: The Scots and the Long Parliament, 1643-1645* (New York, 1976), xii-xiii.



24. EUL, Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folios 70-73; NLS Denmilne MSS. XIII, 33.1.1, numbers 11 and 27; CSPD, 1640-1641, 131, 144, 244-46; CSPV, 1640-1642, 101-102; Menteith of Salmonet, *History of the Troubles of Great Britain*, 68-69; Balfour, *Historical Works*, II, 410; W. Makey, *The Church of the Covenant 1637-1651* (Edinburgh, 1979), 65; B.P. Levack, *The formation of the British state: England, Scotland and the Union 1603-1707* (Oxford, 1987), 48, 148; C.L. Hamilton, "The Anglo-Scottish Negotiations of 1640-1", *SHR*, 41, (1962), 84; D. Stevenson, "The Early Covenanters and the Federal Union of Britain" in *Scotland and England 1286-1815*, ed. R.A. Mason (Edinburgh, 1987), 164-167; MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641*, 198; MacInnes, "The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism", 117-118; J.S. Morrill, *The Nature of the English Revolution*, (London, 1993), 262.
  
25. EUL, Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folio 93, "Articles from the Committee of estates to ther commissioneris at court anent ye league wt ye estates of ye United Provinces". MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641*, 199.
  
26. EUL, Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folio 73.
  
27. *Ibid.*
  
28. *The Journal of Thomas Cunningham of Campvere, 1640-1654*, ed., E.J. Courthope (SHS, 3rd series, 1927).
  
29. Clement Walker, *Relations and Observations, Historicall and Politick, upon the Parliament* (1650), 8. This pamphlet is included in the SRO Fraser MacKintosh Collection, GD 128/40/7a. Also included in GD 128/40/7a is *An Appendix to the History of Independency Being A brief description of some few of Argile's proceedings before and since he joyned in confederacy with the Independent Iunto in England. With a Parallel betwixt him and Cromwell. And A Caveat to all his seduced Adherents*. Included in this document are further references to a confederacy with the Dutch on pages 150-151. Samuel Rutherford, *Lex Rex* (1644), 211-212; D.H. Pennington, *Seventeenth Century Europe* (1972), 45-46, 212.
  
30. CSPV, 1640-1642, 220; CSPV, 1642-1643, 209.

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31. *To the Honourable The Knights, Citizens and Burgesses, Now assembled in Parliament. The humble Propositions of William Ball, alias Bennet, Gentleman. Concerning the Forts of this Kingdome with some other Considerations of State* (undated), 12.
32. MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641*, 211-212; C. Carlton, *Charles I: The Personal Monarch* (London, 1984), 223.
33. *APS*, v, 300-307, 620-623. 22 nobles, 22 gentry and 35 burgesses (119 individuals in total) were present in Parliament, 19th November 1640. Parliamentary membership as per 14th January 1641 was identical to that of 19th November 1640. 11 nobles, 13 gentry and five burgesses (29 individuals in total) were present in Parliament, 13th April 1641. 16 nobles, 22 gentry and 22 burgesses (60 individuals in total) sat in Parliament, 25th May 1641. Levels of parliamentary attendance were therefore far lower than the June 1640 session. Gentry and burghal levels, with the exception of one set of burgess data, outstripped the attendance levels of the nobility (*Ibid*). See appendices 2 and 3. 20 out of the 22 nobles (91%), 15 out of the 22 gentry (68%) and 20 out of the 35 burgesses (57%) present in Parliament, 19th November 1640, had also sat in Parliament, 2nd June 1640. All 20 nobles, 23 out of the 31 gentry (74%) and all 35 burgesses present in Parliament, 14th January 1641, had also sat in Parliament, 19th November 1640. Seven out of the 11 nobles (64%), nine out of the 13 gentry (69%) and three out of the five burgesses (60%) present in Parliament, 13th April, had also sat in Parliament, 14th January 1641. Eight out of the 16 nobles (50%), eight out of the 22 gentry (36%) and only one of the 22 burgesses (4%) present in Parliament, 25th May 1641, had also sat in Parliament, 13th April 1641. See appendix 4. NLS Treaties at Newcastle and London, 1640-41, folios 101-102, 112-112; NLS Salt and Coal: Events, 1635-62, MS 2263, folio 174; NLS Denmilne MSS. XIII 33.1.1, number 37; SRO Hamilton Papers GD 406/1/1369; EUL Instructions to the Committee of Estates of Scotland, 1640-41, Dc.4.16, folios 64-65, 69; Balfour, *Historical Works*, II, 425; Rushworth, *Historical Collections*, III (i), 383; *Diary of Sir Thomas Hope of Craighall, 1634-45*, T. Thomson ed., (Bannatyne Club, Edinburgh, 1843), 122; Rait, *Parliaments of Scotland*, 327, 340, 342.

34. *APS*, v, 251-308. See appendices 2 and 3. The 22 nobles present in both sessions were as follows; Argyll, Sutherland, Mar, Eglinton, Cassillis, Kinghorn, Queensberry, Southesk, Weymes, Dalhousie, Findlater, Lindsay, Yester, Forbes, Sinclair, Elphinstone, Borthwick, Boyd, Burleigh, Cranston, Forrester and Fraser. The 15 gentry present in both sessions were as follows; Sir David Crichton of Lugtoun (Edinburgh), Sir John Wauchope of Niddrie (Edinburgh), Sir Thomas Morton of Cambo (Fife), William Rigg of Ethernie (Fife), Sir Patrick Hamilton of Little Preston (Haddington), Sir William Cockburn of Langton (Berwick), Sir William Scott of Harden (Selkirk), Hugh Campbell of Cessnock (Ayr), Sir Harry Montgomery of Giffan (Ayr), John Forbes of Leslie (Aberdeen), Sir Thomas Ruthven of Frieland (Perth), John Moncreiff of that ilk (Perth), Sir George Dundas of that ilk (Linlithgow), Sir Archibald Stirling of Carden (Linlithgow) and Humphrey Colquhoun of Balvie (Dumbarton). The 12 burgesses present in both sessions were as follows; Richard Maxwell (Edinburgh), Thomas Bruce (Stirling), John Lepar (St. Andrews), John Osburne (Ayr), John Williamson (Kirkcaldy), Mark Kinglassie (Inverkeithing), William Glendoning (Kirkcudbright), John Semple (Dumbarton), Robert Hardie (Elgin), George Home (North Berwick), Alexander Wilkieson (Lauder) and Robert Hill (Queensberry). See appendix 4.
35. *APS*, v, 310-311; Balfour, *Historical Works*, II, 10; NLS Salt and Coal: Events, 1635-62, MS 2263, folios 175-176; SRO Hamilton Papers, GD 40D/1/1381, GD 406/1/1386; NLS Wodrow Folio LXXII, numbers 258, 270; *CSPV*, 1640-1642, 153, 177; *Diary of Sir Thomas Hope of Craighall*, 148.
36. *APS*, v, 312. Almont was the other noble on the committee. Sir Alexander Erskine of Dun (Forfar) and Sir William Forbes of Craigievar (Aberdeen) were the two gentry representatives. Patrick Leslie (Aberdeen) and James Fletcher (Dundee) represented the burgesses. See appendix 5. Both gentry and burghal representation was exclusively eastern.
37. *APS*, v, 312-314, 318, 332, 643-722. The four nobles on the Committee for the Bills were Mar, Kinghorn, Elphinstone and Johnstone. The four gentry on that committee were Sir William Forbes of Craigievar (Aberdeen), Sir Thomas Ruthven of Frieland (Perth), Sir Gilbert Ramsay of Balmaine (Mearns) and John Moncreiff of that ilk (Perth). The four burgesses on the Committee for the Bills were David Anderson (Coupar), George Garden (Burntisland), Robert Cunningham (Kinghorn) and David Spence (Rutherglen). See appendix 5. The process by which all bills and overtures were subjected has been fully documented by MacInnes in "The Origin and Organization of the Covenanting Movement", PhD thesis, volume two, 402-403. It should be noted, however, that this process was not incorporated or established in any single piece of legislation. Balfour, *Historical Works*, II, 11, 22, 27, 31-32; Rushworth, *Historical Collections*, III (i), 383, 381; NLS Salt and Coal: Events, 1635-62, MS 2263, folio 176; Stevenson, *Government Under the Covenanters*, xxxiv; Rait, *Parliaments of Scotland*, 377; Terry, *The Scottish Parliament*, 186-189.
38. MacInnes, "The Origin and Organization of the Covenanting Movement", PhD thesis, volume two, 463.

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39. APS, v, 318; Stevenson, *Scottish Revolution*, 207; *The Memoirs of Henry Guthry*, 89.
40. Baillie, *Letters and Journals*, I, 384-385; APS, v, 309-329, 642; Menteith of Salmonet, *History of the Troubles of Great Britain*, 77; MacInnes, "The Origin and Organization of the Covenanting Movement", PhD thesis, volume two, 463.
41. APS, v, 309-329, 642; Balfour, *Historical Works*, II, 26, 36, 38; Baillie, *Letters and Journals*, I, 389; Rait, *Parliaments of Scotland*, 510; MacInnes, "The Origin and Organization of the Covenanting Movement", PhD thesis, volume two, 463.
42. APS, v, 319. The other three nobles on the Committee anent the Incendaries were Findlater, Yester and Sinclair. The six gentry on that committee were Sir Robert Graham of Morphie (Mearns), Robert Pringle of Stitchell (Roxburgh), Sir Robert Grierson of Lag (Dumfries), Sir Duncan Campbell of Auchinbreck (Argyll), Sir Thomas Hope of Kerse (Clackmannan) and Sir Patrick Murray of Elibank (Haddington). The six burgesses on the Committee anent the Incendaries were Robert Arnot (Perth), James Scott (Montrose), John Irvine (Dumfries), George Gray (Haddington) and a representative for the burgh of Banff. See appendix 5. As per the parliamentary rolls of 15th July 1641, no representative is recorded for the burgh of Banff. See appendix 4. Whilst gentry representation was split between the east, the Borders, the central belt and the west, burghal representation was particularly eastern.
43. *Ibid*, 308, 331-332. See appendix 4.
44. GUL Murray Collection, 147, *Notes of What Passes in the Parliament, 1641. From The Time of the King's Coming, 17th August*, folios 1-3; SRO Leven and Melville Papers, GD 26/7/163; Baillie, *Letters and Journals*, I, 386; Rait, *Parliaments of Scotland*, 66, 342; APS, v, 330-332, 643.
45. GUL Murray Collection, 147, *Notes of What Passes in the Parliament, 1641. From The Time of the King's Coming, 17th August*, folio 3; Baillie, *Letters and Journals*, I, 389.

46. GUL Murray Collection, 147, *Notes of What Passes in the Parliament, 1641. From the Time of the King's Coming, 17th August*, folios 4-5; SRO Airth Writs GD 37/319; APS, v, 332-333, 329; Balfour, *Historical Works*, II, 44-46; Baillie, *Letters and Journals*, I, 20; *Memoirs of the Marquis of Montrose*, I, 254-255; Rushworth, *Historical Collections*, III (i), 389; *The Nicholas Papers, Correspondence of Sir Edward Nicholas, Secretary of State*, G.F. Warner ed., (Camden Society), I, 20, 24; Stevenson, *Scottish Revolution*, 233, 263; MacInnes, "The Origin and Organization of the Covenanting Movement", PhD thesis, volume 2, 398; MacInnes, *Charles I and the Making of the Covenanting Movement*, 200-201, 201-202.
  
47. APS, v, 329, 332-588.
  
48. APS, v, 262, 644. The four gentry on the committee of 19th August were Sir George Dundas of that ilk (Linlithgow), Sir Thomas Morton of Cambo (Fife), William Rigg of Ethernie (Fife) and Sir Ludovick Houston of that ilk (Renfrew). The other three burgesses on that committee were Patrick Bell (Glasgow), John Semple (Dumbarton) and Robert Barclay (Irvine). See appendix 5. Whilst gentry representation was particularly eastern, burghal representation was particularly western.
  
49. *Ibid*, 333-334, 382. The two gentry on the committee of 11th November were Sir William Forbes of Craigievar (Aberdeen) and Sir Robert Graham of Morphie (Mearns). The two burgesses on that committee were David Anderson (Coupar) and Alexander Douglas (Banff). See appendix 5. Both gentry and burghal representation was based on the east coast.
  
50. *Ibid*, 334-45. On 25th August, Cassillis, Lauderdale, Sothesk and Loudoun had been appointed to revise the treaty prior to parliamentary ratification. Sir Robert Innes of that ilk (Elgin), Sir George Dundas of that ilk (Linlithgow) and Sir Thomas Hope of Kerse (Clackmannan) represented the gentry. It does not appear that this constituted a formal parliamentary session committee. The gentry appointed to liaise with the king on 26th August were Sir George Dundas of that ilk (Linlithgow), Sir Robert Innes of that ilk (Elgin) and Sir Thomas Hope of Kerse (Clackmannan). The three burgesses appointed were Patrick Leslie (Aberdeen), Patrick Bell (Glasgow) and Robert Barclay (Irvine). It does not appear that this constituted a formal parliamentary session committee.
  
51. Baillie, *Letters and Journals*, I, 389.
  
52. *Ibid*.

53. APS, v, 653.

54. *Ibid*, 654.

55. *Ibid*.

56. GUL Ogilvie Collection, Ogilvie 79, *A Declaration of the Proceedings in the Parliament of Scotland* (1641), 2; GUL Murray Collection, 147, *Notes of What Passes in the Parliament, 1641. From The Time of the King's Coming, 17th August*, 15-18, 22, 24; SRO Supplementary Parliamentary Papers, 1606-42, 96(1)-(4), 95; NLS Copies of State Papers and Political Pamphlets, Adv. MS. 34.2.10, folios 290-293; *The Nicholas Papers*, I, 51-52; Carte, *A Collection of Original Letters and Papers Concerning the Affairs of England*, 2-5, 6-8; S.R Gardiner, *The Fall of the Monarchy of Charles I, 1637-42* (London, 1882), I, 256-259; Stevenson, *Scottish Revolution*, 236-237, 238; MacInnes, *Charles I and the Making of the Covenanting Movement*, 202-203; Carlton, *Charles I. The Personal Monarch*, 186; C.V Wedgwood, "Anglo-Scottish Relations, 1603-40", *Transactions of the Royal Historical Society*, fourth series, XXXII, (1950), 41.

57. APS, v, 332-425, 643-721; Balfour, *Historical Works*, II, 148-152; Stevenson, *Scottish Revolution*, 237; MacInnes, "The Origin and Organization of the Covenanting Movement", PhD thesis, volume 2, 407-408, 410. The 10 radical nobles on the Privy Council were Loudoun, Argyll, Sutherland, Eglinton, Cassillis, Lothian, Lindsay, Balmerino, Burleigh and Yester; Brown, *Kingdom or Province?*, 122, fails to recognise that the Privy Council was ~~in fact~~ marginalised and that real power lay with the interval committees, as was witnessed by later events, 1641-43. The interval committees constituted a breakdown of the Committee of Estates into specialised bodies with wider scope of membership.

58. Menteith of Salmonet, *History of the Troubles of Great Britain*, 78; Stevenson, *Scottish Revolution*, 290; David Stevenson, "The Covenanters and the Court of Session 1637-1650", *Juridical Review*, 1972, 239-240; P.G.B McNeill, "The Independence of the Scottish Judiciary", *Juridical Review*, 1958, 140.

59. APS, v, 332-425, 643-71; Baillie, *Letters and Journals*, I, 396.

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60. APS, v, 332-445, 643-71. Whilst Parliament was sitting it was ordained and enacted that all other judiciaries could not sit, including Sherriff Courts, Baron Courts and Burgh Courts, stressing Parliament's role as the supreme and high court of the realm (20th August). All acts enacted in the June 1640 session of parliament were to be published and circulated (hence asserting the legality of that session and it's right to enact), according to legislation of 31st August. Balfour, *Historical Works*, II, 53-145; Rait, *Parliaments of Scotland*, 206; Terry, *The Scottish Parliament*, 44, 69.
61. George Crawford, *The Lives and Characters of the Officers of the Crown and the State in Scotland* (1726), 207.
62. APS, v, 396; Terry, *The Scottish Parliament*, 83; MacInnes, "The Origin and Organization of the Covenanting Movement", PhD thesis, volume two, 410; David Stevenson, "The King's Scottish Revenues and the Covenanters, 1625-1651", *Historical Journal*, 17, (1974), 30.
63. APS, v, 268, 588.
64. *Ibid*, 252-428. See appendix 5.
65. *Ibid*.
66. Baillie, *Letters and Journals*, I, 393.
67. APS, v, 428; Baillie, *Letters and Journals*, I, 54; SRO Hamilton Papers GD 406/1/1487.

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68. *APS*, v, 282-284, 331-332, 392, 395. The two gentry who were not members of Parliament as per 17th August 1641 were Sir William Cunningham of Caprington (Ayr) and George Douglas of Bonjedburgh. The five burgesses who were not members of Parliament as per 17th August 1641 were Thomas Durham (Perth), John Binnie (Edinburgh), George Bell (Linlithgow), John Kennedy (Ayr) and James Anderson (Coupar). See appendices 4 and 5. Gentry representation on the committee was primarily eastern, but also included representation from the west and the Borders. Burghal representation was also strongly eastern, but also included a strong western contingent. The five nobles who had been included on the 1640 Committee of Estates were Cassillis, Lothian, Lindsay, Balmerino and Burleigh. The one gentry was Sir Adam Hepburne of Humble and the two burgesses were James Sword (St. Andrews) and James Scott (Montrose). See appendix 5. MacInnes, *Charles I and the Making of the Covenanting Movement*, 203, 204; Stevenson, *Scottish Revolution*, 240-241.
69. *APS*, v, 282-284, 404-405. The four nobles who had been members of the 1640 Committee of Estates were Dunfermline, Lothian, Lindsay and Balmerino. The four gentry who had been members of the 1640 Committee of Estates were Sir Patrick Hepburne of Wauchton (Haddington), Sir Patrick Hamilton of Little Preston (Haddington), Sir Thomas Hope of Kerse (Clackmannan) and Sir David Home of Wedderburne (Berwick). The six burgesses who had been members of the 1640 Committee of Estates were Edward Edgar (Edinburgh), John Smith (Edinburgh), Richard Maxwell (Edinburgh), James Sword (St. Andrews), John Rutherford (Jedburgh) and Hugh Kennedy (Ayr). See appendix 5. MacInnes, *Charles I and the Making of the Covenanting Movement*, 204.
70. *APS*, v, 392, 395, 400-401; MacInnes, *The Making of the Covenanting Movement*, 204.
71. *APS*, v, 319, 331-332, 408. Sir John Hamilton was the remaining gentry who was not a member of Parliament as per 17th August 1641. The two burgesses on the committee who were not members of Parliament as per 17th August 1641 were George Bell (Linlithgow) and James Sword (St. Andrews). Both gentry and burghal membership was strongly eastern. See appendices 4 and 5. The two nobles who had been included on the 1640 Committee of Estates were Burleigh and Coupar. James Sword (St. Andrews) was the one burgess who had been included on the 1640 Committee of Estates. See appendix 5. MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641*, 204.



### III THE CONSOLIDATION OF THE RADICAL OLIGARCHY: GOVERNMENT BY PARLIAMENTARY INTERVAL COMMITTEES AND RADICAL DOMINANCE, 1641-1644.

Within a British perspective, and in the intricate triangular relationship of the " Three Kingdoms " , the outbreak of the Irish Rebellion and the English Civil War were to have a profound significance on Scottish domestic politics and the cohesion of the Covenanting Movement. Within this context, the Scottish Parliament through the vehicle of its interval committees (under the management of the radical leadership), became embroiled in both the Irish Rebellion and the English Civil War as a means of exporting the Covenanting " revolution " on a British basis.<sup>1</sup>

#### *(1) The operation of parliamentary interval committees, 1641-44.*

Despite the reconstitution of the Scottish Privy Council on 13th November 1641, the political resources of the radical leadership were focused on the three most important parliamentary interval committees; the Commission for the Common Burdens, the Commission for the Brotherly Assistance, and the Conservators for the Peace. Analysis of the sederunts of the Privy Council and the above three commissions provides a crucial insight into their inter-relationship in terms of political significance and of membership.

Although defined by separate parliamentary commissions, the Commission for the Common Burdens and the Commission for the Brotherly Assistance had identical membership and in fact sat as a single commission (hence a single commission with two specific financial remits). The Common Burdens-Brotherly Assistance Commission and the Privy Council immediately convened on 18th November (Privy Council) and 19th November 1641 (Common Burdens- Brotherly Assistance) following the prorogation of Parliament on 17th November. In both cases, sederunts commence on 19th November.<sup>2</sup>

Inspection of both attendance records of Privy Council membership reveals that in the period to June 1643 recognised radical nobles dominated proceedings (see appendix 9). Out of a maximum possible attendance record of 208 (as per recorded sederunts), Argyll has a figure of 189 (91%), Loudoun 179 (86%) and Cassillis 131 (63%) respectively. Leven, commander of the Covenanting armed forces, has a figure of 112 (54%), Eglinton 93 (45%) and Balmerino and Burleigh 90 (43%) and 98 (47%) respectively. Glencairn and Southesk, conservative Covenanters, have figures of 131 (63%) and 138 (66%) respectively, whilst

Lauderdale has a figure of 158 (76%). In contrast other noted conservative nobles have relatively low attendance records. Hamilton, the leading figure among the conservative nobles, has a figure of 64 (31%), Lennox 0, and Lanark (Hamilton's brother) 41 (20%).<sup>3</sup>

Therefore, despite the theoretical balance in terms of membership between the various groupings of nobles on the Privy Council, radicals dominated and the conservatives were marginalised. As early as 18th November 1641 five radical nobles (Argyll, Loudoun, Eglinton, Balmerino and Leven), had been commissioned by the Privy Council to establish instructions to be sent to the Scottish Parliament concerning the Scottish contribution for the suppression of the Irish Rebellion.<sup>4</sup>

15 gentry had been included on the Privy Council (as a reflection of the growing political importance of the gentry 1638-41), but only five were in attendance on a semi-regular basis (see appendix 9). Of these four were Officers of State; Gibson of Durie (Clerk Register) with a figure of 153, Hope of Craighall (Lord Advocate) with 163, Hamilton of Orbiston (Justice-Clerk) with 132, and Carmichael of that ilk with the highest attendance level of the gentry with 165. The other member for the gentry, Hepburne of Wauchton (Haddington), has a slightly lower level of attendance of 125.<sup>5</sup> These gentry provided a numerical supplement to the radical nobles on the Privy Council.

Therefore, the reconstituted Privy Council of 1641 to 1643 was less of a Royalist body than has been traditionally assumed and was under the direction of influential radical nobles. The Privy Council had been the traditional vehicle of government and administration of the nation. However, the Covenanting leadership bypassed the Privy Council, whilst still retaining a marked presence in its meetings, and superseded it through the two interval committees of the Common Burdens-Brotherly Assistance Commission and the Conservators of the Peace.

It was these two bodies, controlled by the radical Covenanting leadership, that were to undertake the crucial financial, economic, military and diplomatic decisions affecting Scottish military intervention in Ireland and diplomatic negotiations regarding possible Scottish intervention in the English Civil War.

The continuance of the Irish Rebellion soon overshadowed the original remit of the Commission for the Common Burdens and the Brotherly Assistance. From early 1642 onwards it became involved, with the conjunction of the Privy Council, in the transportation of 10,000 Scottish troops to Ireland (which was to be paid for by the English Parliament).<sup>6</sup>

In total the Common Burdens and Brotherly Assistance Commission met on 97 occasions (as per recorded sederunts) to 8th November 1644 (see appendix 6). Analysis reveals that only three out of 19 nobles had levels of attendance greater than 50% (i.e a figure of 48); Lord Forrester (70; 72%), Southesk (58; 60%) and Lauderdale (58; 60%). Three further nobles had attendance levels within the parameters of 40 and 48; Argyll (43; 44%), Cassillis (44; 45%), and Balmerino (40; 41%).<sup>7</sup>

Whilst only three gentry had attendance levels greater than 50% (see appendix 6), their figures are high and reveal a consistent pattern of attendance; Sir Gilbert Ramsay of Balmaine (84; 87%), Sir John Wauchope of Niddrie (75; 77%), and Sir Charles Erskine of Bandeth (67; 69%). Of the remaining gentry only one attended between 40 and 48 times; George Douglas of Bonjedburgh (41; 42%).<sup>8</sup>

A similar pattern reveals itself regarding attendance levels of the burgesses (see appendix 6). Only two out of 20 burgesses, John Binnie (Edinburgh ), (77; 79%), and George Garden (Burntisland), (67; 69%), have levels greater than 50%. Three burgesses attended between 40 and 48 occasions; Patrick Leslie (Aberdeen), (41; 42%), James Sword (St. Andrews), (43; 44%), and John Semple (Dumbarton), (42; 43%).<sup>9</sup>

As per the terms of the original commissions of 15th November 1641, the quorum was set at 12, with a minimum attendance of three of each estate. On five occasions, nevertheless, the actual quorum was less than 12 (see appendix 6). This indicates that radicals were continuing to control proceedings despite the fact that these meetings were inquorate. On nine further occasions, the rule that there must be at least three of each estate present was not adhered to. On three of the five occasions when the quorum was less than 12, these diets were held specifically for the purposes of auditors to examine accounts. Given a total of 97 diets (as per sederunts), the fact that the rules laid down in the original commissions were not adhered to on a maximum of 14 occasions (14%) does not detract from the fact that the rules for attendance per estate (three per estate required to be present) were followed on 88 occasions (91%). Likewise, on 92 occasions the quorum of the commissions was greater than or equal to 12 (95%).<sup>10</sup>

The importance of the Commission for the Common Burdens and the Brotherly Assistance can be evidenced through the various sub-committees established by the Commission as a whole. Within 10 days of convening on 19th November 1641, a sub-committee was initiated on 29th November for the preparation and consideration of public accounts. All members of the Commission were allowed to attend its diets, although the sub-committee was specifically composed of 12 (four of each estate). Hepburne of Humbie is listed under the nobility, along with Lauderdale and Southesk, and Lord Forrester. Erskine of Bandeth, Dundas of Maner, Wauchope of Niddrie, and Forbes of Craigievar constituted the four members of the gentry. Dundas of Maner was not officially appointed to the Commission until 1644, but as early as November 1641 he was taking an active part in its affairs. The burgesses were represented by John Binnie, George Bell, James Sword, and George Garden. Likewise on 19th January 1642, a further sub-committee was established as an administrative means for effectively recording all accounts and debts. Composed of three of each estate, there was a considerable overlap of personnel with the previous sub-committee of 29th November 1641; Southesk and Forrester for the nobility, Erskine of Bandeth for the gentry, and John Binnie, James Sword and George Garden for the burgesses. Burleigh,

Ramsay of Balmaine and Rigg of Ethernie account for the remaining members. On 21st January 1642 another sub-committee was established by the Commission for the Common Burdens and the Brotherly Assistance. This sub-committee was provided with three remits; to consult on the arms and ammunition which were to be sent to Ireland, on the levels of pay and allowance for army officers and on the making of magazine and weapons. In line with an increased Scottish contribution to the Irish wars, the Commission as a whole on 28th March 1642 authorised the borrowing of £14,000 sterling (£168,000 Scots) to support the Scots invasion of Ireland.<sup>11</sup>

The British dimension of the Great Rebellion led also to regular meetings of the Conservators of the Peace in 1642-43 as the principal Scottish diplomatic agency concerning the troubles in England and Ireland, principally to establish closer contact with the English Parliament.

The Conservators of the Peace first met, and accepted their commissions, on 23rd September 1642. Between 22nd September 1642 and 7th July 1643 they met on 33 occasions inclusive (see appendix 7). Analysis of sederunts again reveals that radical nobles dominated the noble contingent. Argyll attended 32 out of 33 meetings (97%), Balmerino 30 out of 33 (91%), Loudoun 26 out of 33 (79%) Eglinton 24 out of 33 (73%), and Leven 23 out of 33 (70%). Of the conservatives, Lauderdale had a similar high attendance figure of 32 out of 33 (97%), whilst Callander has a lower level of 19 (58%). Although Hamilton was present on 25 occasions (76%), no forum was available for a Royalist party to emerge within this commission. Nobles associated with the Court have correspondingly low attendance figures; Lennox with zero, Morton, Roxburgh and Kinnoull with one, and Lanark with 10 (10%). Pragmatic Royalists and conservatives were clearly marginalised.<sup>12</sup>

Loudoun appears to have been President of this commission. On 22nd February 1643 Argyll was chosen to be President of all meetings whenever Loudoun was absent on public business in England. Argyll was subsequently President on five occasions; 4th March, 30th March, 31st March, 1st April and 4th May 1643. This represents a spread of leadership amongst the leading radical nobles between Loudoun, Argyll and Balmerino (Balmerino had been voted President of the Common Burdens-Brotherly Assistance Commission on 19th November 1641), although Argyll remained the dominant individual.<sup>13</sup>

The pattern of gentry attendance among the Conservators of the Peace illustrates a small dominant grouping (see appendix 7). Hepburne of Wauchton (30; 91%), Morton of Cambo (28; 85%), Hamilton of Little Preston (25; 76%), Hope of Kerse (27; 82%), Johnston of Wariston (28; 85%) and Erskine of Dun (26; 79%), formed this close-knit grouping of gentry. Of the three gentry on the commission who were not members of Parliament as per 17th August 1641, two had significant levels of attendance; Johnston of Wariston (as representative of the Kirk) and Erskine of Dun. The presence of a small dominant grouping

is similarly reflected in the attendance records of the burgh representatives of the Conservators of the Peace (see appendix 7). William Glendoning (Kirkcubright) (26; 79%), Robert Barclay (Irvine) (22; 67%), Thomas Bruce (Stirling) (26; 79%), James Sword (St. Andrews) (25; 76%), John Semple (Dumbarton) (23; 70%), Sir John Smith (Edinburgh) (19; 58%), Edward Edgar (Edinburgh) (17; 52%), and Robert Cunningham (Kinghorn) (17; 52%), at the lower end of the scale, formed this grouping. All were noted radicals and were leading representatives of the burghal estate. Of the four burgesses on the commission as a whole who were not members of Parliament as per 17th August 1641, all have low attendance levels apart from Edward Edgar (Edinburgh).<sup>14</sup>

The quorum of the Conservators of the Peace was deemed to be 12, with three of each estate to be always present. In line with the nature of the commission, attendance levels were high and these minimum limits were surpassed at every diet (see appendix 7). The upper parameter of attendance can be fixed at 30-32, whilst the lower parameter sits at 13-14.<sup>15</sup>

In essence, a great degree of interaction existed between the Common-Burdens-Brotherly Assistance Commission and the Conservators of the Peace. Of a combined total membership of 113, eight nobles, six gentry and eight burgesses (yielding a total of 23 individuals) enjoyed common membership of both commissions. Five of the nobles (Argyll, Loudoun, Leven, Eglinton and Balmerino) were noted radicals, whilst the remaining three (Lauderdale, Glencairn, and Lindsay) represented a conservative grouping of Covenanters. Sir Robert Innes of that ilk (Elgin), Sir Robert Grierson of Lag (Dumfries and Annandale), Dundas of that ilk (Linlithgow), Forbes of Craigievar (Aberdeen), Home of Wedderburne (Berwick), and Erskine of Dun (Forfar), constituted the six gentry enjoying membership of both commissions. All were leading radicals among the gentry representatives. A like scenario applies to the six burgesses included on both commissions; namely Patrick Bell (Glasgow), Robert Barclay (Irvine), John Semple (Dumbarton), James Sword (St. Andrews), William Glendoning (Kirkcubright), Thomas Durham (Perth), Patrick Leslie (Aberdeen), and George Bell (Linlithgow).<sup>16</sup>

The political significance of this interaction was twofold. Firstly, the Common Burdens-Brotherly Assistance Commission and the Conservators of the Peace Commission (both controlled by the radicals under the Marquis of Argyll) formed the appropriate forum for the calling of the Convention of Estates of June 1643. Secondly, it enabled the radicals led by Argyll to outmanoeuvre the conservatives and pragmatic Royalists led by Hamilton in their attempts to use the Privy Council as the vehicle for a revival in Royalist fortunes in Scotland.

The outbreak of the English Civil War, in conjunction with the continuing Irish troubles, had led to rival appeals for aid (in effect military and financial) from both Charles I and the English Parliament. These rival appeals found appropriate sympathy with the Scottish

political elites; the Privy Council constituted the institution through which any Royalist stance in favour of the King could be taken, given the greater number of conservative nobles included in its commission. On the other hand, the Conservators of the Peace and the Commission for the Common Burdens and the Brotherly Assistance represented the institutions through which an alliance or military alignment with the English Parliament would occur.<sup>17</sup>

Hamilton returned to Scotland in June 1642 in <sup>an</sup> attempt to promote the King's fortunes and initiate a more concrete conservative grouping. Following his return, Hamilton first attended the Privy Council on 5th July, and then 7th July, 1642 (see appendix 9). With the outbreak of civil war in England in August 1642, Hamilton appears on the Privy Council on a regular basis from August 1642 until February 1643, and then only on eight occasions until his last appearance on 20th June, before the diet of the Convention of Estates on 22nd June 1643.<sup>18</sup>

Attendance records of conservative nobles on the Privy Council illustrates a varied pattern of attendance, both prior to, and after, Hamilton's arrival on the Privy Council (see appendix 9). Southesk sat on the Privy Council at 86 diets prior to 5th July 1642, and at 52 diets after 5th July 1642. Glencairn attended 48 diets prior to 5th July 1642, and 83 diets after 5th July 1642. Likewise, Morton appeared 33 times before Hamilton's first appearance and on 27 occasions after 5th July 1642. Lanark, Hamilton's brother, appeared on 14 occasions before 5th July 1642. In total, Lanark attended only 19 diets after 5th July 1642. Similarly, the Earl of Murray attended 19 diets prior to 5th July 1642, and 13 diets after 5th July 1642. On the other hand, the Earl of Kinghorn is recorded in 22 sederunts prior to 5th July 1642, but in only eight sederunts post-5th July 1642. Likewise, the Earl of Kinnoull is recorded in 22 sederunts prior to 5th July 1642, but in only three sederunts post-5th July 1642. With regard to two further conservatives, the Earl of Perth attended only five diets before 5th July 1642, and only one diet after 5th July 1642, whilst the Earl of Roxburgh attended seven diets prior to 5th July 1642 and three diets after 5th July 1642, respectively.<sup>19</sup>

The above evidence hardly constitutes a serious conservative/Royalist revival in relation to the strength of the radicals on the parliamentary interval committees.

Indeed, Hamilton and his conservative grouping achieved only one significant success on the Privy Council, and even this was overturned within a short space of time. On 20th December 1642 a meeting of the Privy Council took place to discuss the printing of a letter from Charles I justifying his conduct towards the English Parliament, and also the printing of a rival declaration from the English Parliament. Hamilton and his brother, Lanark, along with Southesk advocated the printing of the King's letter only, on the instructions of the King. Argyll, Loudoun, and Balmerino countered this move, but failed to secure a majority of votes, and the King's letter alone was ordered to be printed by a vote of 11 to 9.<sup>20</sup>

However, by 10th January 1643 Argyll had secured a majority of votes to reverse the decision of 20th December and the publication of the English Parliament was warranted to

be printed.<sup>21</sup> Moreover, at the diet of the Conservators of the Peace on the 10th January, the decision was taken to petition the King to presently call a Parliament in Scotland.<sup>22</sup> Of a total of 32 Conservators of the Peace present (comprising 10 nobles, 14 gentry, and eight burgesses), seven declared that "they were not in thair judgement against the calling of a Parliamt bot onelie against the tyme of supplicatting for it presentlie".<sup>23</sup> Four nobles (Hamilton, Glencairn, Lanark and Callander), and three gentry (Douglas of Cavers, Erskine of Dun, and Graham of Morphie) constituted the figure of seven dissenters. The fact that three gentry dissented does not necessarily imply an alignment with the conservatives under Hamilton; all had been present in the final session of the 1641 Parliament and their dissension may have been only related to the time of supplication for a Parliament. The opposition of Hamilton and Lanark, on the other hand, was more to do with principle and strategy.<sup>24</sup>

On 28th February 1643, the Privy Council issued an appeal for voluntary contributions, on pledge of security, to ensure the maintenance of the Scottish army in Ireland. In all probability initiated by the radicals, the appeal was met by an immediate response. A tripartite meeting took place between the Privy Council, the Conservators of the Peace, and the Commissioners of the Common Burdens-Brotherly Assistance, on both the 3rd and 4th March 1643, respectively.<sup>25</sup>

Of the 12 nobles who attended on 3rd and 4th March 1643, five were members of all three commissions (Argyll, Leven, Eglinton, Lauderdale, and Balmerino). Three of the remaining six nobles were both Privy Councillors and Commissioners of the Common Burdens-Brotherly Assistance (Cassillis, Southesk, and Burleigh). Of the other four, one was both a Privy Councillor and a Conservator of the Peace (Callander), one a Privy Councillor only (Lord Yester), and two were commissioners of the Common Burdens-Brotherly Assistance (the Earl of Findlater and the <sup>Lord</sup>Forrester).<sup>26</sup>

13 gentry in total attended the diets on 3rd and 4th March 1643. Only one, Sir Robert Innes of that ilk (Elgin), was a member of all three commissions Hepburne of Wauchton (Haddington), and Morton of Cambo (Fife) were both Privy Councillors and Conservators of the Peace. Two gentry were both Conservators of the Peace and commissioners of the Common Burdens-Brotherly Assistance; Home of Wedderburne (Berwick) and Hamilton of Little Preston (Haddington). Five gentry were represented as members of the Commission for the Common Burdens and Brotherly Assistnce only; Erskine of Bandeth (Stirling) Cunningham of Capringtoun (Ayr), Wauchope of Niddrie (Edinburgh), Ramsay of Balmaine (the Mearns) and Hepburne of Humbie (Haddington). Two gentry were represented as Conservators of the Peace only; Hope of Kerse (Stirling), and Johnston of Wariston (Edinburgh). Hope of Craighall, the Lord Advocate, was a member of the Privy Council only.<sup>27</sup>

Seven burgesses in total attended the diets on 3rd and 4th March 1643, respectively. Only

one burgess was a member of all three commissions; Sir John Smith (Edinburgh), by virtue of the inclusion on the Privy Council of the office of the "provost of Edinburgh" as the sole representative of the burgesses on that body.<sup>28</sup>

Two burgesses were commissioners of both the Common Burdens-Brotherly Assistance and the Conservators of the Peace; John Semple (Dumbarton) and James Sword (St. Andrews). Three burgesses were members of the Common Burdens-Brotherly Assistance Commission only; John Binnie (Edinburgh), George Garden (Burntisland) and John Kennedy (Ayr), whilst one burgess was a Conservator of the Peace only; Hugh Kennedy (Ayr).<sup>29</sup>

Although the three commissions had been called to meet jointly, in numerical terms of total membership the proceedings were dominated by radicals led by the Marquis of Argyll.

In response to the appeal of 28th February, 14 individual sums were contributed on 3rd March for the maintenance of the Scottish army in Ireland. Cassillis and Hepburne of Humble pledged £500 Scots, on behalf of the Earl of Lindsay, Forrester pledged £300 Scots, and Hepburne of Humble and Johnston of Wariston £200 Scots respectively. Six further gentry contributed £100 Scots each; Home of Wedderburne, Wauchope of Niddrie, Erskine of Bandeth, Hamilton of Little Preston, Cunningham of Capringtoun, and Ramsay of Balmaine. One burgess advanced £200 Scots (Sir John Smith), two advanced £100 Scots jointly (Hugh and John Kennedy), and two advanced £50 Scots each (John Binnie and James Sword). On 4th March 1643 the decision was taken to borrow £20,000 sterling (£240,000 Scots) for the aforementioned purpose.<sup>30</sup>

In the period 6th March 1643 to 28th April 1643, a total of £118,999 19s 12d Scots was contributed on a voluntary basis by Privy Councillors, commissioners of the Common Burdens-Brotherly Assistance, and the Conservators of the Peace (see appendix 8). This comprised contributions from 13 nobles, 16 gentry, and three burgesses.<sup>31</sup>

Argyll heads the financial contributions of the nobility with £12,000 Scots, a sum double the contribution of any other noble (see appendix 8). 10 nobles supplied £6000 Scots per head (Balmerino, Lothian, Lauderdale, Cassillis, Lindsay, Eglinton, Leven, Loudoun, Moray, and Glencairn). Two nobles supplied £3600 Scots per head (Burleigh and Yester). By 10th August 1643 the Marquis of Argyll had lent a massive sum of £81,377 10s 5d Scots for the supply of the Scottish army in Ireland. Noble contributions were therefore primarily, but not exclusively, from noted radicals.<sup>32</sup>

Contributions from the gentry were on a lesser scale, but three equalled the figure furnished by the above 10 nobles (see appendix 8). Hepburne of Wauchton, Innes of that ilk, and Morton of Cambo each supplied £6000 Scots. Four gentry each provided £2400 Scots; Johnston of Wariston, Hope of Craighall, Hepburne of Humble, Carmichael of that ilk and Hamilton of Orbiston. Wauchope of Niddrie provided £1333 6s 8d Scots, whilst five further gentry furnished £1200 Scots; Home of Wedderburne, Erskine of Cambuskenneth, Ramsay



of Balmaine, Hamilton of Little Preston, and Sir Thomas Ruthven of Frieland.<sup>33</sup>

Two burgesses, James Sword and George Garden, both noted radical burgesses supplied £600 Scots each, whilst Sir Alexander Clerk, Provost of Edinburgh, provided £666 13s 4d Scots (see appendix 8).<sup>34</sup>

Therefore, by early March 1643 the radicals under the leadership of Argyll had neutralised and marginalised Hamilton and his followers on the Privy Council. The Privy Council had now been brought firmly in line under the control of Argyll. Moreover, the fact that financial contributions were almost exclusively from radicals who were active in the committee structure of Parliament indicates that political loading of committees with committed radicals was taking place by the Covenanting leadership.

The dominance of the radicals over the Privy Council was confirmed on both the 11th and 12th May 1643 when Argyll and the radicals secured the sanction to call a Convention of Estates for 22nd June 1643. The continuance of the Irish rebellion and the rival demands from the King and the English Parliament for Scottish military aid in the English Civil War called for a meeting of the Scottish Parliament to formulate and define Scottish policy towards the English Civil War. Under the terms of the Scottish Triennial Act of 1641, Charles I was under no official obligation to call a Parliament before June 1644 (though he could do so if he wished). Charles refused to call a Parliament before the appropriate date, possibly afraid that it would be used by Argyll to secure a closer understanding or alliance with the English Parliament.<sup>35</sup>

In order to ensure that the legality in the process of calling a Convention of Estates could not be challenged by Hamilton and other conservatives, a meeting of the Privy Council had taken place on 11th May 1643 to decide whether or not it was appropriate that tripartite diet should take place with the Conservators of the Peace and the commissioners of the Common Burdens-Brotherly Assistance.<sup>36</sup>

Firstly, the Council appears to have voted in favour of a tripartite meeting. Thereafter, a vote was taken on the procedure to be followed after consultation with the other two commissions; that is, were the Conservators of the Peace and the Common Burdens-Brotherly Assistance commissioners to be present with the Privy Councillors "in tyme of voiceing".<sup>37</sup> 13 Councillors voted in favour of allowing the presence of the other commissioners, one voted against, and four abstained.

The crucial vote was then taken concerning the necessity of the summoning of a Convention of Estates. 18 Councillors voted in favour of the motion, whilst two abstained. Having secured the principle of the necessity of calling a Convention, the agenda swiftly moved to the issue of whether the time of the Convention should be decided on and the notification be given to the King, or whether the appropriate time of the Convention be delayed until the King was informed and his opinion on the matter known. 12 voted that the time should be immediately decided on, three voted that the King should be informed first,

and one abstained. Following the vote, Hope of Craighall, in the capacity of Lord Advocate, declared that he could not vote on the calling of a Convention because the King's prerogative on this issue should not be called into question. Hamilton immediately backed up Craighall and declared that no meeting of the Estates could be called without the King's warrant.<sup>38</sup>

Two meetings subsequently took place on 11th and 12th May 1643 between the Conservators of the Peace, the Privy Council, and the Commissioners for the Common Burdens and Brotherly Assistance on the instigation of the radical leadership. On 11th May, a contingent of conservative nobles and pragmatic Royalists was present consisting of Hamilton, Southesk, and Glencairn. Following the satisfactory conclusion of business for raising money for the Scottish army in Ireland, matters immediately turned to the urgency of a Convention of Estates as the appropriate forum for discussion of the Irish business. Hamilton, Southesk, and Hope of Craighall, Lord Advocate, argued that the remit of the three bodies was of a consultative and not determinative nature and the issue was outwith their remit (as argued by Hamilton and Craighall in the Council). Nevertheless, the numerical superiority of radical personnel ensured that the motion to call a convention was carried.<sup>39</sup>

However, when the discussion moved on to the specific power of the joint meeting to actually call a Convention of Estates matters became more "hotlie handled." <sup>40</sup> Argyll and Johnston of Wariston exercised the argument of historical precedent in stressing that since the reign of James VI Conventions of Estates had been called before the monarch was fully acquainted. The debate became so intense that the meeting was continued to 12th May 1643.<sup>41</sup>

The three bodies met in "full number" <sup>42</sup> on the morning session of 12th May 1643. Conclusions were reached on four separate, but interrelated, issues. Firstly, it was resolved that "all ye thrie judicatories aucht and might concurre consult and resolve joyntly" <sup>43</sup> on the expediency of a Convention of Estates being called in respect of the "presnt condition (of) the publict affaires of this kingdome." <sup>44</sup> Secondly, after consideration of the first issue, the necessity of a Convention of Estates being called was resolved on to consider the "great and urgent affaires of this kingdome." <sup>45</sup>

Thirdly, the commissioners resolved to determine the date of the Convention to be held and then to inform the King. Fourthly, the date for the Convention of Estates was set for 22nd June 1643.

According to Robert Baillie, "of all the three bodies, not 10 were opposit," <sup>46</sup> and lists the opposing nobles as Hamilton, Southesk, Callander, Glencairn, Morton and Dunfermline. The opposing gentry were all officers of state; Hope of Craighall (Lord Advocate), Carmichael of that ilk (Treasurer Depute), Hamilton of Orbiston (Justice Clerk) and Gibson of Durie (Clerk Register). <sup>47</sup> Out of a total of 38 members of all three commissions present,

only 10 dissenters emerged on the voting count (according to Baillie), illustrating the dominance of radicals.<sup>48</sup> The opposition of the four Officers of State may well rest with the legality of the means of calling the Convention (that is, without the King's warrant), and not with the issue of a Convention in general.

When the three bodies reassembled in the afternoon session the act for calling a Convention of Estates was immediately prepared and a letter was prepared for delivery to Charles I informing him of the decision. Comparison of attendance data of both the morning and afternoon sessions of 12th May 1643 reveals the absence of six conservative nobles and pragmatic Royalists in the important afternoon session; Hamilton, Morton, Glencairn, Lauderdale, Southesk, Dalhousie and Callander. The absence of these nobles was supplemented by three of the gentry who were Officers of State and who had sided with the conservative nobles in the morning session; Carmichael of that ilk, Hope of Craighall and Hamilton of Orbiston. Only one radical gentry, Hepburne of Wauchton, was absent in the afternoon session.<sup>49</sup>

Two conclusions can be reached regarding the calling of the Convention of Estates of 1643. Firstly, Hamilton had been ~~announced~~ on the Privy Council prior to the two tripartite diets of the Privy Council, Conservators of the Peace, and the commissioners for the Common Burdens-Brotherly Assistance on the 11th and 12th May 1643. This marks the final failure of Hamilton from June 1642 onwards to revive the Privy Council as a vehicle for a resurgence in the King's fortunes. Secondly, it was the radical leadership who orchestrated the summoning of the 1643 Convention of Estates, and who controlled the proceedings of the construction of the legislation calling the Convention and the formulation of the corresponding letter to Charles.

Having succeeded in securing the summoning of the Convention, the next immediate move by the radical leadership was to attempt to secure the attendance of Hamilton and other conservative nobles for the forthcoming diet on 22nd June 1643. On the 13th May, both Hamilton and Morton were written to by the radicals informing them that they were to "keipe this dyet preceisly."<sup>50</sup> This ~~maneuver~~ may be interpreted as an attempt to enhance the legality of the Convention if Hamilton and the conservatives were actually present at its deliberations.

By the 22nd May 1643, Charles I had informed the radicals that royal approval of the summoning of the Convention had been refused. Charles clearly regarded the calling of the Convention as an usurpation of the royal prerogative; "Our Counsell there know well, how injurious ye calling of a convention of ye Estates without our consent, is, to Our honour and dignity Royall."<sup>51</sup> Rather than openly order that the Convention was not to be held when he was well aware that the radical leadership would do so anyway, Charles ordered all his supporters to hinder the Convention by all means possible and that all those "right affected to us should be present at it; but to doe nothing there, but onely protest against their meiting."

Acting on the advice of Hamilton, Charles had agreed by 10th June 1643 that the Convention could meet but it was to limit itself to closely defined remits; the consideration of the supply of the Scottish army in Ireland and discussion of options for a more speedy payment of the Brotherly Assistance. Hamilton's conciliatory role is consistent with his earlier behaviour in 1638-39 in attempting to conciliate with the radicals as opposed to the King's more partisan approach. In this particular instance Hamilton was particularly aware that the radicals would convene the Convention of Estates whether Charles approved or not.<sup>52</sup>

*(2) The Convention of Estates, 22nd June 1643-28th August 1643.*

By the time the Convention met on 22nd June 1643 the exposure of the Antrim Plot and the involvement of both Charles I and prominent Scottish royalists, negated any possibility of the prevention of closer relationship between the Estates and the English Parliament. Letters discovered on the Earl of Antrim following his capture by the Scottish army in Ireland had revealed a Royalist plot involving the Earls of Nithsdale and Montrose, the Marquis of Huntly and Lord Aboyne to encourage insurrection in Scotland, whilst an army of Irish Catholics was to be deployed to assist the King in England.<sup>53</sup> The integrity of the King had clearly been fatally compromised, and with it the opportunity for Hamilton and the conservatives to resist the radicals in the Convention.

*(i) The Composition of the Convention of Estates, 22nd June 1643-28th August 1643.*

The alarm raised by the Antrim Plot may well explain the high attendance level of the Estates when the Convention met on 22nd June.<sup>54</sup> With a total composition of 154, its membership was virtually identical to that of a Parliament.<sup>55</sup> Baillie stressed that the Convention "was a most frequent meeting, never a Parliament so great,"<sup>56</sup> Comparison with the sessions of Parliament from 1639-1641 (see appendices 2 and 3) reveals that only the session of Parliament commencing on 17th August 1641 had a greater total membership, and even this was marginal (with a figure of 163, resulting in a positive difference of nine). Moreover, the total membership of the 1643 Convention was greater than the 1639 Parliament (the first full Parliament since 1633); with a figure of 154 compared to 149; and

was likewise greater than the session of Parliament commencing on 2nd June 1640; with a figure of 154 compared to 131.<sup>57</sup>

Two observations can thus be made on the total membership data of the 1643 Convention in relation to the attendance levels of the Estates in the period 1639-1641. Firstly, in all the crucial sessions of Parliament and the Convention of Estates where important constitutional and political matters were decided (i.e. the 1639 Parliament, the June 1640 session of Parliament, and the session of Parliament commencing 17th August 1641, and the 1643 Convention), the attendance of the Estates of Parliament is fixed at an almost constant level; with a lower parameter of 131 and a ceiling of 163.<sup>58</sup> Secondly, the 1643 Convention was virtually tantamount to <sup>a</sup>plenary session of Parliament, limited only by the lack of the royal warrant and approval. ↑

Closer scrutiny of attendance levels per Estate of the 1643 Convention in comparison to the sessions of Parliament 1639-1641 (see appendices 2 and 3) yields useful data for both common membership of attendance 1639-1643, and for members of the Estates attending for the first time in 1643 (with the 1639 Parliament being the base year).

56 nobles sat in the 1643 Convention; this was the highest attendance level of the nobility of sessions of Parliament and Conventions of Estates, 1639-1643, and is equal to the numbers of nobles sitting in the session of Parliament commencing 17th August 1641. 44 gentry sat in the 1643 Convention representing 26 shires; a figure of six fewer gentry and three fewer shires compared to the session of Parliament commencing 17th August 1641 (50 gentry and 29 shires respectively). The figure of 26 shires is in line with the general attendance levels of the shires, 1639-41, and is higher than both the 1639 Parliament (25 shires) and the June 1640 session (23 shires). Five shires were represented by only one commissioner of the shire each in the 1643 Convention; Sutherland, Elgin, Nairn, Kirkcudbright, and Clackmannan. 54 burgesses sat in the 1643 Convention, representing 53 burghs (Edinburgh sent two commissioners of the burghs); a figure of three fewer burghs and three fewer burgesses than the session of Parliament commencing 17th August 1641 (53 burghs compared to 56, and 54 burgesses compared to 57). The representation of the burghs in the 1643 Convention, in terms of total burgesses and burghs, is greater than all other sessions of Parliament, 1639-41, except the respective sessions commencing on 15th July and 17th August 1641 (in which 57 burgesses and 56 burghs were represented in both sessions).<sup>59</sup>

A total of 83 individuals who sat in the Convention of Estates, 1643, had also sat in sessions of Parliament, 1639-1641. When broken down into figures per Estate, the figure of 83 consists of 45 nobles, 13 gentry, and 25 burgesses. On the other hand, 74 individuals who sat in the Convention of Estates, 1643, had not sat in any sessions of Parliament, 1639-1641. When broken down into figures per Estate, the figure of 74 consists of 10 nobles, 34 gentry, and 30 burgesses.<sup>60</sup>

In terms of attendance per Estate, therefore, the 1643 Convention witnessed the inclusion of 64 new gentry and burgesses. This provides a useful insight into the parliamentary management of radical interests by the Covenanting leadership. Whilst the attendance of the nobility held almost constant with previous parliamentary sessions 1639-41 and reflected the resistance of the fragile alliance between conservatives and pragmatic Royalists in the noble estate, the radical nobles were able to rely on an infusion of new radical gentry and burgesses into the 1643 Convention.

*(ii) The Proceedings of the Convention of Estates, 22nd June 1643-28th August 1643.*

The legislation of the Convention of Estates which sat from 22nd June until 28th August 1643 was composed of only 23 enactments (16 concerning the public business and seven relating to private legislation).<sup>61</sup> The proceedings of the Convention can be split into four specific areas; constitutional/ legal, military, judicial, and diplomatic.

In line with the controversy which had occurred in the manner of the calling of the Convention, debate immediately focused on the powers of the Convention when it opened on 22nd June and continued for several days. Hamilton as head of the conservative-pragmatic Royalist alliance stressed that the powers of the Convention were clearly defined and restricted by the King's letter of 10th June. On the other hand, Argyll, as head of the radicals, argued that the Convention had been called on the authority of the Privy Council, the Conservators of the Peace and the commissioners for the Common Burdens and Brotherly Assistance and therefore had no restriction of power.<sup>62</sup>

On 24th June a session committee was established to determine the nature of the constitution of the Convention and construct appropriate legislation (see appendix 13). Each Estate elected its own representatives of nine per Estate (giving a total membership of 27). The division amongst the nobility regarding the Convention is reflected in the composition of their elected representatives on this session committee. Of the nine nobles elected, only two were radicals; Argyll and Balmerino. Argyll had also been included on the Commission of the Kirk of 5th August 1642. Of the remaining seven, five reflected the conservative-pragmatic Royalist alliance; Hamilton, Morton, Roxburgh, Southesk and Lanark, Callander and Lauderdale. The ranks of the gentry and burgesses were staffed by radicals, a reflection of the momentum given by these Estates as a whole to the radical nobles led by Argyll. Two gentry, Hepburne of Wauchton (Haddington) and Winraham of Libberton (Edinburgh), had also been included on the Commission of the Kirk of 5th June 1642. Only one burgess, John Semple (Dumbarton), had been included on the Commission of the Kirk of 5th August 1642. This indicates a noted radical common membership with the radical Commission of the Kirk. One further burgess, James Sword (St. Andrews), was not a member of the Convention of

Estates as per 22nd June 1643 (see appendices 12 and 13). Geographically the composition of the gentry and burghal members on the committee was centred on the east coast. According to Robert Baillie, "all the Barrones and Burghs, without exception of one, were for the common weell."<sup>63</sup>

After two days of deliberation the session committee presented the act concerning the constitution to the House on 26th June. The one particular clause in the act which provided the most controversy was that which stated that the Convention was a " Lawfull free and full Convention " which had power to " treat Consult and determine in all matters that sall be proposed unto thame als freeilie and amplie as any Convention quhilk has beene within this kingdome at any time bygane "<sup>64</sup>; an inference that the Convention would in fact overstep the powers granted to it by Charles I in his letter of 10th June. The inclusion of that particular clause within the act illustrates that the conservative and pragmatic Royalist nobles on the session committee had been overwhelmed by the voting strength of the gentry and burgesses under the guidance of Argyll and Balmerino. The same phenomenon is illustrated at a greater level when the act was put to the vote of the House as a whole. Burnet states that the Marquis of Hamilton, 18 other nobles (who are not specified but undoubtedly represented the contingent of conservative nobles), and one member of the gentry voted against the act.<sup>65</sup>

After the vote was taken, Hamilton and his brother Lanark, withdrew from the Convention. Hamilton refused to give instructions to the conservative and pragmatic Royalist nobles of whether or not they should leave the Convention or stay for the remainder of the proceedings. Thus, the conservatives and pragmatic Royalists were left leaderless and in disarray, whilst the radicals were now in complete control of the Convention.<sup>66</sup>

Attention swiftly turned to military matters and a session committee of twelve was established for furnishing the Scottish army in Ireland (see appendix 13). However, forward planning on the part of the Covenanting leadership ensured that radical heavyweights from all three estates were being held back for the session committee established on 1st July for the trial of the Earls of Traquair and Carnwath. The dominant radical noble on the former committee was Burleigh. One noble, Weymes, and two gentry, Winraham of Libberton (Edinburgh) and Hepburne of Wauchton (Haddington), had also been included on the Commission of the Kirk of 5th August 1642. Once more this provides an indication of the interaction with the radical Commission of the Kirk. Libberton and Wauchton were also included on the committee to determine the constitution of the Convention. Therefore it would appear that radical interests were being represented by Burleigh and these two gentry in particular on the committee concerning the Scottish army in Ireland. Of the burgesses, Hugh Kennedy (Ayr) was a noted radical. The strength of the radicals amongst the gentry and burghal estate ensured that radical gentry and burgesses could safely be included on the Committee for Furnishing the Scottish Army in Ireland. The geographic composition of the

committee reflected an east coast bias of gentry and burghal representation. In particular, major west coast shires and burghs such as Glasgow, Renfrew, and Dumbarton, who provided quality radical personnel were excluded. The shire of Dumfries and the burgh of Ayr, however, were regarded with such importance as to warrant inclusion. This phenomenon is surprising given their strategic and logistical importance of the location of the west coast in relation to Ireland.<sup>67</sup>

The trial of the Earls of Traquair and Carnwath (both Incendiaries) was regarded as being of sufficient importance to warrant the inclusion of leading radical nobles, led by Argyll, on that committee. The inclusion of radical nobles is not surprising given the fact that the whole object of the committee was to punish Incendiaries. The fact that two nobles were specified for punishment indicates the attempt by radical nobles to strengthen their position within the noble estate. The citation of Traquair and Carnwath perhaps served not only to punish those Incendiaries involved in the Personal Rule, but also to check any attempts towards conservatism among the nobility. This is particularly significant in light of the withdrawal of Hamilton and a conservative grouping from the Convention. The fear of citation and the possible loss of estates was therefore used to ward off any moves towards a growth in conservatism. Four per estate, plus one supernumerary, formed the membership of the Committee for the Trial of the Earls of Traquair and Carnwath. Only one conservative noble, Lauderdale, was included on the committee. The dominant radical grouping of nobles consisted of Argyll, Loudoun and Cassillis. Loudoun was included as a supernumerary to bolster the numbers of the nobility in relation to the other two estates. Gentry and burghal representation enhanced and supplemented the radical nature of the committee. Radical interests among gentry representation appear to have been managed by Johnston of Wariston (Edinburgh), the one gentry in particular who was closely aligned to Argyll. Robert Barclay (Irvine) and James Sword (St. Andrews) were the leading radicals representing the burghal estate. Two burgesses on the committee were not members of the Convention of Estates as per 22nd June 1643. Neither Thomas Durham nor James Sword were commissioners for their respective burghs for the 1643 Convention. Both had been prominent members of Parliament for the burgesses in the period 1639-1641, and provides evidence that radical personnel were being employed in the Convention, even although they were not commissioned to sit in the Convention. This is in keeping with the practice employed in parliamentary sessions, 1639-41, of bringing in non-parliamentary radical personnel.<sup>68</sup>

Evidence that the proceedings of the Convention were being controlled and managed by a core of radical activists can be further documented by legislation passed on 11th July. As well as establishing the diets per day, three tiers of fines per Estate were laid down for those members of the Convention who were failing to attend, suggesting that a substantial number were indeed ignoring their duties of attendance.<sup>69</sup>



Analysis of the remainder of the Convention rests on the establishment of a fiscal and administrative structure towards military involvement in the English Civil War, and diplomatic proceedings leading to the agreement of the Solemn League and Covenant on 26th August 1643.

On 19th July, a further committee was established, with the remit of determining the level of loan and tax to be levied on the country for the sum of £800,000 Scots advanced for military aid. Controlled by Argyll, Balmerino, and Burleigh, the radical contingent amongst the nobles was supplemented by Marischal, Sutherland, Eglinton and Cassillis. Nevertheless noble membership was not exclusively radical. Lauderdale and Southesk represented conservative interests. Southesk's inclusion suggests that he may well have been moving towards a more conciliatory stance towards the Convention. The gentry representatives were fronted by Hepburne of Humble (Haddington), leading a grouping of gentry in general gaining their first experience of parliamentary session committees.

Time-served radical burgesses including Robert Barclay (Irvine), composed the majority of the burgess representation on the loan and tax session committee. Two burgesses included on the committee were not members of the Convention of Estates as per 22nd June 1643. Whilst gentry representation was predominantly based on the inclusion of gentry who had no previous parliamentary experience, burghal representation was based on the inclusion of active parliamentary burgesses. Gentry representation shows a bias towards the east and the south west whilst burghal representation was concentrated on the east coast, but also included a burghal presence from the south-west.<sup>70</sup>

It was this session committee that relied on the precedent of 1640 and formulated the Act for the Loan and Tax of 15th August 1643 (i.e. £80,000 of loan and £120,000 of tax).<sup>71</sup>

A further precedent of 1640 was employed on 26th August 1643 in the Act for the Committees of War in the shires. Local committees of war were established throughout the country, staffed by radical gentry, as the central unit of local administration and government for the levying of troops and raising of supplies, and for the imposition of ideological conformity. In essence, these committees of war represented the re-establishment of the administrative organ which had proved so successful in the Two Bishops' Wars of 1639-1640.<sup>72</sup>

Crucially, diplomatic negotiations which were to lead to the signing of the Solemn League and Covenant and the treaty of military assistance with the English Parliament on 26th August were dominated by radicals. Five radicals in the form of Balmerino, Hope of Kerse, Johnston of Wariston, Sir John Smith, and Robert Barclay, were commissioned by the Convention on 9th and 10th August (see appendix 13) to negotiate with the English commissioners from both Houses of Parliament on a closer relationship between the two countries and Parliaments. The conservative noble Lindsay was also commissioned as part of this grouping.<sup>73</sup>

As early as 14th July the Convention had sent a representative to London, Robert Meldrum of Burghlie, to hurry the departure of English parliamentary representatives to Edinburgh. Meldrum of Burghlie is not recorded in the rolls of 22nd June, but was to represent the shire of Fife in the second, third and fourth sessions of the First Triennial Parliament at a later date. Once more this indicates that the radical leadership was bringing in non-parliamentary personnel. By the end of July, the Convention had ordered the levying of military forces to contain any Royalist insurrection against the forthcoming treaty with the English Parliament. The English commissioners duly arrived on 7th August. *Negotiations* subsequently took place between representatives of the Convention (named above), representatives of the General Assembly (dominated by the ministry and radical lay elders), and the English commissioners from the English Parliament. By the 17th August the Solemn League and Covenant had been agreed, and approved by the Convention of Estates. Whilst the Solemn League and Covenant was despatched to London for ratification, negotiations then moved to the details of the treaty for Scottish military intervention on the side of the English Parliament. Argyll kept in close correspondence with the English radicals over the passage of the Solemn League and Covenant through both Houses of Parliament. By 26th August, the Convention had likewise approved the treaty.<sup>74</sup>

The Solemn League and Covenant, however, should not be regarded as a move towards a closer parliamentary union between England and Scotland. Article Three of the Solemn League and Covenant pledged to "preserve the rights and priviledges of the parliamentes and the liberties of the kingdomes".<sup>75</sup> Ultimately, the Solemn League and Covenant was concerned with the transporting and imposing of the Scottish revolution on a British basis as the appropriate means to defend that revolution, in religious, military and constitutional terms.

Although the Solemn League and Covenant had been agreed on within 10 days of the arrival of the English commissioners in Edinburgh, and the military treaty within 20 days, it was born out of essentially different circumstances on the parts of the English Parliament and the Scottish Convention. Certainly the Scots were aware that their fortunes were linked to the success of the English Parliament in the struggle against the King, whilst the English Parliament was likewise aware of the necessity of Scottish military assistance in securing that success.<sup>76</sup> Nevertheless, "the English pressed chiefly a Civil League, and the Scots a Religious one."<sup>77</sup> In return for military assistance, the Covenanters sought the reform of the Church of England and the imposition of presbyterianism on that church, although the wording of the agreement allowed a degree of *manoeuvre* and flexibility concerning presbyterianism on an English basis.<sup>78</sup>

*(iii) The Committee Structure of the Committee of Estates, 22nd June 1643-28th August 1643.*

Consideration of the committee structure of the Convention of Estates from 22nd June to 26th August 1643 plays an important role in two areas of membership of parliamentary session and interval committees. Firstly, it allows analysis of the extent to which committees were being controlled and managed by a core of nobles, gentry and burgesses. Secondly, it provides a means of determining the extent to which non-members of the Convention were playing an active role on the session committees.

Six parliamentary session committees and one parliamentary interval committee have been analysed (see appendix 13). 32 nobles, 56 gentry and 45 burgesses constitute the total fields of nobles, gentry and burgesses analysed. The gentry and burghal estate could draw on a greater pool of human resources than the nobility, primarily due to the extent of radicalism within the former two estates. Any individual could sit on a maximum of seven committees. One noble, Balmerino, was included on five committees, whilst three nobles, Argyll, Lauderdale and Lindsay were included on four committees. Cassillis and Burleigh were each included on three committees. Although Lauderdale and Lindsay were conservatives, in terms of the membership of the individual committees analysed, they had been clearly marginalised. Thus only six out of 32 nobles (19%) were included on three or more committees. Johnston of Wariston (Edinburgh) was included on five committees, whilst Hope of Kerse (Stirling) and Hepburn of Humble (Haddington) were commissioned to sit on four committees each. Four further gentry were each commissioned to sit on three committees; Winram of Liberton (Edinburgh), Erskine of Scottiscraig (Fife), Grierson of Lag (Dumfries), and Hepburn of Wauchton (Haddington). Only seven out of 56 gentry analysed (12%) were included on three or more committees. Robert Barclay (Irvine) was commissioned to sit on six committees, whilst Sir John Smith (Edinburgh) was commissioned to sit on five committees. A maximum of five further burgesses were included on three committees. James Dennistoun (Edinburgh), Thomas Durham (Perth), Patrick Lesle (Aberdeen), Thomas Bruce (Stirling) and Alexander Douglas (Banff) formed this grouping of burgesses. Therefore only seven out of 45 burgesses (16%) were included on three or more committees. Based on the cut-off point of three or more committees, a core of six nobles, seven gentry and seven burgesses were numerically dominant within the 1643 Convention of Estates. Geographic analysis of the core of seven gentry and seven burgesses indicates a geographic territorial spread of influence and representation based on Stirling, Edinburgh, Haddington, Fife and Perth, with Irvine, Dumfries and Banff at opposite extremes. This is a reflection of the nationwide commitment of the Covenanted Movement.

In particular, Edinburgh and Haddington were dominant.<sup>79</sup>

Gentry and burghal membership of session committees was based primarily on the east coast, but also included a noted western presence.

Scrutiny of the relationship between gentry membership of the Convention of Estates and inclusion on parliamentary session committees reveals no evidence of non-members of the Convention of Estates being included on session committees (see appendix 13). Examination of burghal membership, however, reveals that three burgesses included on session committees were not members of the Convention of Estates as per 22nd June 1643. All such burgesses were from the east coast. Gentry representation on the session committees adhered to membership of the 1643 Convention as commissioners of the shires. Provision was made on the interval committee of the Committee of Estates for the inclusion of gentry who did not represent their respective shires in the Convention. Burghal representation on the session committees did not strictly adhere to membership of the 1643 Convention as commissioners of the burghs.<sup>80</sup>

Examination of the relationship between membership of the six parliamentary session committees, the 1643 Committee of Estates and membership of the 1643 Convention of Estates allows for a coherent analysis of the relationship in terms of membership between session committees, interval committees and membership of the Convention.. On 26th August 67 individuals were commissioned to sit on the Committee of Estates. 22 nobles, 22 gentry, 21 burgesses and two supernumeraries (both of whom were nobles) constituted this membership (see appendix 13). 14 nobles, 10 gentry and 10 burgesses who were nominated to the 1643 Committee of Estates were not included on any session committees (see appendix 13). Five of the 10 gentry and six of the 10 burgesses were not members of the 1643 Convention of Estates. Those gentry and burgesses who were not members of the Convention but were nominated to the 1643 Committee of Estates had their domains primarily on the east coast and the Borders. Six nobles, 10 gentry and 11 burgesses included on the Committee of Estates had also been included on more than one session committee (see appendix 13). Five gentry and six burgesses who were members of the 1643 Convention and included on session committees did not secure nomination to the 1643 Committee of Estates (see appendix 13). Whilst session committees were being controlled by a core of nobles, gentry and burgesses, the vast bulk of each estate within the committee structure of the 1643 Convention of Estates was being deployed to the Committee of Estates. Moreover, gentry and burgesses who were not members of the Convention were being brought on to the 1643 Committee of Estates.<sup>81</sup>

*(iv) The Appointment of Parliamentary Interval Committees.*

The Committee of Estates had been revived on 26th August (the same day that the treaty of military assistance with the English Parliament was agreed on) to undertake the military preparations for the forthcoming invasion of England and the subscription of the Solemn League and Covenant. The Committee of Estates was to be the real governing force in the country as the Convention prorogued itself to a second session in January 1644. The prorogation established a constitutional precedent (no Convention hitherto had been prorogued to a second session), but more importantly avoided the problem of securing royal assent to a second summons. Hence the momentum of events remained with the radicals.<sup>82</sup>

A comparison with the numerical composition per estate with the Committee of Estates commissioned on 8th June 1640 reveals an increase of 12 nobles (including supernumeraries), six gentry, and nine burgesses (in terms of total numbers per parliamentary estate) in the 1643 commission (see appendices 5 and 13). In terms of the total membership of the 1643 Committee of Estates there was a rise of 27 compared to the 1640 Committee of Estates.<sup>83</sup>

Furthermore, in terms of individual membership, seven nobles, four gentry, and five burgesses (yielding a total of 16 individuals) who had been included on the 1640 Committee of Estates were also included on the 1643 commission (see appendices 5 and 13). Five of the seven nobles were radicals; Cassillis, Lothian, and Burleigh, Balmerino, and Coupar. Lindsay and Dunfermline, on the other hand, belonged to the conservative wing. The absence of both Argyll and Loudoun on the common membership of the nobles is explained by the fact that in 1640 both were included on diplomatic commissions, although still exerting major influence on the 1640 commission.<sup>84</sup>

Hepburne of Wauchton (Haddington), Home of Wedderburne (Berwick/Roxburgh), Hamilton of Little Preston (Edinburgh), and Douglas of Cavers (Roxburgh), were the four gentry included on both the 1640 and 1643 commissions. All had been prominent in the committee structure of Parliament, 1639-1641, and in the Convention of Estates of 1643. This would seem to suggest that they would be aligned to the radical nobles. Sir John Smith (Edinburgh), George Porterfield (Glasgow), Hugh Kennedy (Ayr), John Rutherford (Jedburgh), and James Sword (St. Andrews), constituted the five burgesses included on both the 1640 and 1643 commissions. All were radicals.<sup>85</sup>

However, Hamilton of Little Preston, Home of Wedderburne, James Sword and George Porterfield, were not members of the Convention of the Estates for their respective shires and burghs, as per 22nd June 1643. Hence it would appear that radical activists were being brought on to the most important parliamentary interval committee, as evident in 1640, even although they had not been elected to sit in the Convention of Estates.<sup>86</sup>

Scrutiny of the composition of the 1643 Committee of Estates in isolation reveals that six gentry and seven burgesses who were included on that commission were not in fact

members of the Convention of Estates as per 22nd June 1643 (see appendices 12 and 13). This indicates once more that activists were being drawn from an extra-parliamentary pool of gentry and burgesses particularly to serve on interval committees.<sup>87</sup>

*(v) The Operation of Parliamentary Interval Committees.*

Having been commissioned on 26th August 1643, primarily to oversee preparations for the invasion of England, the Committee of Estates had its first meeting in Edinburgh on 28th August 1643 (sederunts are only recorded from 29th August, however). On 31st August, an act was passed for the raising of money, and each nobleman present promised to lend 3000 merks each, each gentry present 2000 merks, and each burgess present 1000 merks. Five nobles, nine gentry, and six burgesses were present at this diet.<sup>88</sup>

The Convention had commissioned committees to sit in the shires to prepare for war on 26th August. Five days later instructions were issued by the Committee of Estates to the shire colonels and the committees of war for the training of men and the appointment of subordinate officers.<sup>89</sup>

By 24th November a joint meeting of the Committee of Estates and the Privy Council had granted the military commissions for the forthcoming invasion. Leven was commissioned as General, Sir Alexander Hamilton as General of the Artillery, and Hepburne of Humble as Treasurer and Commissary General.<sup>90</sup>

Although officially a joint meeting, the proceedings were the work of the Committee of Estates. Of a total of 30 individuals present, 14 were Privy Councillors, but 10 of the 14 Privy Councillors were also members of the Committee of Estates (see appendices 13 and 14). Argyll, Loudoun, Leven, Lindsay, Cassillis, Dunfermline, and Lauderdale, Balmerino and Balcarras, and Hepburne of Wauchton formed this grouping of 10. Despite the fact that the conservatives Dunfermline and Lauderdale were present, radical nobles were in the ascendancy. Out of 13 nobles present at the meeting as a whole, only two (Glencairn and Lord Kirkcudbright) were solely members of the Committee of Estates (see appendices 13 and 14). The remaining eight gentry and five burgesses were in attendance as members of the Committee of Estates alone.<sup>91</sup>

Crucially, the Committee of Estates divided itself on 1st December into two sections, as in 1640, but in unequal sections. One was to remain in Edinburgh and the other to accompany the army.<sup>92</sup> Seven nobles, 10 gentry, and 12 burgesses (yielding a total of 29 individuals) constituted the membership of the Edinburgh section (see appendix 15). The quorum of the Edinburgh section was set at nine, with two of each estate being always present. This compares with a quorum of 15, and four of each estate required to be always present, as the

figures determined in the commission to the Committee of Estates of 26th August. The bulk of manpower was concentrated on the section of the Committee of Estates accompanying the army, with a total of 36 individuals; 15 nobles, 11 gentry, and 10 burgesses (see appendix 16). Thus, eight additional nobles, one additional gentry, and two less burgesses, were included in the army section. The priority given to the nobility in the military sub-committees of the Committee of Estates had been reflected in the composition of the army section. As with the Edinburgh section, the quorum of the army section was set at nine, with two of each Estate being always present (see appendices 15 and 16). Two supernumeraries, both nobles, were included on both commissions, and members of either sections could attend the proceedings of the other section.<sup>93</sup>

The fact that the manpower employed on the 1643 Committee of Estates was loaded towards the army section therefore indicates the importance of the parliamentary alliance with the English Parliament. It provides a further indication of the importance of British political and religious links.

Burleigh and Balmerino constituted the leading radical nobles on the Edinburgh section, although the most influential figure was undoubtedly Lauderdale. Conservative interests were represented by Lauderdale and Glencairn. Loudoun and Leven, were included as supernumeraries in their respective offices of Chancellor (Loudoun) and General (Leven), and were part of the radical noble contingent. Of the 10 gentry included on the Edinburgh section, one was not included in the commission to the Committee of Estates of 26th August, and had not been a member of the 1643 Convention (see appendices 12, 13 and 15). On the army section of the Committee of Estates, Argyll was the leading radical noble, closely followed by Eglinton, Cassillis and Lothian (see appendix 16). Radical interests among the gentry on the army section were managed by Johnston of Wariston (Edinburgh). Three western burgesses on the army section were particularly radical in nature; Robert Barclay (Irvine), George Porterfield (Glasgow) and Hugh Kennedy (Ayr) (see appendix 16).<sup>94</sup>

In terms of both sections of the Committee of Estates, gentry and burghal representation continued to be dominated by the eastern shires and burghs of the country. Whilst east coast gentry were particularly prevalent on the army section, east coast burgesses were dominant on the Edinburgh section. However, the number of east coast gentry on both sections was almost equal (six on the Edinburgh section and seven on the army section). East coast burgesses were less dominant on the army section, given their concentration of manpower on the Edinburgh section, thus allowing a greater degree of representation for burgesses from the west coast and the Borders.<sup>95</sup>

The emphasis on military matters in the work of the Committee of Estates is reflected in the establishment of three sub-committees on 29th November and 4th December 1643 respectively. On 29th November a committee anent the establishment of the pay of the army

was set up. Its membership, however, was composed solely of seven nobles. Loudoun, Leven and Eglinton represented radical interests, whilst Dalhousie represented the conservatives. This marks a departure from the usual procedure where sub-committees of parliamentary committees were in general staffed by equal numbers from all three Estates. In comparison, the sub-committee for the artillery established on 4th December (by the Edinburgh section of the Committee of Estates) was composed of two nobles and two gentry, but no burgesses. Cassillis and Balmerino were the leading figures on this sub-committee and the two gentry included were leading eastern gentry; Hepburne of Humbie (Haddington) and Winraham of Libberton (Edinburgh). The further sub-committee established on 4th December, the Committee for the Articles of Military Discipline, was composed of one noble, one gentry, no burgesses, and one minister of the Kirk; Lauderdale and Leven, Johnston of Wariston, and Robert Douglas, a minister of Edinburgh.<sup>96</sup> Although conservative interests were represented by Lauderdale the ~~main~~ <sup>leading</sup> personnel on the sub-committee for military discipline were radical. Therefore, the nobles were taking the leading role on these important military sub-committees and the burgesses were being marginalised. Moreover, representatives of the Kirk were appearing on sub-committees, although they were not commissioned to be on the Committee of Estates. This provides further evidence of the noted radical interaction between parliamentary committees and the Commission of the Kirk.

The Committee of Estates in terms of the whole body commissioned on 26th August 1643 sat from 28th August 1643 until 23rd November 1644 (see appendices 17 and 18). The whole committee sat together from 28th August until 1st December 1643, when it split in to the two above sections. The Edinburgh section then sat from 2nd December 1643 until 31st May 1644. Consistent with its role as an interval committee, the Edinburgh section therefore sat throughout the proceedings of the second session of the Convention of Estates from 3rd January 1644 until shortly before the Convention was dissolved on 3rd June and the new session of Parliament commenced on 4th June 1644. Therefore the Edinburgh section appears to have had a managerial role over the proceedings of the 1644 Convention. Following the division of the Committee on 1st December 1643, only one diet of the army section took place (on 4th December) prior to the meeting of the second session of the Convention of Estates on 3rd January 1644. Following the invasion of England in early January 1644, sederunts of the army section are recorded on a regular basis from 5th January until 23rd November 1644. As the army section was obviously accompanying the Scottish army in England, sederunts are thus recorded not only throughout the second session of the Convention of Estates, but also throughout the session of Parliament from 4th June until 29th July 1644, and also following the prorogation of Parliament when a new commission had been issued to a new Committee of Estates.<sup>97</sup>

A total of 124 sederunts are listed in the Edinburgh register of the Committee of Estates;



this includes sederunts from 29th August to 1st December 1643 (see appendix 17). Thus, the maximum possible attendance figure of any individual is 124.<sup>98</sup>

Additions to the Committee of Estates were made on both 2nd February and 16th April 1644 by the Convention of Estates. Four nobles, four gentry, and three burgesses were added on 2nd February. Three nobles, one gentry, and two burgesses were further added on 16th April. Seven nobles, five gentry, and five burgesses (17 in all) were included in total in terms of breakdown per estate. The Convention did not specify to which section of the Committee of Estates these individuals were to be allocated.<sup>99</sup>

For the nobility, Loudoun and Lauderdale have the highest attendance levels at home and were clearly of major influence (see appendix 17). Loudoun attended on 107 out of 124 occasions (86%) and Lauderdale 84 (68%).<sup>100</sup> Argyll was the closest noble in terms of attendance to Lauderdale, with a figure of 49 (40%). Argyll had been voted as President of the army section on 4th December 1643 and his attendance and influence becomes more impressive, when consideration is taken that his role was primarily with the army section.<sup>101</sup> Six nobles have attendance levels in the 38 to 45 region. This grouping consisted primarily of radicals (Burleigh, Cassillis, Balmerino and Leven).<sup>102</sup> Although Argyll had been voted as President of the army section, no corresponding vote appears to have been taken for the Edinburgh section, although Loudoun appears to have been President of the Edinburgh section.<sup>103</sup>

Three gentry are recorded within the parameters of 60-124 sederunts (see appendix 17). Additionally, two were not members of the Convention of Estates 1643-44 (see appendix 12). Both these gentry had the most impressive records for their estate. Ramsay of Balmaine attended on 75 occasions (60%) and Durham of Pittarrow on 70 occasions (56%). Johnston of Wariston (Edinburgh) was present at 60 diets (48%). Seven further gentry have attendance levels in the 40-60 boundary. Not only were two of these seven gentry not commissioned to sit on the Committee of Estates, but neither were members of the 1643 Convention. Moreover one such gentry was territorially aligned to Argyll. However both were later added to the Committee of Estates by the 1644 Convention on 2nd February 1644. Five gentry who were not included in the original commission nor in later additions to the Committee of Estates attended various diets, but not on a regular basis. Only two burgesses are recorded within the parameters of 60-124 sederunts. James Stewart attended 92 diets (74) and Sir John Smith (Edinburgh) 64 diets (52%). James Stewart was not a member of the Convention of Estates 1643-44. Three further burgesses have attendance levels in the 40-60 boundary, all of whom were Edinburgh burgesses, and two of whom were not members of the 1643 Convention. Three burgesses who were not included in the original commission nor in later additions to the Committee of Estates attended various diets; all were burgesses of Edinburgh.<sup>104</sup>

Attendance levels of the Edinburgh section of the Committee of Estates therefore illustrate

over all three Estates a pattern of dominance by small groups of nobles, gentry, and burgesses. Although there was a noticeable conservative presence in the form of Lauderdale, radical nobles were dominant. Radical gentry and burgesses supplemented this grouping. Moreover, gentry and burgesses who were not commissioned to sit on the Committee of Estates were nevertheless attending its proceedings.

Analysis of the quorums for the Edinburgh section (see appendix 17) reveals that at 10 out of the 42 diets (24%) between 29th August and 1st December 1643 the total quorum was less than the specified 15. Furthermore, at 11 of the above 42 diets (26%) the rule that four of each Estate must be present was not being adhered to. On one occasion all of the three Estates were represented by less than four members each. On one occasion each the gentry and the burgesses were represented by less than four members. On one further occasion, both the nobility and the burgesses were represented by less than four members each.<sup>105</sup>

Between 1st December 1643 and 16th May 1644 at only one out of 82 diets was the total quorum less than the specified nine decided on 1st December (see appendices 15, 16 and 17). On only one occasion (and the same diet where the total quorum was less than nine) was the specified rule of compulsory attendance of two members per Estate not adhered to. Following the division of the Committee of Estates on 1st December 1643, therefore, the rules regarding the quorums of the Edinburgh section were more rigidly adhered to. This indicates an efficient management of human resources.<sup>106</sup>

The army section of the Committee of Estates has 94 recorded sederunts between 1st December 1643 and 23rd November 1644 (see appendix 18). 13 of the 94 sederunts constitute meetings of the Committee of Both Kingdoms, the Anglo-Scottish body established to co-ordinate efforts between the Scottish and English Parliament in the English Civil War.<sup>107</sup>

Only two nobles dominate the attendance levels of the nobility on the army section (see appendix 18). Leven, Commander-in-Chief of the Scottish Covenanting forces, attended 77 out of 94 diets (82%) and Crawford- Lindsay 66 out of 94 diets (70%). Therefore conservative interests on the army section were served by Crawford-Lindsay, whilst those of radical within the noble estate were primarily served by Leven on the army section. Only one noble (Buccleuch) is recorded in the 40-50 range. Argyll has a much lower figure of 27 (29%), although he was President of the army section, but attention should be drawn to the fact that he was also orchestrating the Edinburgh section, and the Common Burdens-Brotherly Assistance commission. Two nobles were added to the army section by the 1644 Parliament on 26th July 1644; Callander and Forrester. Callander had been appointed Lieutenant General of the Covenanting forces by the Convention of Estates on 16th April 1644 thus enabling him to sit on the Committee of Estates. Callander's inclusion as per 26th July 1644 was not in a military capacity but as a member of the noble estate. Therefore Callander was entitled to sit on the commission both in a military capacity and as a member

of the noble estate. Argyll is listed as President in 26 sederunts.<sup>108</sup>

Two gentry dominate the attendance levels of the gentry representatives on the army section (see appendix 18). Hepburne of Humble attended 71 out of 94 diets (76%) and Sir Harry Gibb 65 out of 94 diets (69%). Only one further gentry, Winraham of Libberton, is recorded in the 40-50 range with a figure of 44 (47%). The nearest figure to that of Winraham is that of Home of Wedderburne with that of 35 (37%). Three gentry were added to the army section by the Convention of Estates on 5th January 1644; Sir Harry Gibb, Sir James Lumsden of Innergellie, and Robert Meldrum of Brughlie. None were members of the Convention of Estates 1643-44 (see appendix 20) and Gibb played an influential role among the gentry representatives on the army section.<sup>109</sup>

Two further gentry, Sir John Meldrum (of Baglillie Easter) and John Kerr of Lochtour (Roxburgh) attended various diets of the army section although they were not included in the original commission nor in any later additions to the Committee of Estates in general or the army section in particular (see appendices 13, 18 and 20). Sir John Meldrum attended only one diet whilst John Kerr of Lochtour attended nine diets. Meldrum did not represent any shire in the Convention of Estates, 1643-44.<sup>110</sup>

Erskine of Cambuskenneth attended one diet of the army section. He was not included in the original commission of 26th August 1643 (see appendix 13) nor in any later additions. However, he was one of the commissioners named to go to England, firstly by the Convention of Estates on 9th January 1644, and then renewed by the 1644 Parliament on 16th July 1644 (see appendices 22 and 24).<sup>111</sup>

Attendance levels of the burgesses on the army section are relatively low (see appendix 18). Only four burgesses attended 30 or more diets out of 94 recorded sederunts. George Porterfield (Glasgow), Thomas MacBirnie (Dumfries), James Rae (Edinburgh) and David Simpson (Dysart) constituted these four burgesses. Of these four, only David Simpson had sat in the Convention of Estates 1643-44 (see appendix 20). The low attendance record of the burgesses suggests a token representation of the burgesses on the army section. The role of the burgesses was primarily financial; to mobilise capital and raise cash. The burgesses were thus probably included on the army section to maintain the balance of the three Estates.<sup>112</sup>

Alexander Hamilton, General of the Artillery, attended 59 out of 94 diets (63%), William Baillie of Lethem, Lieutenant General of the Foot 15 diets (16%), David Leslie, and General Major of the Horse 20 diets (21%). Callander is recorded in 39 sederunts in a military capacity and not as a member of the noble estate (42%).<sup>113</sup>

Analysis of the quorums for the army section (see appendix 18) reveals that on 27 out of 94 diets (29%) the total quorum present was less than nine (as decided on 1st December 1643). Three of these 27 diets were meetings of the Committee of Both Kingdoms (excluding the diets of the Committee of Both Kingdoms the amended figure in percentage

terms is 26%). Moreover, on 34 out of 94 diets (36%) the rule that two of each Estate must be present was not being adhered to. Nine of these 34 diets were meetings of the Committee of Both Kingdoms (excluding the diets of the Committee of Both Kingdoms the amended figure in percentage terms is 27%).<sup>114</sup>

Comparison with the quorum data of the Edinburgh section therefore illustrates that the format established by the Committee of Estates as a whole on 1st December 1643 was not enforced as rigidly by the army section. Quorum analysis in conjunction with attendance data of the army section confirms that the burgesses, but certainly not the gentry, were being marginalised on the army section.

Moreover, throughout the second session of the Convention of Estates from 3rd January to 3rd June 1644 both sections of the Committee of Estates as per the division of 1st December 1643 were meeting in Edinburgh on the one hand and with the Scottish army in England on the other hand. Whilst in progress, the 1644 Convention regulated the quorums and membership of the Committee of Estates. Legislation of 25th January 1644 stipulated that despite the divisions into the Edinburgh and army sections both sections were part of the Committee of Estates as a whole and any member of either section could attend and vote in the other section. This may have been an attempt on the part of the nobility as an estate to check the noted radicalism of the gentry and burgesses. Thus Mure of Rowallan (Ayr), a member of the Edinburgh section, attended the diet of the army section on 12th February 1644.<sup>115</sup> The quorum of the army section had been originally set at nine, with two of each estate being present. The 1644 Convention redefined the terms of the quorum of the army section on 30th January 1644. The quorum level was now set at seven with no requirement of attendance level per estate. Such a change in policy was deemed necessary not only due to the fact that in reality urgent decisions had to be made before a full meeting of the section could be convened, but also that a new legal requirement for attendance levels had to be set to ensure the continued legality of the committee's proceedings.<sup>116</sup>

Analysis of the seven army sederunts between 17th January and 1st February 1644 (see appendix 18) nevertheless reveals that at all diets bar two the original quorum figure of nine was surpassed and the attendance requirement of two per estate was adhered to and surpassed apart from the attendance levels of the burgesses.<sup>117</sup> On 2nd February the legislation of 30th January was applied to the Edinburgh section with a total quorum of seven and no attendance per estate requirement. Analysis of the 65 sederunts of the Edinburgh section between 29th August 1643 and 26th January 1644 reveals that at all diets the original quorum figure of nine was surpassed and the attendance requirement of two per estate was adhered to bar three diets.<sup>118</sup> The change in the quorum levels by the Convention may be due to the desire to ensure that the legality of the Convention's proceedings and those of the Committee of Estates could not be challenged at a later date. Hence, the change in quorum regulations (even though they were generally being followed)

allowed for a greater degree of scope (especially regarding the attendance levels per Estate) in ensuring that that legality could not be challenged. The emphasis on the legality of the Convention's proceedings was reinforced on 2nd February 1644 by the ratification of the commission to the Committee of Estates of 26th August 1643 and the approval of its proceedings. An earlier enactment of 6th January 1644 had only approved the proceedings of the Committee of Estates to that date.<sup>119</sup>

Three sets of additions were made by the 1644 Convention to the Committee of Estates. Callander was appointed on 9th January 1644 as a member of the nobility and not in a military capacity. 12 further additions were made on 2nd February (with four additions per estate). None of these gentry apparently sat in the 1644 Convention. All bar one of these burgesses are present in the rolls of the Convention. Three nobles, one gentry and two burgesses were likewise added on 16th April. The most notable addition was that of the influential conservative noble and representative of the House of Hamilton, Lanark. None of the gentry or burgess additions of 16th April are present in the rolls of the 1644 Convention. All these subsequent additions are surprising in the sense that the quorum levels had been more loosely defined and also given the fact that the original quorum rules were being adhered to anyway.<sup>120</sup>

***(vi) The Operation of the Privy Council vis-a-vis Parliamentary Session and Interval Committees, 1643-1644.***

The 1643 Convention of Estates commenced its proceedings on 22nd June (see appendix 14). From 4th July, however, diets of the Privy Council took place throughout the sitting of the Convention (although on a less regular basis than the diets of the Convention) until 10th August and continued as a whole until 2nd January 1644 (i.e. until the second session of the Convention on 4th January).<sup>121</sup>

Corresponding to a maximum possible attendance level of 33 diets (see appendix 14), analysis of the Privy Council sederunts is relevant on three fronts. Firstly, it illustrates those Councillors in attendance during the 1643 Convention. Secondly, it illustrates those Councillors active in the committee structure of the Convention of Estates. Thirdly, it also illustrates those Councillors in attendance following the prorogation of the Convention on 26th August until the eve of the meeting of the second session of the Convention on 4th January 1644.

The proceedings of the Privy Council were being dominated by radical nobles on all these fronts. Argyll, Loudoun, Cassillis, Balmerino and and Lauderdale formed the dominant attenders at Privy Council diets. Despite the fact that Lauderdale was chosen as President of

the Council on 27th September 1643, signifying the radicals' desire to accommodate the conservatives at present, it was the dominant clique of radical nobles that managed the agenda. Only one member of the gentry on the Council, Hepburne of Wauchton (Haddington), had a significant attendance figure. The low attendance records of the gentry members on the Privy Council emphasise the fact that it was a clique of radical nobles who were dominating the proceedings in general of that body.<sup>122</sup>

On the diets of 4th and 7th July 1643, four gentry and three burgesses attended both diets of the Council (see appendix 14) as a grouping, although they had not been commissioned (as per the 1641 commission to the Privy Council) to do so as Privy Councillors. Hope of Kerse, Scott of Harden, Sir John Charteris of Amisfield, and Johnston of Wariston, constituted the four gentry. Robert Barclay, Alexander Douglas, and Thomas Durham, constituted the three burgesses. Johnston of Wariston and Robert Barclay are the most noted radicals within their respective estates in this grouping.<sup>123</sup>

The most important business discussed on 4th July was that of the exclusion of the Earl of Carnwath from office, both civil and ecclesiastical. Thus influential radical gentry and burgesses may well have been brought in to ensure the passage of this business through the Council. Their presence on the next diet on 7th July (see appendix 14) may likewise have been a precaution and safeguard against a conservative revolt or backlash on the Council for business conducted on 7th July was limited to the issue of witchcraft.<sup>124</sup>

Sederunts of the Privy Council run from 4th July 1643 until 4th January 1644. No attempt was being made by the conservative and pragmatic Royalist nobles to use the Council for a Royalist revival. On 12th October, compulsory subscription of the Solemn League and Covenant was called for by the Committee of Estates in the "act anent the Covenant".<sup>125</sup> 16 nobles, five gentry, and one burghess, subscribed the Solemn League and Covenant on 2nd November 1643 (the earliest date at which Privy Councillors could do so). The 16 nobles included the radicals Loudoun, Argyll, Eglinton, Cassillis Yester, Balmerino, and Burleigh but also included the influential conservatives, Lauderdale and Lindsay. Hepburn of Wauchton was among the five gentry who signed on 2nd November. Sir John Smith, Provost of Edinburgh, signed the Solemn League and Covenant as the only burghess on the Privy Council.<sup>126</sup>

By 6th November 1643, the Committee of Estates had ordered Hamilton, Morton, Roxburgh, Kinnoull, Southesk and Lanark, to appear within 10 days and put their signatures to the Solemn League and Covenant. 11 further nobles and two gentry, who were all in England at this time, were allowed an extended period until 12th January 1644 to appear and sign. The 11 nobles included Lennox, Montrose, Tullibardine, Traquair, and Carnwath. The fact that both Carnwath and Traquair were incendiaries and had been investigated by the Convention of Estates, but were being allowed an extended period to sign, may indicate a degree of influence on the part of conservative nobles on the Council. It is more likely,

however, that the radical nobles were seeking some form of accommodation with the conservatives for the time being. By 16th November, however, only Southesk had signed the Solemn League and Covenant as one of the six nobles ordered to do so within the 10 day period. The remaining five were then declared as enemies of religion, and their incomes were to be put to public use. Although Roxburgh signed the Solemn League and Covenant in December, none of the Scottish nobles in England had signed by the 12th January deadline and their incomes were confiscated.<sup>127</sup>

Several conclusions can be made on the diets of the Privy Council from 4th July 1643 to 4th January 1644. Firstly, no attempt was made by Hamilton and the conservative and pragmatic Royalist nobles to hijack the Council during the sitting of the 1643 Convention. Hamilton and Lanark, the leading conservatives, in common with other conservative nobles have very low attendance levels on the Council during this period.<sup>128</sup> Secondly, following the prorogation of the Convention, the Committee of Estates outmanoeuvred any possible Royalist threat in political and constitutional terms by demanding wholesale subscription of the Solemn League and Covenant and taking retaliatory action against those nobles who refused to conform. Thirdly, even before this decision was taken on 6th November, no conservative or pragmatic Royalist revival took place on the Council. Fourthly, the relatively low attendance levels of the gentry and the Provost of Edinburgh on the Privy Council illustrates that the gentry and burgesses as a whole were being primarily employed on the parliamentary interval committees; the Committee of Estates, the Conservators of the Peace, and the Common Burdens-Brotherly Assistance commission. The Privy Council as an institution had been clearly marginalised.

### *(vii) Conclusion*

Following the session of Parliament ending on 17th November 1641 the momentum of the radicals was maintained by parliamentary interval committees. Not only were conservatives and pragmatic royalists on the Privy Council outflanked by Argyll and the radical nobles, backed by the gentry and burgesses, but the parliamentary interval committees (composed of these same elements) remained the real driving force of the Covenanting cause. It was these committees that succeeded in the calling of the 1643 Convention of Estates and were the force behind the Solemn League and Covenant. Detailed cross-analysis of the relationship between the Privy Council, the parliamentary interval committees, session committees of the Convention of Estates, and movements and continuity of personnel between sessions of Parliament/Convention of Estates has demonstrated not only the dominance of a caucus of radical nobles, gentry and burgesses, but also the entrance of new radical blood, especially

at the 1643 Convention of Estates. Moreover, the influence of Hamilton and the conservatives and pragmatic royalists in the 1642-1643 period, especially within the Privy Council, has been traditionally overemphasised in terms of historiography.

1. A discussion of the tripartite relationship between the three kingdoms in the British Isles in the seventeenth century is presented by David Stevenson, "The Century of the Three Kingdoms", *Scotland Revisited*, ed. Jenny Wormald (London, 1991), 107-118; Lynch, *Scotland, A New History*, (London, 1991), 272-273; Russell, *The Causes of the English Civil War*, (Oxford, 1990), 119, argues quite rightly that the overriding need for Scottish security lay behind the design of implementing the Scottish Covenanting revolution on a British basis; Stevenson, *Government Under the Covenanters*, xxx.

2. A.I. MacInnes, "The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism", in *The Scottish National Covenant in its British Context, 1638-51*, 118-122 discusses these parliamentary interval committees but does not analyse the relationship between such committees and the Privy Council in terms of individual membership and attendance per estate from the material listed in APS and the original committee registers. The sederunts of the Privy Council, the Committee for the Common Burdens and the Brotherly Assistance and the Committee for Conserving the Articles of the Treaty are listed in appendices six, seven and nine. The Register of the Committee for Common Burdens and Receiving the Brotherly Assistance runs from 19th November 1641 to 10th January 1645 (the last recorded sederunt is 8th November 1644). For reasons of consistency and continuity of analysis all figures listed for this commission have been taken to November 1644. The Register of the Proceedings of the Conservators of the Peace runs from 22nd September 1642 to 8th July 1643 (the last recorded sederunt is 7th July 1643). Sederunts of the Privy Council run from 19th November 1641 to 20th June 1643, APS, v, 392, 395; RPCS, 2nd series, vii, 142-149, SRO PA. 14/1, folios 1-266; SRO PA. 14/2, folios 1-72.

3. RPCS, 2nd series, vii, 149-449. See appendix 9.

4. *Ibid*, 149.

5. *Ibid*, 149-449. See appendix 9.



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6. SRO PA. 14/1, folios 1-266; David Stevenson, "The Financing of the Cause of the Covenants, 1638-51", *SHR*, 51, 1972, 96; *APS*, vi, i, 190-191.

7. Four nobles had attendance levels between 20 and 40 respectively; Loudoun (34; 35%), Balmerino (34; 35%), Glencairn (27; 28%) and Eglinton (21; 22%) (SRO PA. 14/1, folios 1-266). See appendix six. Lord Forrester had sat in Parliament for Edinburgh in 1625 and 1628-33 as Sir George Forrester of Corstorphine. He was created Lord Forrester of Corstorphine on 22nd July 1633 (*Scots Peerage*, iv, 91-93).

8. Five further gentry have levels between 20 and 40; Sir David Home of Wedderburne (Berwick) (30; 31%), Sir George Dundas of that ilk (Linlithgow) (31; 32%), Sir William Cunningham of Capringtoun ( ) (23, 24%), Sir William Forbes of Craigievar (Aberdeen) (30, 31%) and William Rigg of Ethernie (Fife) (27, 28%) (SRO PA. 14/1, folios 1-266). See appendix six.

9. Only two burgesses were present between 20 and 40 occasions; Thomas Durham (Perth) (39; 40%) and William Glendoning (Kirkcudbright) (31; 32%) (SRO PA. 14/1, folios 1-266). See appendix six.

10. *APS*, v, 392, 395; SRO PA. 14/1, folios 1-266. See appendix six.

11. SRO PA. 14/1, folios 2, 15-16, 17, 68-69; David Stevenson ("The Financing of the Cause of the Covenants, 1638-51"), *SHR*, 51, 97. Humbie's inclusion under the nobility on the sub-committee for the preparation and consideration of public accounts may well be an error on the part of the original scribe, or he may have been included in the capacity of an ordinary member (along with Leven, Humbie was included on the commission as an ordinary member).

12. SRO PA. 14/1, folios 1-72. See appendix seven.

13. SRO PA. 14/2, folios 36, 1-72; *Ibid*, folio 1.

14. SRO PA. 14/2, folios 1-72; *APS*, v, 331-332. See appendix seven.

15. SRO PA. 14/2, folios 1-72; *APS*, v, 404. See appendix seven.

16. SRO PA. 14/2, folio 1; *APS*, v, 392, 395, 404.

17. Stevenson, *Scottish Revolution*, 256-257; Stevenson, *Government Under the Covenanters*, xxx; Lynch, *Scotland Revisted*, 273; A.I MacInnes, "The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism", *The Scottish National Covenant in its British Context, 1638-51*, 122.

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18. RPCS, 2nd series, vii, 288-450. See appendix nine.

19. *Ibid*, 149-450. See appendix nine.

20. A.I MacInnes, " The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism ", *The Scottish National Covenant in its British Context, 1638-51*, 122; Stevenson, *Scottish Revolution*, 256-257; Burnet, *Memoirs of the Dukes of Hamilton*, 209; RPCS, 2nd series, vii, 359-363; Donaldson, *Scotland James V-James VII*, 330; Donaldson, " The Solemn League and Covenant ", *The Sunday Mail Story of Scotland*, 17, (Glasgow, 1988); Edward J. Cowan, " The Solemn League and Covenant ", *Scotland and England, 1286-1815*, ed. Roger Mason, (Edinburgh, 1987), 187; Baillie, *Letters and Journals*, ii, 58-60.

21. A.I. MacInnes, " The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism ", *The Scottish National Covenant in its British Context, 1638-1651*, 122; Stevenson, *Scottish Revolution*, 259; RPCS, vii, 372-374; Donaldson, *Scotland James V-James VII*, 330, neglects the role of the parliamentary interval committees and that of the gentry and burgesses; Edward J. Cowan, " The Solemn League and Covenant", *Scotland and England, 1286-1815*, 187.

22. SRO PA. 14/2, folio 21.

23. *Ibid*.

24. *Ibid*.

25. RPCS, 2nd series, vii, 400, 406-407; SRO PA. 14/1, folios 208-210; SRO PA. 14/2, folio 37 only lists the diet of 4th March 1643.

26. *Ibid*.

27. *Ibid*.

28. SRO PA. 14/1, folios 208-210; SRO PA. 14/2, folio 37; RPCS, vii, 406-407.

29. *Ibid*.

30. RPCS, 2nd series, vii, 407.

31. *Ibid*, 83-84. See appendix eight.

32. *Ibid*.

33. *Ibid*.

34. *Ibid*, 83-84; *Extracts from the Records of the Burgh of Edinburgh, 1642 to 1655*, Marguerite Wood, (Edinburgh, 1938), 1, 446.

35. APS, v, 588; SRO PA. 14/1, folios 223-225; SRO PA. 14/2,

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folios 59-61; Menteith of Salmonet, *History of the Troubles*, 80.

36. RPCS, 2nd series, viii, 93.

37. *Ibid.*

38. *Ibid*, 93. At a later date on 12th October 1643, Loudoun in correspondence with Charles 1st defended the legitimacy of the summoning of the Convention of Estates "since whole proclamations and citations given out by any of the king's judicatories are by law and inviolable practice united in the king's name and therefore warranted by the king"- SRO Hamilton Papers, TD 75/100/26/1916- quoted in A.I MacInnes, " The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism ", *The Scottish National Covenant in its British Context*, 123.

39. RPCS, 2nd series, viii, 93; SRO PA. 14/1, folios 223-224; SRO PA. 14/2, folio 59.

40. Baillie, *Letters and Journals*, ii, 68.

41. SRO PA. 14/1, folio 224; SRO PA. 14/2, folio 59.

42. SRO PA. 14/1, folio 224.

43. RPCS, 2nd series, vii, 93-94; SRO PA. 14/1, folio 225.

44. *Ibid.*

45. *Ibid.*

46. Baillie, *Letters and Journals*, ii, 68.

47. *Ibid.*

48. *Ibid*, 68; SRO PA. 14/1, folios 224-225; SRO PA. 14/2, folio 61; RPCS, 2nd series, vii, 93-94.

49. *Ibid.*

50. SRO Hamilton Papers, GD 406/1/10787; NLS Morton Chartulary, ii, folio 32.

51. SRO Hamilton Papers GD 406/1/1884, GD 406/1/1887.

52. SRO Hamilton Papers, GD 406/1/1887.

53. A.I. MacInnes, " The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism ", *The Scottish National Covenant in its British Context*, 123; Stevenson, *Scottish Revolution*, 270; Edward J. Cowan, " The Solemn League and Covenant ", *Scotland and England, 1286-1815*, 189; Lawrence Kaplan, " Steps to War: the Scots and Parliament, 1642-1643 ", *Journal of British Studies*, ix, 1970, 58; Baillie, *Letters and Journals*, ii, 80.

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54. Stevenson, *Scottish Revolution*, 270; A.I MacInnes, "The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism ", *The Scottish National Covenant in its British Context*, 123.

55. APS, vi, i, 3-4; Edward J. Cowan, " The Solemn League and Covenant ", *Scotland and England, 1286-1815*, 189; Rait, *The Parliaments of Scotland*, 157.

56. Baillie, *Letters and Journals*, ii, 72.

57. APS, v, 251-252, 258-259; APS, vi, i, 3-4. See appendices 2 and 3.

58. *Ibid.*

59. *Ibid.*

60. *Ibid.*

61. APS, vi, i, 5-57.

62. Baillie, *Letters and Journals*, ii, 76-77; Burnet, *Memoirs of the Dukes of Hamilton*, 233-234; Rushworth, *Historical Collections*, 2.2, 466.

63. Baillie, *Letters and Journals*, ii, 72; APS, vi, i, 3-4, 6; Peterkin, *Records of the Kirk*, 330-331. The shires of Edinburgh, Haddington and Stirling were represented by two commissioners each. The shires of Argyll, Ayr and Fife were represented by only one commissioner each. Five burgesses represented eastern burghs; Robert Arnot (Perth), Patrick Leslie (Aberdeen), James Sword (St. Andrews), Sir John Smith (Edinburgh) and Alexander Douglas (Banff). Three burgesses represented western burghs; John Semple (Dumbarton), Robert Barclay (Irvine) and James Bell (Glasgow). Thomas Bruce (Stirling) was the only burgess from the central belt. See appendix 13.

64. APS, vi, i, 6.

65. Burnet, *Memoirs of the Dukes of Hamilton*, 234; Rushworth, *Historical Collections*, 2.2, 466.

66. *Ibid.*

67. APS, vi, i, 7-8. Winraham of Libberton (Edinburgh) and Hepburn of Wauchton (Haddington) represented eastern shires, whilst Grierson of Lag (Dumfries) represented the Borders. George Bell (Linlithgow) and John Williamson (Kirkcaldy) represented eastern burghs, whilst Hugh Kennedy (Ayr) represented the west coast. See appendix 13.

68. *Ibid.*, 8. Johnston of Wariston (Edinburgh), Hepburne of Humble (Haddington) and Erskine of Scottiscraig (Fife) represented eastern shires, whilst Hope of Kerse (Stirling)

represented the central belt. Thomas Durham (Perth), James Sword (St. Andrews) and Alexander Douglas (Banff) represented eastern burghs, whilst Robert Barclay (Irvine) represented a western burgh. See appendices 5, 12 and 13.

69. *Ibid*, 12-13.

70. *Ibid*, 3-4, 18-19. Sir Michael Balfour of Denmilne (Fife), Sir Robert Grierson of Lag (Dumfries), Alexander Brodie of that ilk (Elgin), Sir John Veitch of Dawick (Peebles), Sir Alexander Falconer of Halkerton (Kincardine), James MacDowall of Garthland (Wigtown) and John Shaw of Greenock (Renfrew) constituted the grouping of gentry with no previous parliamentary experience. Thomas Durham and James Airth were not commissioned to sit for their respective burghs in the 1643 Convention. Representation of the shires of Elgin, Kincardine, Fife and Haddington constituted the bias to the east and north-east, whilst the inclusion of the shires of Peebles, Dumfries and Wigtown constituted a further gentry bias towards the south-west. Thomas Bruce (Stirling), Alexander Douglas (Banff), Thomas Durham (Perth) and Patrick Leslie (Aberdeen) had previous parliamentary experience. James Denniston (Edinburgh), John Rutherford (Jedburgh) and James Airth (Pittenweem) had no previous parliamentary experience. See appendices 5 and 13. Eastern burghal representation was concentrated on Banff, Perth, Aberdeen, Edinburgh and Pittenweem. The inclusion of the burghs of Irvine and Jedburgh indicates a further bias to the south-west. The burgh of Stirling was the one remaining burgh representative. See appendices 12 and 13.

71. *Ibid*, 39-40.

72. *Ibid*, 51-57.

73. *Ibid*, 23-24. See appendix 13.

74. *Ibid*, 3-4, 43-51, 150-151; Stevenson, *Scottish Revolution*, 282-287; Walter Makey, *The Church of the Covenant*, (Edinburgh, 1979), 70; Donaldson, *Scotland, James V-James VII*, 331; Argyll and Bute District Archives, Argyll Papers, TD 40384. Scrutiny of the ruling elder membership of the Commission for the Public Affairs of the Kirk (as constituted by the General Assembly on 5th August 1642) reveals the extent of parliamentary radicals. The Commission for the Public Affairs of the Kirk was overwhelmingly radical in nature. Of the 10 nobles on that commission, four were leading radicals; Argyll, Eglinton, Weymes and Cassillis. Two further nobles, Lauderdale and Glencairn, were aligned to the conservative faction. The remaining four nobles had not played any significant role so far in parliamentary affairs; Kinghorn and Lords Gordon, Balcarras and Maitland (Lauderdale's son). Eight gentry and seven burgesses were included on the commission as lay elders. Two of these gentry and two of these burgesses were members of the 1643 Convention. Hepburn of Wauchton (Haddington) and Winraham of Libberton (Edinburgh) were the two such gentry. John Semple (Dumbarton) and William Glendoning (Kirkcudbright)

were the two such burgesses. Home of Wedderburne (Berwick), although not a member of the 1643 Convention, had been involved in the parliamentary interval committees, and was also included on the Commission for the Public Affairs of the Kirk.

75. APS, vi, i, 150-151.

76. Russell, *The Causes of the English Civil War*, 119; Stevenson, *Scottish Revolution*, 284; Stevenson, "The Early Covenanters and the Federal Union of Britain", *Scotland and England 1286-1815*, 163-181; B.P. Levack, *The Formation of the British State: England, Scotland, and the Union 1603-1707*, (Oxford, 1987), 110, 198-199; Ferguson, *Scotland's Relations with England*, 126; A.I. MacInnes, "The Scottish Constitution, 1638-1651. The Rise and Fall of Oligarchic Centralism", *The Scottish National Covenant in its British Context, 1638-51*, 123-124.

77. Baillie, *Letters and Journals*, ii, 90.

78. APS, vi, i, 150-151; Edward J. Cowan, *Montrose for Covenant and King*, (London, 1977), 143. Article One of the Solemn League and Covenant pledged the reformation of religion in England and Ireland, in terms of doctrine, worship, discipline and government, "According to ye word of God and the example of the best reformed churches And shall endeavor to bring the churches of God in the Thrie kingdomes to ye neirest Conjunction and uniformity in religion."

79. APS, vi, i, 3-59. See appendix 13.

80. *Ibid.* See appendices 12 and 13.

81. *Ibid*, 3-59, 57-58. The five gentry who were not members of the 1643 Convention but were nominated to the 1643 Committee of Estates were as follows; Hamilton of Little Preston (Haddington), Wauchope of Niddrie (Edinburgh), Home of Wedderburn (Berwick), Ramsay of Balmaine (Kincardine/Forfar) and Scott of Ardross (Borders). The six burgesses who were not members of the 1643 Convention but were nominated to the 1643 Committee of Estates were as follows; John Binnie (Edinburgh), James Stewart (Edinburgh), James Simpson (Dundee), George Garden (Burntisland), George Porterfield (Glasgow) and Thomas MacBirnie (Dumfries). See appendices 12 and 13.

82. *Ibid*, 57-58; Rait, *The Parliaments of Scotland*, 157, 343.

83. APS, v, 282; APS, vi, i, 57-58. See appendices 5 and 13.

84. *Ibid.*

85. *Ibid.*

86. APS, vi, i, 4. See appendices 12 and 13.

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87. *Ibid*, 3-4, 57-58. Hamilton of Little Preston, Home of Wedderburne, Wauchope of Niddrie, Ramsay of Balmaine, James Durham of Pittarrow, and William Scott of Ardrross formed the grouping of such gentry. James Sword, George Porterfield, John Binnie, James Stewart, James Simpson, George Garden, and Thomas MacBirnie, formed the body of the above seven burgesses. See appendices 12 and 13.

88. *Ibid*, 57-59; SRO PA. 11/1, folios 5-8.

89. SRO PA. 11/1, folios 8-12; Stevenson, *Scottish Revolution*, 293.

90. SRO PA. 11/1, folios 64-72; Stevenson, *Scottish Revolution*, 295.

91. SRO PA. 11/1, folios 64-72. The scribe fails to list Cassillis, Balcarras and Balmerino in the dual capacities of Privy Councillors and members of the Committee of Estates. Southesk and Kinghorn, and Hope of Craighall, Lord Advocate, and Carmichael of that ilk, were in attendance as Privy Councillors only. See appendices 13 and 14.

92. SRO PA. 11/2, folio 3. This division is not recorded in the printed parliamentary records. The division is also not recorded in SRO PA. 11/1 and no diet is recorded for 1st December 1643, SRO PA. 11/1 folios 82-86. See appendices 15 and 16.

93. SRO PA. 11/2, folio 3; APS, vi, i, 57-58. See appendices 15 and 16.

94. SRO PA. 11/2, folio 3; APS, vi, i, 3-4, 57-58. Sutherland, Weymes, and Forrester, formed the remaining four nobles on the Edinburgh section. Sir James Lockhart of Lee was the one such gentry who had not been included on the original commission of 26th August 1643 and was not a member of the Convention of Estates as per 22nd June 1643.

95. SRO PA. 11/2, folio 3; APS, vi, i, 3-4, 57-58. See appendix 16. For those individuals who were not members of the 1643 Convention their geographic locations (in parliamentary terms) have been extracted from the respective volumes of APS, v, and APS, vi, i. Balfour of Denmilne (Fife), Dundas of that ilk (Linlithgow), Hamilton of Little Preston (Haddington/Edinburgh), Ruthven of Frieland (Forfar), Ramsay of Balmaine (Mearns), and James Durham of Pittarrow (Kincardine), were all east coast gentry. Mure of Rowallan (Ayr), Shaw of Greenock (Renfrew), and Lockhart of Lee (Lanark) were all west coast gentry, and Brodie of that ilk (Elgin) was the one representative from far north-east. Sir John Smith (Edinburgh), James Denniston (Edinburgh), John Binnie (Edinburgh), James Stewart (Edinburgh), James Simpson (Dundee), Patrick Leslie (Aberdeen), George Bell (Linlithgow), George Garden (Burntisland) and George Jamieson (Coupar) were

the nine east coast burgesses. John Semple (Dumbarton) and Gideon Jack (Lanark) were the two west coast burgesses. Thomas Bruce (Stirling) was the one burgess from the central belt. See appendices 12, 13 and 15. Marshall, Dunfermline, Buccleuch and Dalhousie, Viscount Dudhope, and Lords Yester, Sinclair, Coupar, Kirkcudbright, and Balcarras formed the 11 remaining nobles on the army section. Geographic analysis of the 11 gentry on the army section of the Committee of Estates yields a result of seven east coast representatives, one west coast representative, and three representatives from the Borders (see appendix 16). Whilst western gentry were marginalised on the army section and Borders gentry were allocated a presence, it was eastern gentry that were dominant. However a more balanced pattern is evident in the geographic composition of the burghal estate on the army section (see appendix 16). Only three burgesses from the east coast warranted inclusion (one of whom was not a member of the 1643 Convention and had not been included in the commission to the Committee of Estates of 26th August 1643). The west coast also commanded the inclusion of three burgesses (see appendices 12, 13 and 16). However, the Borders area secured the inclusion of four burgesses. Johnston of Wariston (Edinburgh), Wauchope of Niddrie (Edinburgh), Winraham of Libberton (Edinburgh), Hepburne of Humble (Haddington), Hepburne of Wauchton (Haddington), Erskine of Scottiscraig (Fife), and Scott of Ardross (Fife), constitute the east coast contingent. James Lindsay of Belstanes (Lanark) was the only gentry representative from the west coast on the army section. Home of Wedderburne (Berwick/Roxburgh), Kerr of Cavers (Roxburgh), and Scott of Harden (Selkirk), constitute the three gentry representatives from the Borders area. Archibald Sydserf (Edinburgh), James Rae (Edinburgh), and James Sword (St. Andrews) were the only eastern burgesses included on the army section.. However, James Rae had not been included in the commission to the Committee of Estates of 26th August 1643, and had not sat in the 1643 Convention. George Porterfield (Glasgow), Robert Barclay (Irvine), Hugh Kennedy (Ayr) were the three western burgesses on the army section. John Rutherford (Jedburgh), David Simpson (Dysart), William Glendoning (Kirkcudbright) and Thomas MacBirnie (Dumfries) were the four burgesses from the Borders on the army section.

96. SRO PA. 11/1, folios 72, 82, 87, 89. Comparison with an earlier sub-committee of 25th November, the Committee for Revising the Accounts of Sir Adam Hepburne of Humble, reveals equal membership from all three estates; Lauderdale, Rigg of Ethernie, and John Binnie. Lords Gordon, Kirkcudbright and Balcarras formed the remaining noble members on the sub-committee of 29th November concerning the pay of the army. Hepburne of Humble (Haddington) and Winraham of Libberton



(Edinburgh) were the two gentry on the sub-committee for the artillery of 4th December 1643.

97. SRO PA. 11/1, folios 5-86, 86-238; SRO PA. 11/2, folios 3-113; APS, vi, i, 60-95, 95-283. According to the 1643 Commission to the Committee of Estates, the 1643 Commission was to "endure till the next meeting of the parliament and estates", APS, vi, i, 59. In strict constitutional terms the 1643 Commission was therefore valid until the meeting of the First Triennial Parliament.
98. SRO PA. 11/1, folios 5-238; APS, vi, i, 57-58. The Committee of Estates as a whole has been listed in appendix 17.
99. APS, vi, i, 83, 92.
100. See appendix 17.
101. SRO PA. 11/2, folio 3. See appendix 17.
102. *Ibid*, folios 3-113. Burleigh (38; 31%), Leven (38; 31%), Lindsay (41; 32%), Cassillis (43; 35%), Forrester (43; 35%), and Balmerino (45; 36%) all had attendance levels in the 38 to 45 region. See appendix 17.
103. *Ibid*, folios 3-113. Balmerino is listed as President at eight diets and Lauderdale at two diets. Lauderdale was not listed as President when Balmerino was present, and neither was listed as President when the Chancellor, Loudoun was present.
104. *Ibid*; APS, vi, i, 3-95. See appendix 17. The seven gentry with attendance records in the 40-60 region are as follows; Hamilton of Little Preston (Edinburgh) (57;46%), Sir Archibald Campbell (50;40%), Hepburne of Humble (Haddington) (47;38%), Winraham of Libberton (Edinburgh) (44;36%), Reid of Pitlithie (43;35%), Wauchope of Niddrie (Edinburgh) (42;34%), and Balfour of Denmilne (Fife) (40;32%). Sir Archibald Campbell and Reid of Pitlithie were not members of the Convention of Estates 1643-44. Neither were Campbell and Reid included in the original commission of 26th August 1643, but were added to the Committee by the Convention of Estates on 2nd February 1644. Sir Archibald Campbell, with landed designation in Argyll, would therefore be an allegiance of the Marquis of Argyll. Sir Archibald Campbell was the son of Sir Duncan Campbell of Auchinbreck, who had sat in all sessions of Parliament, 1639-41, apart from sessions commencing on 13th April and 25th May 1641. Campbell of Auchinbreck had also sat in the 1643 Convention of Estates, *Registrum Magni Sigilli Regum Scotorum, 1634-1651*, J.M. Thomson (ed.), (Edinburgh, 1897), 57-58, 858-859. See appendix 4. Sir John Charteris of Amisfield, Sir Charles Erskine of Cambuskenneth, Sir John Hay, Frederick Lyon of Brighton, and Sir John Weymes of Bogie were

the five gentry not included in the original commission nor in later diets who attended various diets. All attended on only one occasion apart from Sir Charles Erskine of Cambuskenneth who attended two diets. The three burgesses with attendance levels in the 40-60 region were as follows; John Binnie (55;44%), James Denniston (Edinburgh) (44;36%), and Lawrence Henderson (43;35%). John Binnie and Lawrence Henderson were not members of the Convention of Estates 1643-44. Lawrence Henderson was added to the Committee by the Convention of Estates on 2nd February 1644. The three burgesses who were not included in the original commission nor in later additions who attended various diets were as follows; Robert Fleming, James Rae and Edward Edgar. All were burgesses of Edinburgh. Robert Fleming was present at 26 diets (21%), James Rae seven diets (6%), and Edward Edgar one diet respectively. In addition, Alexander Hamilton, General of the Artillery, attended nine diets of the Edinburgh section between 29th August 1643 and 31st May 1644 ( 7% ).

105. SRO PA. 11/1, folios 5-238; SRO PA. 11/2, folio 3; APS, vi, i, 57-58. See appendix 17.

106. SRO PA. 11/1, folios 5-238; SRO PA. 11/2, folio 3. See appendix 17.

107. SRO PA. 11/2, folios 3-113. See appendix 18. Lorraine Mulligan, " The Scottish Alliance and the Committee of Both Kingdoms, 1644-46 ", *Historical Studies Australia and New Zealand*, 14, 1970, 173; Lorraine Mulligan, " Peace Negotiations, Politics and the Committee of Both Kingdoms, *Historical Journal*, 12, 1969, 3; Ferguson, *Scotland's Relations with England*, 127.

108. SRO PA. 11/2, folios 3-113; APS, vi, i, 92. Buccleuch is the one noble recorded in the 40-50 range on the army section with a figure of 41 (44%). Crawford-Lindsay was listed as President even when Loudoun, the Chancellor, was present. Sinclair was listed as President when Crawford-Lindsay was absent and even when Leven was present. When Argyll was not present, Crawford-Lindsay was President at 33 diets, Lord Sinclair at 17 diets, and Callander at one diet.

109. SRO PA. 11/2, folios 3-113; APS, vi, i, 63. See appendix 18.

110. SRO PA. 11/2, folios 3-113; APS, vi, i, 3-95. See appendix 18. No landed designation is provided for Sir John Meldrum. There is a reference to a John Meldrum of Baglillie Easter in the *Register of the Great Seal of Scotland, 1620-1633*, J.M. Thomson (ed.) (Edinburgh, 1894), 673, 873. There is also a reference to a John Meldrum, but with no landed designation, in *Registrum Magni Sigilli Regum Scotorum, 1634-1651*, J.M. Thomson (ed.) (Edinburgh, 1897), 99-100, 945. The fact that Meldrum attended only once suggests that he was not

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a significant figure.

111. SRO PA. 11/2, folios 3-113; APS, vi, i, 57-58, 71, 158-159. See appendix 18.

112. SRO PA. 11/2, folios 3-113. Of the four burgesses with the highest attendance records on the army section, George Porterfield attended 38 diets (40%), Thomas MacBurnie 33 (35%), James Rae 33 (35%), and David Simpson (Dysart) 30 (32%). See appendix 18.

113. SRO PA. 11/2, folios 3-113.

114. *Ibid.* See appendix 18. On five occasions the nobility failed to follow the two member rule. On three occasions the gentry failed to follow the two member rule. On 24 occasions the burgesses failed to follow the two member rule; 14 of the 24 diets were meetings of the army section on its own. On one occasion both the nobility and the burgesses failed to provide two members each, and on two occasions both the gentry and the burgesses failed to provide two members each.

115. APS, vi, i, 73; SRO PA. 11/2, folio 20. See appendices 17 and 18.

116. APS, vi, i, 74; SRO PA. 11/2, folio 3. See appendix 18.

117. SRO PA. 11/2, folios 8-16. See appendix 18.

118. APS, vi, i, 83; SRO PA. 11/1, folios 5-119. See appendix 17.

119. APS, vi, i, 63-64, 83.

120. *Ibid.*, 69, 83, 92. The Lords Angus, Elcho, Elphinstone and Barganie were adjioned for the nobility on 2nd February. Hope of Craighall, Sir Archibald Campbell, Sir William Carmichael and Reid of Pitlithie were similarly adjoined for the gentry on 2nd February. Lawrence Henderson (Edinburgh), Robert Fleming (Edinburgh), Robert Cunningham (Kinghorn) and John Kennedy (Ayr or Lochmaben) were added for the burgesses on 2nd February. John Kennedy represented the burgh of Lochmaben in the 1643 Convention (see appendix 12) but does not appear in the attendance levels of the 1644 Convention. Another John Kennedy represented the burgh of Ayr in the 1644 Convention on 25th January 1644 (see appendix 20). Therefore, it would appear that it was John Kennedy (Ayr) who was added to the Committee of Estates on 2nd February 1644, APS, vi, i, 4, 73, 83. Lawrence Henderson was the one burgess not recorded in the rolls of the Convention (see appendix 20). Lanark, Kinghorn and Lord Gordon were added for the nobility on 16th April. Hamilton of Orbiston, Justice Clerk, was added for the gentry on 16th April. Sir William Dick (Edinburgh) and Sir William Gray (Edinburgh) were added for the burgesses on 16th April. Sir William Gray had sat on Edinburgh Town Council, 1641-2, 1642-43, and was also on the Council of 1643-44, *Extracts from the Records of the Burgh of Edinburgh, 1642 to 1655*,

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Marguerite Wood (ed.), (Edinburgh, 1938), 1, 13, 35. Lord Gordon was the brother of Lewis, eighth Earl and third Marquess of Huntly, but had been persuaded by Argyll to ally himself with the Covenanters. In light of the Northern Rebellion Gordon's inclusion on the Committee of Estates may have been initiated by the radicals in order to watch over his movements and actions, especially since he was later to side with the royalists after Inverlochy, (*Scots Peerage*, iv, 548-549).

121. *RPCS*, 2nd series, viii, 1-22, 63. See appendix 14.

122. *Ibid*, 1-22, 63. Out of 33 diets, Loudoun and Argyll attended on 30 (91%) and 28 occasions (85%) each respectively. At a slightly lower level, Lauderdale was present on 22 occasions (67%), and Cassillis and Balmerino on 21 occasions each (64%). Hepburne of Wauchton (Haddington) attended on 18 diets (55%). Gibson of Durie, Clerk Register, is the closest attender to Wauchton with a figure of 15 (46%). See appendix 14.

123. *Ibid*, 63-64. See appendix 14.

124. *Ibid*.

125. *SRO PA*. 11/1, folios 36-39.

126. *RPCS*, 2nd series, viii, 10. Mar, Dunfermline, Dalhousie, Angus, Sinclair, Elphinstone, and Balcarras, form the remaining seven nobles who signed on 2nd November. Hope of Craighall, Lord Advocate, Gibson of Durie, Clerk Register, Carmichael of that ilk, Treasurer Depute, and Douglas of Cavers were the remaining four gentry who signed the Solemn League and Covenant on 2nd November.

127. *SRO PA*. 11/2, folios 52-54, 55-57, 60, 61-62, 87, 91, 94-95; *SRO PA*. 11/1, folios 92-93, 98-99, 102, 106, 107; Stevenson, *Scottish Revolution*, 291-292. The two gentry who signed on 6th November were Sir James Galloway, Master of Requests, and William Murray, Gentleman of the Bedchamber.

128. See appendix 14.

#### **IV PARLIAMENTARY MANAGEMENT BY THE RADICAL OLIGARCHY: THE 1644 CONVENTION OF ESTATES AND THE 1644 PARLIAMENT.**

##### ***(1) The 1644 Convention of Estates, 3rd January-3rd June 1644.***

The political trend of dominance and exercise of political power by the radical oligarchy had been apparent not only throughout the 1643 Convention of Estates, but also in the operation of parliamentary interval committees 1643-1644. The Privy Council had been successfully marginalised by the radical leadership and compulsory subscription of the Solemn League and Covenant had been required. It was against this political background that the 1644 Convention convened.

##### ***(i) The Proceedings of the Convention, 3rd January-3rd June 1644.***

While the Edinburgh section of the Committee of Estates was sitting, the second session of the Convention of Estates commenced on 3rd January 1644 and lasted until 3rd June 1644. The second diet of the Convention did not sit continuously, however, and its deliberations were held over four distinct blocks; 3rd January to 11th January, 25th January to 2nd February, 10th April to 16th April, and 25th May to 3rd June 1644.<sup>1</sup>

The primary purpose of the second session of the Convention was to provide the formal forum to ensure that the necessary administrative, economic, and fiscal measures were taken to maximise the finite resources available for the benefit of the Scottish armed forces in the invasion of England.

Indeed, although the Convention met over four distinct blocks, its proceedings in general can be split into six areas; the consideration of military affairs for the invasion of England; the fiscal, financial and administrative infrastructure required to support military invasion; diplomatic affairs; the imposition of the Solemn League and Covenant and action against those who refused to subscribe it; the suppression of domestic insurrection; and the regulation of the Committee of Estates. The emphasis on the consideration of public affairs is reflected in the fact that out of a total of 40 enactments, 36 dealt with public business, and

of the three ratifications passed by the Convention all were likewise concerned with public affairs.<sup>2</sup>

The decision to invade England and the appointments in the command chain of the leadership of the Scottish armed forces had already been taken by the Committee of Estates on 24th November 1643.<sup>3</sup> As early as 26th August 1643 the first session of the Convention had re-established the committees of war, the vehicle employed in 1640, in the shires as the central forum for local recruitment and administration.<sup>4</sup> This had been followed up by the Committee of Estates on 1st September 1643 issuing of further instructions to the colonels and committees of war appointed by the Convention.<sup>5</sup>

On the opening day of the second session of the Convention (3rd January 1644), the commission for putting out the horse and foot was passed. This was followed on 4th January by the act for putting the kingdom in a posture of defence (a second act of this nature was similarly enacted on 1st February, indicating that the legislation of 4th January had not been properly implemented). On 8th January the army section of the Committee of Estates was ordered by the Convention to proceed to the Borders to assist the army in preparation for the expedition into England. The difficulties in supplying the Scottish force in Ireland led to the Convention ordering on 11th January that force to pull out of that region. However, this decision was reversed by the Edinburgh section of the Committee of Estates on 22nd February 1644 in order to protect the west coast of Scotland from invasion by the Irish Catholic rebels. The Earl of Leven duly crossed the English border with the invading force on 19th January 1644.<sup>6</sup>

Because the important decisions concerning the invasion of England had already been taken by the time the second session of the Convention met, much of work of the Convention was spent on manipulating the fiscal, financial and administrative infrastructure to maximise available resources for the military expedition.

The Convention had decided that the use of the excise constituted the most efficient and speedy means for raising finance to supply the army of invasion. Hence, on 4th January a session committee was established to determine the most economical means of uplifting and the proportioning of the excise (see appendix 21). A total of nine members (with three of each estate) formed the membership of this committee. Whilst radical interests were managed by Balmerino, Lauderdale represented those of the conservative wing. In order to assist Hepburne of Humble in his capacity of General Collector of the Loan and Tax, Alexander Foullis was appointed General Collector Depute of the Loan and Tax by the Convention on 4th January.<sup>7</sup>

The transportation of necessary victual for the provision of the Scottish forces in England and Ireland was incorporated in the act anent the transport of victual on 6th January. Following the advice of Hepburne of Humble concerning the steep price of available victual, a session committee of two nobles and four gentry was established on 8th January to

consider the most efficient manner of supplying the army and on the proportion and prices of such victual (see appendices 21). Therefore the burghal estate was marginalised by the other two estates.<sup>8</sup>

On 11th January the Convention appointed its next meeting to be on 25th January 1644. On 27th January, a further session committee anent the excise was established, and it appears to have superseded the earlier committee of 4th January (see appendix 21). The remits of both committees are identical in the sense that they are both concerned with raising a sum of money for the aid of the Scottish forces in England and Ireland. However, the remit of the latter committee specifically refers to procuring credit specifically for the supply of arms. The latter committee of 27th January also appears to have been the more important and formal one. 16 individuals were included in total (five from each estate and the Chancellor as supernumerary); this corresponds to a total rise of six individuals, with two per estate. Only four individuals served on both committees; Lauderdale, Crombie of Kemnay (Aberdeen), and the burgh representatives of Edinburgh and Aberdeen. In terms of the latter committee, radical interests were managed by Cassillis and Burleigh. Conservative representation was focused on Glencairn and Lauderdale. The work of this committee formed the basis of the act of 2nd February for raising of money for a present supply to the armies in England and Scotland.<sup>9</sup>

Two further session committees were established by the Convention with the specific purpose of raising finance to support Scottish military involvement in England and Ireland (see appendix 21). The first was established on 30th January and was composed of 16 (five from each estate and the Chancellor as supernumerary) with the task of raising money to support the Scottish army in Ireland. Four nobles, four gentry, and four burghs included on this session committee were also included on the committee anent the excise of 27th January. Noble common membership was primarily conservative (Lauderdale, Glencairn, and Loure) but also included the radical Burleigh. A remarkable common body of personnel (with four per estate) is therefore illustrated on these two session committees.<sup>10</sup>

Secondly, a committee for the magazine was formed on 25th May, to establish the level of available arms in the shires (see appendix 21). One noble, three gentry, and two burgesses constituted the six members. Lothian was the leading radical member.<sup>11</sup>

Another financial committee, that for money, was similarly formed on 25th May (see appendix 21), but its remit was not specifically related to financial aid for the military campaigns. Rather, the remit was of a more general nature and revenue was to be raised for the public use as a whole (in the form of credit or lending of money). Six nobles, six gentry, and four burgesses constituted the 16 individuals included as members. Conservative interests were represented strongly by Lauderdale and Lanark, whilst those of the radicals were managed by Cassillis.<sup>12</sup>

Diplomatic ties with the English Parliament were to go hand in hand with military

assistance. Military alliance between the two kingdoms dictated the need for close consultation in military, diplomatic, civil, and religious matters. On 9th January Loudoun (Chancellor), Lord Maitland, Johnston of Wariston and Robert Barclay were dispatched by the Convention to oversee the imposition of the Solemn League and Covenant in England, particularly concerning the uniformity of religion between the two kingdoms whereby presbyterianism was to replace episcopacy as the appropriate form of government of the Church of England.<sup>13</sup> The latter proved a most contentious issue with the ~~negotiators~~ of the English Parliament who were well aware that the abolition of episcopacy "tooke from the king his Royall power in manie points of Jurisdiction, sovereignty and supremacie in the affairs and causes of Church and state".<sup>14</sup>

On a more general level, when the Scottish commissioners reached London their role had not been determined. Division existed within the English Parliament not only over the role of the Scots, but on how the daily running of the war should be implemented. The fact that the Scots had now become involved in the war emphasised that some form of Anglo-Scottish executive body was required for the effective operation in the campaign against the king. Therefore, the forum of a Committee of Both Kingdoms was instituted to oversee the co-ordination of the war effort.<sup>15</sup> Gerolamo Agostini, the Venetian Secretary in England, observed that the Committee was in essence "a Council of State composed of the two nations".<sup>16</sup>

In common with the Solemn League and Covenant, in essence the mother of the Committee of Both Kingdoms, the Committee was born out of essentially different Scottish and English needs. For the Scots the Committee ensured a greater formal involvement in the conduct and co-ordination of the English Civil War, whilst for the English Parliament it represented an institution which could deal with the differing demands of the Scots, the king, and the military situation.<sup>17</sup> Nevertheless, the Committee of Both Kingdoms was primarily an English institution based on the Committee of Safety established in July 1642. Indeed, whilst the Committee of Both Kingdoms could institute and enact on behalf of the English Parliament, it possessed no such power from the Scottish Parliament, and was primarily concerned with English interests.<sup>18</sup>

27 members sat on the Committee of Both Kingdoms during 1644 and 1645. Of this total only six were Scots but the majority of them were radicals. Loudoun, Maitland, Johnston of Wariston, and Robert Barclay were supplemented in their numbers by the arrival in September 1644 of Erskine of Cambuskenneth and Hugh Kennedy. During 1644 the Committee of Both Kingdoms met on 253 occasions; Maitland attended 205 diets, Johnston of Wariston attended 117 diets, and Robert Barclay attended 192 diets. From September 1644, Loudoun relieved Johnston of Wariston and attended 87 out of 99 diets over a period of the following four months. Erskine of Cambuskenneth and Hugh Kennedy arrived along with Loudoun in September 1644 and have attendance records of 61 and 88<sup>diets</sup> respectively.



Despite the impressive attendance records of the Scottish delegation, however, their small number as a grouping was not large enough to balance the 20 English members from 1644-1645.<sup>19</sup>

In line with the moves to impose the Solemn League and Covenant in England, further moves were being taken by the Convention to ensure a more rigid subscription of the Solemn League and Covenant within Scotland. According to legislation of 4th January, the Committee of Estates was ordained by the Convention to summon all relevant persons before the next session of Parliament (due to meet in June 1644) who had not yet subscribed the Covenant. Further legislation of 4th January, the ~~Act Anent Non-Covenanters~~ *Act Anent Non-Covenanters* Estates, stipulated that the estates and rents of those who refused to subscribe the Solemn League and Covenant were to be uplifted for the public use. According to legislation of the Committee of Estates of 12th October 1643, the rents and goods of the Earl of Lanark were to be confiscated for the public use and the said earl was not to enjoy any benefit, place, or office within the kingdom of Scotland. Nevertheless, the Earl of Lanark appeared before the Convention of Estates on 16th April 1644 and swore the Solemn League and Covenant; this gained Lanark entry to the Convention and also rights of voting within the Convention and office-holding within the kingdom. Lanark thus had parliamentary access to the conservatives and pragmatic royalists in the Convention and could also further his brother's interests. On the very day that Lanark subscribed the Solemn League and Covenant he was added to the Committee of Estates. Likewise on 16th April, the Convention recommended the Committee of Estates to "tak some speedie course for uplifting the rents of non-covenanters".<sup>20</sup>

The rising of Sir John Gordon of Haddo and other lairds in the north-east of Scotland, backed by the Royalist Marquis of Huntly, disrupted the proceedings of the Convention. The second block of the 1644 Convention had commenced on 25th January and ended on 2nd February, whereupon the next meeting of the Convention was deemed to be on 10th April. The rising in the north-east occurred between these two dates and the Convention of Estates reconvened on 10th April to consider the rising; the Edinburgh section of the Committee of Estates had already issued orders to the committees of war in the north to round up their forces.<sup>21</sup>

The third block of the 1644 Convention commenced on 10th April and lasted until 16th April. Argyll returned to Edinburgh from the army at Newcastle specifically to attend this diet. Three session committees and two interval committees were established within this period to deal not only with the rising in the north but also with the securing of the country in general (see appendices 21 and 22). On 10th April the committee for the present expedition was initiated to consider the terms and form of the commissions, instructions and directions necessary for the military expedition to the north to extinguish the rebellion (see appendix 21). The remit of the committee also included consideration of how the peace of

the Borders was to be secured. Five nobles, four gentry, and four burgesses (yielding 13 in total) constituted the membership of this committee. Although Lauderdale was included, radical nobles were the controlling force in the form of Argyll, Cassillis and Burleigh.<sup>22</sup>

The committee anent the Irish affairs, the second session committee, was established on 11th April (see appendix 21) "to heere the officeris of the armie in Ireland".<sup>23</sup> Seven nobles, six gentry and six burgesses (yielding a total of 19) formed the committee membership. Two regiments of the Scottish forces had returned from Ireland; one was to be sent to the north to extinguish the rebellion and one was to be sent to the south to guard the Lowlands and the Borders. The purpose of consulting the officers of the Army recently returned from Ireland, therefore, may well have been to secure their military advice and opinions relating to a possible Irish Catholic assault on the west coast of Scotland. A balance exists between the leading radical and conservative nobles within this committee. Lauderdale, Lanark and Callander representing the conservatives and Cassillis, Balmerino and Burleigh managed radical interests. Lanark may have been included to involve him in the consultative process. Despite the presence of three leading conservatives, the decisions would ultimately be made by the radicals backed by the gentry and burgesses. Gentry representation was centred on the east, but also contained a western presence, whilst burghal representation was split between east and west. Western representation was undoubtedly due to the proximity of the west coast to Ireland.<sup>24</sup>

A third session committee, the committee for a posture of defence, was also established on 11th April (see appendix 21). It had three specific remits; to ensure that the kingdom's defences were properly secured, to secure the Borders, and to consider the munitions in Dumbarton Castle. Clearly, the tightening up of the country's defences was being undertaken on all fronts by the Convention. Five per estate formed the membership. Callander, Glencairn and Lanark formed the conservative element which dominated noble representation. Argyll would thus have to rely on the gentry and burgess members on this committee. In contrast to the noted trend of eastern domination, this session committee contained a noted presence of Borders gentry and western burgesses.<sup>25</sup>

By 16th April the session committee for the present expedition of 10th April had reported its conclusions to the Convention for on 16th April the Convention appointed the two interval committees (see appendix 22) to accompany the two military regiments to the north and south respectively. The Convention also made various military appointments concerning the expeditions. Argyll was placed at the head of the force to suppress the rebellion in the north, Earl Marischal was appointed commander of the horse employed in the northern expedition, whilst Lord Elcho was appointed commander of the foot employed in that expedition.<sup>26</sup>

The membership of the Committee for the North (see appendix 22) was composed of eight nobles, 16 gentry, three military officials and seven burgesses (yielding a total of 34).

Gentry and burghal representation reflected the northern nature of the committee. The eight nobles had their geographic domain in the north-east. Only one of the gentry on the Committee for the North was a member of the Convention of Estates, 3rd January to 3rd June 1644 (see appendix 20); Sir James Scott of Rosyth (Clackmannan). The other 15 gentry did not sit in any of the blocks of the 1644 Convention (according to available attendance rolls of the 1644 Convention). If the three military officials (who were also gentry) are included in this analysis then the figure rises to 18 gentry who did not sit in the 1644 Convention (see appendix 20). By way of comparison, three burgesses included on the Committee for the North were members of the Convention of Estates, 3rd January-3rd June 1644 (see appendix 20); George Jamieson (Coupar), Andrew Gray (Montrose) and John Auchterlony (Arbroath). Of the seven burghs included on the committee all were north-eastern burghs; Perth, Aberdeen, Dundee, Arbroath, Elgin, Coupar, and Montrose.<sup>27</sup>

The membership of the Committee for the South (see appendix 22) was composed of 15 nobles, 28 gentry, and seven burgesses (yielding a total of 50). Callander, Glencairn, Cassillis, and Lauderdale were amongst the nobles included, as was Lanark. Gentry and burghal representation reflected the southern nature of the committee. Only one gentry on the Committee for the South was a member of the Convention of Estates, 3rd January to 3rd June 1644 (see appendix 20); Sir William Home of Aitoun (Berwick). The other 27 did not sit in any of the blocks of the 1644 Convention (according to available attendance rolls of the 1644 Convention). Not one burgess included on the Committee for the South sat in any blocks of the 1644 Convention (according to available attendance rolls of the 1644 Convention).<sup>28</sup>

In numerical terms the Committee for the South contained a total of 16 more members than the Committee for the North (see appendix 22). In terms of the increase per estate this amounted to seven nobles, nine gentry (this includes consideration of the three military officials on the Committee for the North who were members of the gentry), and no increase for the burghal estate. In terms of influence per estate, the numerical superiority of the gentry on both these commissions indicates the dominance of that estate in relation to the nobility and the burgesses. It provides a further indication of the strength of the gentry at a grass roots level. However, according to the respective commissions of the two committees all members of the Committee of Estates were also deemed to be members of the Committees for the North and South. It is also clear that both committees were Committees of Estates in their own right. Thus, Burleigh was appointed President of the Committee for the North by the Convention despite the fact that he had not been included in the membership of the Committee for the North. This also indicates that Argyll's appointment by the Convention as the leader of the northern expedition was primarily a military appointment, or that his military duties were preceding over political and administrative considerations. The greater concentration of manpower on the Committee for the South

indicates that the primary aim was to tighten the security of the country as a whole (which is consistent with the remits of several of the session committees formed by the Convention), whilst the role of the Committee for the North was to ensure that the forces led by Argyll achieved the suppression of the rebellion. Despite the theoretically large pool of human resources at the disposal of both these committees, the quorum of both committees was set at seven with no specification at the number per estate required to attend. This may well be attributable to the realisation that inclusion on a parliamentary commission per se did not necessarily correspond with actual attendance, moreover both sections of the Committee of Estates were also sitting at that time, and there was a rebellion in the north still unsuppressed.<sup>29</sup>

The third block of the 1644 Convention of Estates stretched from 25th May until 3rd June 1644. When the Convention reconvened a committee for processes (see appendix 21) was formed composed of two nobles, two gentry, and one burgess (five in total). Its purpose was to prepare the processes of those summoned to Parliament (i.e. the First Triennial Parliament due to meet on 4th June according to the 1640 Triennial Act and as stipulated by the closing legislation of the 1641 Parliament). Whether this applied only to those involved in the northern rebellion or also to those who still refused to subscribe the Solemn League and Covenant is not clarified in the terms of commission. Conservatives secured all the noble representation on this committee with the inclusion of Lauderdale and Lanark. Nevertheless radical interests were still served by Johnston of Wariston (Edinburgh), Nicholson of Carnock (Stirling) and the Provost of Edinburgh.<sup>30</sup>

*(ii) The Committee Structure of the Convention of Estates, 3rd January-3rd June 1644.*

Examination of the composition of the various session and interval committees of the 1644 Convention has been conducted within their financial, military, and diplomatic fields. Analysis of the Convention's session committees collectively and its interval committees collectively reveals those individuals enjoying common membership of the committee structure of the Convention of Estates.

Analysis of the membership structure of 11 session committees of the Convention of Estates, 3rd January to 3rd June 1644 has been conducted (see appendix 21). The maximum figure of any one individual included on session committees is therefore 11. 34 nobles, 20 gentry and 18 burgesses constitute the total field of membership of session committees.<sup>31</sup>

The growing prominence of a conservative group of nobles in parliamentary affairs is reflected in this analysis. Lauderdale is included on eight out of 11 session committees, whilst Lanark is included on five. Although Lanark did not initially subscribe the Solemn League and Covenant and did not gain formal entrance to the Convention until 16th April,

he is included on three session committees prior to 16th April. The readiness of Lanark to co-operate with the Convention may have been an attempt to preserve an important role for the House of Hamilton in the Scottish and British political arena given the fact that his brother Hamilton was currently imprisoned by Charles II in England. On the other hand, Lanark may well have learned the lesson of the 1643 Convention when the walkout of himself, Hamilton and other pragmatic Royalists left the Convention under the control of the radicals. The willingness of the Convention to allow Lanark inclusion on so many committees may well have been a manoeuvre to associate the Hamilton's with the Convention's illegal and unconstitutional enactments (as deemed by the king and the Royalists) including the 1643 Convention. Radical noble manpower was concentrated on Cassillis and Burleigh who were included on five out of 11 such committees. Argyll and Loudoun, the leading radicals are only included on two session committees each, probably due to their other commitments. Both were heavily involved with the more important work of the Committee of Estates and Argyll was President of the army section as well as leading the expedition against Haddo and Huntly in the north. It is probable, however, that the influence of Loudoun and Argyll was employed on the session committees of which they were not members. It may also be the case that the Convention rubberstamped the work of the Committee of Estates, just as the Parliaments of 1640-1641 legalised the proceedings of the Tables and the Committee of Estates of 1640.<sup>32</sup>

Balfour of Denmilne (Fife) has the highest figure amongst the gentry on session committees of the Convention with that of six (see appendix 21). Hepburn of Wauchton (Haddington) served on five session committees and Dundas of that ilk (Linlithgow) and Crombie of Kemnay (Aberdeen) served on four session committees each. The remaining gentry analysed have negligible figures of three or less. Three gentry included in the analysis of the session committee structure of the Convention did not sit in the 1644 Convention (as per attendance rolls of the Convention) (see appendix 21).<sup>33</sup>

Analysis of burgess participation on the session committees of the Convention is restricted by the information listed in the parliamentary register; only the names of the burghs and not individual burgesses are listed in the majority of committees (see appendix 21). Out of 11 session committees only four individual burgesses are actually named; Sir William Dick, Archibald Sydserf, James Stewart (all Edinburgh), and George Garden (Burntisland). None of these three burgesses are named in the attendance rolls of the Convention. The burgh of Edinburgh is included on eight session committees. On the three remaining session committees where the burgh of Edinburgh is not named, Archibald Sydserf and Sir William Dick are included on two session committees and James Stewart on the remaining one. The burghs of Dundee and Glasgow are included on four session committees, but it is clear that Edinburgh was dominating burghal representation, in keeping with its status as the capital.<sup>34</sup>

Four interval committees of the Convention of Estates, 3rd January to 3rd June 1644 have been examined in terms of common membership (see appendix 22). 48 nobles, 69 gentry and 39 burgess constitute the total membership of interval committees. Whilst all three estates witnessed a marked rise in membership from session committees (with a rise of 14 nobles, 49 gentry and 21 burgesses), it was the gentry who achieved the greatest augmentation in terms of interval committee membership. Once more this indicates that there was a pool of gentry manpower which could be called upon to serve on parliamentary committees for political ends.<sup>35</sup>

The most interval committees that any noble was included on was two (see appendix 22). This was achieved by eight nobles who were primarily two groups of radicals and conservatives. Lauderdale, Lanark, Glencairn were the most influential conservatives, whilst Cassillis and Loudoun were the most influential radicals within these groupings. The leading conservative nobles were therefore playing a prominent role on the interval as well as the session committees.<sup>36</sup>

Similarly, the highest figure of any gentry included on interval committees was that of two (see appendix 22). This was achieved by six gentry; Johnston of Wariston (Edinburgh), Wauchope of Niddrie (Edinburgh), Grierson of Lag (Dumfries), Kerr of Cavers (Roxburgh), Scott of Harden (Selkirk), and Hamilton of Orbiston. Geographically gentry dominance on interval committees was balanced between the east and the Borders. Every other gentry analysed was included on only one interval committee. Of the total gentry analysed on interval committees, 44 out of 69 (64%) were not members of the Convention of Estates, 3rd January to 3rd June 1644 (see appendices 20 and 22). Nine of this 44 were on the Committee of Estates, 20 of the 44 were on the Committee for the South, and 19 were on the Committee for the North. A predominance of extra-parliamentary gentry was being employed on the latter two interval committees.<sup>37</sup>

In common with the other two estates, the highest figure of any burgess included on interval committees is also two. This was achieved by three burgesses; Robert Barclay (Irvine), George Jamieson (Coupar), and Gideon Jack (Lanark). Gideon Jack did not sit in the 1644 Convention (see appendix 20). Western burgesses were therefore particularly prominent. All remaining burgesses analysed were included on one interval committee only. Of the total analysed, 25 burgesses were not members of the Convention of Estates, 3rd January to 3rd June 1644. 15 of this 25 were on the Committee of Estates (see appendix 20), seven were on the Committee for the South, and four were on the Committee for the North.<sup>38</sup>

Conservative nobles were now therefore being incorporated in the membership of both session and interval committees. The numerical predominance of gentry within the interval committee structure was primarily due to their concentration on both the Committees for the North and the Committee for the South. Whilst gentry from the Borders and the east were

prominent on interval committees, it was the west that was prominent on such committees with regard to burghal common membership. Such a geographic phenomenon is in contrast to session committees where eastern representation was dominant with regard to both the gentry and the burgesses.

*(iii) The Composition of the Convention of Estates, 3rd January-3rd June 1644.*

In conjunction with analysis of membership of both session and interval committees of the 1644 Convention of Estates, examination of individual attendance per estate throughout that Convention reveals those members over all three estates who were present on a regular basis. 11 sederunts are recorded over both the first and second sessions of the Convention of Estates from 22nd June 1643 to 3rd June 1644 (see appendix 20). Only one sederunt is recorded for the first session of the Convention of Estates, 22nd June to 26th August 1643; this relates to the opening day of the Convention, 22nd June 1643. 10 sederunts are recorded for the second session of the Convention of Estates, 3rd January to 3rd June 1644; eight of these cover the period 3rd January to 25th January, whilst the remaining two cover 10th April and 25th May 1644. The inclusion of the 1643 sederunt allows comparisons in attendance between the two sessions of the Convention of Estates, 1643-44.<sup>39</sup>

57 nobles in total are recorded in the sederunts of both sessions of the Convention, 1643-44 (see appendix 20). No noble attended all diets of the Convention with recorded sederunts. Three nobles are recorded present in 10 out of 11 sederunts (see appendix 20); Argyll, Loudoun, and Dunfermline. Seven nobles are recorded in seven out of 11 sederunts (see appendix 20); Lindsay, Lauderdale, Yester, Balmerino, Forrester, Elibank, and Borthwick. Four further nobles are noted in six out of 11 sederunts (see appendix 20); Callander, Hartfell, Weymes, and Burleigh. Cassillis and Elphinstone are noted in five sederunts. The remaining 41 nobles are recorded in four or less sederunts (see appendix 20).<sup>40</sup>

61 gentry representing 27 shires are listed in the sederunts of both sessions of the Convention, 1643-44 (see appendix 20). No gentry analysed was recorded in all 11 sederunts. Johnston of Wariston (Edinburgh) is noted in nine sederunts, whilst Hepburne of Wauchton (Haddington) Hepburne of Humbie (Haddington), and George Buchannan of that ilk (Stirling) are each listed in eight sederunts respectively. Balfour of Denmilne (Fife) is listed in seven sederunts and Brodie of that ilk (Elgin) in six sederunts. Apart from

Winraham of Libberton (Edinburgh) and Veitch of Dawick (Peebles) who are noted in five sederunts, the remaining 53 gentry are recorded in four or less sederunts (see appendix 20). Eastern gentry are therefore particularly prevalent in attendance in comparison to the rest of the country, a trend facilitated by ease of geographic access to the capital.<sup>41</sup>

82 burgesses representing 53 burghs are listed in the sederunts of both sessions of the Convention, 1643-44 (see appendix 20). 10 burghs are listed in the sederunts of the 1644 Convention by name of burgh only with no burgesses named; Edinburgh, Perth, Aberdeen, St. Andrews, Glasgow, Dysart, Anstruther Easter, Coupar, Burntisland, and Irvine. Accordingly, the analysed attendance figures of individual burgesses are low compared to the other two estates. Thomas Bruce (Stirling) and George Bell (Linlithgow) are listed in four out of 11 sederunts, the highest analysed figures for any individual burgesses. Seven further burgesses are recorded in three out of 11 sederunts (see appendix 20). The remaining 73 individually named burgesses are all recorded in two or less sederunts.<sup>42</sup>

A combination of the analysed figures for individual burgesses and named burghs only reveals the dominant burghs. The burgh of Edinburgh is thus listed alone and represented by a named burgess combined in nine out of 11 sederunts and may possibly have been represented by two burgesses together at four diets. The burgh of Perth is listed alone and represented by a named burgess combined in eight out of 11 sederunts. Following the same formula, the figure for the burghs of Aberdeen and Irvine is that of seven, whilst that of St. Andrews is six.<sup>43</sup>

Comparisons between the membership of the first session of the Convention, 22nd June to 26th August 1643, and the second session of the Convention, 3rd January to 3rd June 1644, can be applied along three lines. Firstly, comparisons have been made between those individuals listed in the sederunt of the opening day of the 1643 Convention ( 22nd June 1643 ) who are also included in the sederunts of the 1644 Convention of Estates. Secondly, comparisons have also been made between those individuals who are recorded in the sederunt of the opening day of the 1643 Convention ( 22nd June 1643 ) who are not included in the sederunts of the 1644 Convention of Estates. Thirdly, comparisons have similarly been conducted between those individuals not present in the sederunt of the opening day of the 1643 Convention ( 22nd June 1643 ) but who are recorded in the sederunts of the 1644 Convention of Estates.<sup>44</sup>

Applying the criteria of the first category, 24 nobles, 23 gentry representing 16 shires, and 14 burgesses representing 14 burghs sat in both the 1643 and 1644 Conventions of Estates. This corresponds to 61 individuals (see appendix 20). Applying the criteria of the second category, 29 nobles, 23 gentry representing 18 shires, and 39 burgesses representing 39 burghs sat in the 1643 Convention but did not sit in the second session of 1644. This corresponds to 91 individuals (see appendix 20). Applying the criteria of the third category, four nobles, 15 gentry representing nine shires, and 27 burgesses representing 20 burghs did



not sit in the 1643 Convention but sat in the second session of 1644. This corresponds to 46 individuals (see appendix 20). Therefore, although a common core of individuals was present in both sessions a large number of individuals who had sat in the 1643 Convention did not sit in the 1644 Convention. As evident from the trend from 1640 whilst a central core of radicals from all three estates were controlling the parliamentary agenda, new radical gentry and burgesses were being brought into Parliament, the Convention of Estates and their committees on a regular basis, primarily to bolster radicalism and spread financial burdens.<sup>45</sup>

Examination of the attendance figures per estate for the 1644 Convention confirms this trend (see appendix 20). Whereas 154 individuals are recorded on the opening day of the 1643 Convention, a total of only 21 or 22 were present on 3rd January 1644, the opening day of the second session. This corresponds to a drop of 132 or 133 individuals; 46 less nobles, 38 less gentry for 21 fewer shires, and 48 or 49 less burgesses for 48 fewer burghs (see appendix 20). Out of the 11 recorded sederunts for the 1643-44 Conventions, on seven occasions the total attendance figure for the three estates was within the 20-30 boundary. Excluding the sederunt of 22nd June 1643, the total attendance figures for all three estates only rise above 30 on three occasions; 25th January (66), 10th April (56), and 25th May 1644 (41). These figures are primarily explained by the contemporary political situation; military commitments abroad in England and at home with insurrection in the North. The range of issues discussed and legislation enacted may also have influenced attendance. Although a session committee had been established on 4th January to discuss the uplifting of the excise, by 25th January the matter had evidently not been decided on, for the estates met on that date to discuss the matter. The next meeting of the estates did not take place until the 27th January, when a further session committee was established to discuss the excise. The meeting of the estates of 10th April was specifically to deal with the rebellion of Haddo and Huntly in the north, whereupon a session committee was formed to discuss the terms and powers of the commission to be given to the committee to accompany the regiments there. Likewise, the agenda of 25th May concerned the raising of further finance for the public use and the preparation of processes of those summoned to appear before the first Triennial Parliament.<sup>46</sup>

The comparatively low attendance figures of the 1644 Convention of Estates are probably explained by the fact that both sections of the Committee of Estates were sitting throughout the duration of the 1644 Convention. The Committee sat as a whole from 28th August until 1st December 1643 when it divided into its respective Edinburgh and army sections. The Edinburgh section then sat from 2nd December 1643 until 31st May 1644 (see appendix 17). The army section then sat from 4th December 1643 until 23rd November 1644 (see appendix 18).<sup>47</sup>

Close scrutiny of the sederunts of the 1644 Convention, 3rd January to 3rd June, and

membership of the Committee of Estates (including additions by the 1644 Convention) illustrates the relationship between membership of the Committee of Estates and attendance in the 1644 Convention (see appendices 17, 18 and 20 for the analysed figures below).

Of a total of 21 or 22 individuals present on 3rd January, eight out of 10 nobles and four out of six gentry were members of the Committee of Estates as a whole. Of the two remaining nobles, one was later added to the Committee of Estates. Comparisons with the burgesses cannot be made as only the names of the burghs are listed. Of a total of 22 or 23 individuals present on 4th January, six out of eight nobles and five out of nine gentry were members of the Committee of Estates. Seven out of 11 nobles and five out of ten gentry present on 5th January were members of the Committee of Estates. Of the six burghs listed only one burgess is named; he was a member of the Committee of Estates. Eight out of 10 nobles and four out of eight gentry present on 6th January were members of the Committee of Estates. Of the three burghs listed only one burgess is named; the same burgess present on 5th January. 12 out of 16 nobles and six out of 10 gentry present on 8th January were members of the Committee of Estates. No individual burgesses are listed. Seven out of nine nobles and three out of six gentry present on 9th January were members of the Committee of Estates. No individual burgesses are listed. All 11 nobles and three out of eight gentry present on 11th January were members of the Committee of Estates. No individual burgesses are listed. 12 out of 20 nobles, six out of 20 gentry, and six out of 26 burgesses present on 25th January were members of the Committee of Estates. 14 out of 17 nobles, seven out of 18 gentry, and seven out of 21 burgesses present on 10th April were all members of the Committee of Estates. 12 out of 13 nobles, eight out of 17 gentry, and five out of 11 burgesses present on 25th May were members of the Committee of Estates.<sup>48</sup>

Three conclusions can be reached concerning the relationship between membership of the 1644 Convention and membership of the Committee of Estates, usually based in Edinburgh. Firstly, those nobles in attendance in the 1644 Convention were in general members of the Committee of Estates. Secondly, the majority of gentry attending the 1644 Convention were not members of the Committee of Estates, and this trend increased in relation to the duration of the Convention. This indicates that extra-parliamentary gentry were becoming involved in the Convention's affairs. Thirdly, where evidence is available, the majority of burgesses, in common with the gentry, attending towards the end of the Convention were not members of the Committee of Estates.

## ***(2) The First Session of the First Triennial Parliament, 4th June-29th July 1644.***

The 1644 Convention officially ended on 3rd June in accordance with preparations for the first session of the Triennial Parliament on 4th June. No special summons was required as the session was valid according to the 1641 Triennial Act. The Edinburgh section of the Committee of Estates had concluded its preparations on 31st May 1644, probably to undertake the management of parliamentary proceedings.<sup>49</sup>

*(i) The Composition of Parliament, 4th June-29th July 1644.*

41 nobles, 44 gentry representing 25 shires and 43 burgesses representing 42 burghs constituted the membership of the First Triennial Parliament as per 4th June 1644. Hence the total figure of the three estates as per 4th June 1644 was 128.<sup>50</sup> The table below analyses the attendance data of 4th June 1644 in comparison to parliamentary attendance data 1639-43. All movement in attendance data is analysed in terms of 4th June 1644 providing the base from which all comparative figures are obtained.

*Table 1. The 1644 Parliament: movement in membership per estate compared to the composition of Parliament, 1639-41, and the 1643 Convention of Estates.<sup>51</sup>*

<u>Date of session</u>	<u>Total</u>	<u>Nobility</u>	<u>Gentry</u>	<u>Burgesses</u>	<u>Total change</u>
4th June 1644	128	41	44	43	—
31st August 1639	149	-9	-3	-9	-21
2nd June 1640	131	+5	-1	-9	-3
19th November 1640	79	+19	+22	+8	+49
14th January 1641	79	+19	+22	+8	+49
13th April 1641	29	+30	+31	+38	+99
25th May 1641	60	+25	+22	+21	+68

15th  
July

1641      149    -2    -5    -14   -21

17th August

1641      163    -15    -6    -14   -35

22nd June

1643      154    -15    0    -11   -26

Significantly, the total figure of 128 of 4th June 1644 was lower than the sessions of 22nd June 1643, 17th August 1641, 15th July 1641 and 31st August 1639 and 2nd June 1640. On the other hand, the total attendance figure of 4th June 1644 was higher than all diets of the 1644 Convention and all the sessions of 19th November 1640 and 14th January, 13th April, and 25th May 1641 respectively.<sup>52</sup>

The attendance for the nobility for 4th June 1644 is lower than those of the crucial sessions commencing on 31st August 1639 and 17th August 1641, and the Convention of Estates commencing 22nd June 1643, but is higher than the session commencing 2nd June 1640. The attendance for the gentry for 4th June 1644 is lower than the sessions commencing on 31st August 1639 and 17th August 1641, and is identical to that of the Convention of Estates, 22nd June 1643. It is higher than the session commencing on 2nd June 1640. The attendance for the burgesses for 4th June 1644 is lower than the important political and constitutional sessions commencing on 31st August 1639, 2nd June 1640, 17th August 1641, and the Convention of Estates, 22nd June 1643.<sup>53</sup>

In terms of individual attendance, 36 nobles, 12 gentry representing 10 shires, and 19 burgesses representing 19 burghs (67 individuals in all) who were present in Parliament, 4th June 1644 were also present in the Convention of Estates, 22nd June 1643 (see appendix 12 and table 5). 23 nobles, 18 gentry representing 11 shires, and 18 burgesses representing 17 burghs (59 individuals in all) who sat in Parliament, 4th June 1644 were present in the various diets of the second session of the Convention of Estates, 3rd January to 3rd June 1644 (see appendices 12, 20 and table 6). Linking this data, establishes that 20 nobles, eight gentry representing eight shires, and nine burgesses representing nine burghs (37 individuals in total) who were present in Parliament, 4th June 1644, were also present in the rolls of the 1644 Convention and the roll of the first session of the Convention of Estates, 22nd June 1643 (see appendices 12, 20 and table 7). This indicates a common core of parliamentary personnel, 1643-1644, primarily of radical affiliation.<sup>54</sup>

*(ii) The Proceedings of the 1644 Parliament, 4th June-29th July 1644.*

The first session of the First Triennial Parliament commenced on 4th June and lasted until 29th July 1644. Its proceedings were composed of 104 enactments (74 relating to the public business and 30 relating to private legislation) and 45 ratifications.<sup>55</sup>

Parliamentary proceedings can be grouped into seven main areas; constitutional matters, procedural development, the punishment of those involved in domestic insurrection, the supplying and provision of the Scottish forces on a British basis, diplomatic correspondence with the Scottish commissioners in England, the rehabilitation of the House of Hamilton in the Scottish Parliament, and the renewal of parliamentary interval commissions to govern the country before the next session of Parliament.

Immediately after the calling of the rolls of Parliament, Balmerino, in the capacity of President of the last session of the 1641 Parliament, read the 1641 Act anent the President of Parliament and the 1641 Triennial Act to the Estates, and then further enquired if a Commissioner appointed by Charles I had been sent by the King to convene the Parliament. No such Commissioner had been sent. Thereafter, Lauderdale was voted President of the 1644 Parliament by the Estates, according to the strict interpretation of the 1641 legislation regarding the election of the President of Parliament in all succeeding Parliaments. According to such legislation, following the taking of the parliamentary oath by the Estates, either the Lord Chancellor or any other nominated by the King and the Estates (conjunctively) should be appointed President of Parliament. The President of the preceding Parliament would remain as President until the parliamentary oaths had been administered and until another President had been chosen by the Estates. However, Loudoun, Lord Chancellor, was not chosen as President (although he was present in Parliament, 4th June 1644); the position went to Lauderdale. In essence, however, Lauderdale was elected without the agreement of Charles. The choice of Lauderdale is consistent with his growing influence, particularly in relation to his role in the second session of the Convention of Estates, 3rd January to 3rd June 1644. His election to the office of President is probably also related to the fact that Loudoun was primarily concerned with diplomatic negotiations with the English Commissioners in London. It may also have been a move to present a more moderate stance by the Parliament in relation to possible peace negotiations with the King, since the election of Argyll would have been regarded as too extreme (although Argyll was the main political operator); this is consistent with the

elections of Presidents of the Scottish Parliament, 1640-41.<sup>56</sup>

The significance of the constitutional legality of the 1641 Constitutional Settlement was further emphasised on 7th June by the "Ordinance anente the Initial Wordes to be prefixed To everie Act of this Parliament" (i.e. the 1644 Parliament). Accordingly the text incorporated in each act read as follows;

"THE ESTATES of Parliament now presently conveynd be vertue of the last Act of the last Parliament Haldine be his Matie and the Thrie Estates in Anno 1641".<sup>57</sup>

Hence any legislation enacted by the 1644 Parliament owed its legality to the 1640 Triennial Act (which received royal sanction as part of the 1641 Settlement) and the closing act of the 1641 Parliament. This is particularly important since no King's Commissioner had been sent to the 1644 Parliament.

The requirement of parliamentary sanction of the constitutional proceedings of 1643-44 (i.e. the summoning and sitting of the Convention of Estates, 22nd June 1643 to 26th August 1643, the signing of the Solemn League and Covenant and the military treaty with the English Parliament, and the second session of the Convention of Estates, 3rd January to 3rd June 1644 ), had resulted in the establishment of a parliamentary session committee on 6th June to "consider vpon the Way of approbatione of the Calling of the Conventione of Estates And all there proceedings and what hes flowed fra them".<sup>58</sup> Two nobles, two gentry, and two burgesses constituted the membership of this committee (see appendix 23). Burleigh and Balmerino both radicals and adherents of Argyll who themselves had been party to the events leading to and proceedings of the Convention, were the two noble members and obviously managed the committee along radical lines. Neither of the burgess members had been present in the Convention of Estates, 22nd June 1643, nor in the various diets of the second session of the Convention of Estates, 3rd January to 3rd June 1644 (see appendices 20 and 23).<sup>59</sup>

The committee took over a month to conclude its deliberations and it finally reported its conclusions to the House on 15th July when four separate issues were incorporated in one enactment passed by the House. Firstly, the summoning of the Convention of Estates for 22nd June 1643 was approved of. Although not being specifically mentioned in the act, by inference this would also appear to include the prorogation by the 1643 Convention to a second session in January 1644. Secondly, the Solemn League and Covenant was approved and ratified, as was the original approval by the 1643 Convention and the General Assembly. Related to this, the ordinance of 12th October 1643 requiring compulsory subscription of the Solemn League and Covenant for civil and religious office was similarly ratified. Thirdly, the ten articles of the military treaty with the English Parliament, both separately and as a whole, were ratified. Analysis of the names listed at the end of the treaty

signed at Edinburgh on 29th November 1643 reveals that seven Scottish commissioners and five English commissioners were the individuals involved in the final diplomatic negotiations. Four nobles, two gentry, and one burghess formed the Scottish delegation and indicate a grouping of radicals from all three estates; Argyll, Lauderdale, Lindsay and Balmerino for the nobility, Johnston of Wariston and Hepburne of Humble for the gentry, and Sir John Smith for the burghs. The growing influence of Lauderdale in addition to the radical nobles is reflected by his inclusion among the leading diplomatic negotiators. Fourthly, the legislation of the second session of the Convention of 31st January 1644, stipulating that the raising of the excise would form the appropriate means for the raising of money to finance the Scottish army in Ireland, was similarly ratified. Moreover, the Act for raising of money of 31st January 1644 was ratified; thus giving parliamentary approval of various financial devices employed by the 1643 and 1644 Conventions to raise revenue (such as the loan and tax of 1643). The delay of the committee in taking over a month to report and legislation being enacted once more emphasises the overriding need and desire for the legality of the constitutional events of 1643-44 to be secured.<sup>60</sup>

Procedural innovation rested on two important areas; the necessary formation of a parliamentary organ (or organs) to consider and prepare all legislation to be presented to Parliament, and a greater regulation concerning membership of parliamentary committees. Following the abandonment of the Lords of the Articles as a constitutional device, various options had been employed by the Estates to deal with supplications, petitions, overtures, and ratifications. During the session of Parliament 2nd-11th June 1640, the Committee for revising papers given in to the Articles, of 2nd June 1640, dealt with the revision of all papers and supplications handed in during the sitting of the Lords of the Articles in 1639. A further session committee of 3rd June 1640 (the Committee for Overtures and Propositions) was concerned with all bills and supplications for legislation to be presented to Parliament. The same basic expedients were employed during the sessions of Parliament dating from 15th July to 17th November 1641; the Committee for Bills and Supplications (28th July 1641), the Committee for revising Acts and Articles (19th August 1641), and the Committee for Ratifications (11th November 1641).<sup>61</sup>

During the 1644 session, however, consideration of business was split and concentrated on two parliamentary session committees; the Committee for Bills and Ratifications of 6th June and the Committee for Overtures of 19th June 1644. These constitute a more efficient administrative parliamentary structure. This procedural development is nevertheless consistent with the trends observed in 1640-41.<sup>62</sup>

Two nobles, two gentry, and two burghesses formed the membership of the Committee for Bills and Ratifications (see appendix 23). The increasing accommodation of conservative nobles within a parliamentary context is reflected in the inclusion of Glencairn. He was clearly the leading figure on this committee. On 13th June Glencairn made the report of the



committee to the House.<sup>63</sup>

The administrative emphasis of this committee was reflected in the three remits of the powers given to the Committee for Bills and Ratifications. Firstly, all bills, supplications and ratifications to be presented to Parliament were to be revised and considered. Secondly, the committee was empowered to grant warrants for citation of parties to appear before Parliament or the Committee of Estates (this applied to the latter in the case of Parliament rising before the appearance of any such parties). Thirdly, the committee was not empowered to determine on any bills, supplications and ratifications, but could reject any bill thought "not competent to be received". Only the Parliament could determine on any such legislation.<sup>64</sup>

In comparative terms the Committee for Overtures was composed of four nobles, four gentry, and four burgesses (see appendix 23). Only one gentry and one burgh included on the Committee for Overtures also served on the Committee for Bills and Ratifications; Falconer of Halkerton (Kincardine) and the burgh of Linlithgow. Although conservative interests were served by Lanark, those of the radicals were being managed by Cassillis and Burleigh on this committee. In common with the Committee for Bills and Ratifications the primary role of the Committee for Overtures was an administrative one. All acts and overtures to be presented in Parliament were to be considered and report made. It is not specified whether or not the committee had a determinative remit, but considering the powers of the Committee for Bills and Ratifications this would seem most unlikely.<sup>65</sup>

A further preparatory committee had been established on 11th June (see appendix 23), although it was of a more revisionary nature; the Committee for considering the Commissions in the previous Parliament (i.e. the session of Parliament ending on 17th November 1641). Four nobles, four gentry, and four burgesses constituted its membership. The influential radical nobles, Balmerino and Burleigh, were the leading members of the committee. Balmerino headed the committee and reported the findings of the committee to the House on 12th June. Two burgesses, George Bell (Linlithgow) and George Garden (Burntisland) were also members of the Committee for Bills and Ratifications. George Bell was also a member of the Committee for Overtures (see appendix 23). Once more, the remit of this committee was not of a determinative nature; it was to revise and consider the commissions granted by the last session of the 1641 Parliament and to report to the House. The formation of this committee was probably due less to concerns of the legality of the 1641 commissions and more to a desire to revise and adapt where appropriate the terms of any relevant commissions which might be renewed by the 1644 Parliament. Although not specified the remit of the committee was probably restricted to the parliamentary interval commissions of 1641; the Common Burdens-Brotherly Assistance Commission, the Conservators of the Peace Commission, and the Plantation of Kirks and Valuation of Teinds Commission.<sup>66</sup>

The regulation of membership of parliamentary committees, both session and interval, was determined by legislation enacted on 26th July, three days before the close of Parliament.<sup>67</sup> According to Sir James Balfour, this was initiated and carried through Parliament by the gentry and burgesses.<sup>68</sup> This would appear to indicate that the nobility were interfering in the election of gentry and burgesses to committees.<sup>69</sup> Hence there was a reaction from the gentry and burghal estates against contrived noble dominance of committees within the First Session of the First Triennial Parliament. Such legislation established rules governing the election of all committees of Parliament and Convention of Estates for the gentry and burgesses; "the electione of any that shall be chosine commissioners out of ye number of ye barrones or burrowes in all tyme comeing in any Commissioun yt shall be granted in parliat or conventione of estates ffor qtsomevir bussines or effaires "<sup>70</sup> was to be chosen by Parliament out of a list established by the commissioners of the shires and burghs. Both estates were to elect their own representatives; if any of the other estates wanted to add further names to that list the additions were to consist of any of the present members of Parliament or "other wayes that they shall be such as are capable to be Commissioners for each estate ".<sup>71</sup> Such further additions would not be allowed unless approved of by the present commissioners. If any of the additions were not members of Parliament then 24 hours notice had to be given to the relevant estate or estates as an approval or non-approval deadline. Furthermore, any of the Three Estates could add to the list of the other two; this rule had been already in practice by 5th July. Sir John Smith (Edinburgh) for the burgesses added Dundas of Maner (Linlithgow) to the list of gentry, Patrick Leslie (Aberdeen) for the burgesses added Forbes of Craigievar (Aberdeen) also to the list of the gentry. MacDowall of Garthland (Wigtown) for the gentry added Cochrane of Cowdoun (Ayr) to the list of the gentry. Additions were not limited to the gentry and burgesses; Lord Barganie added John Semple (Dumbarton) to the list of burgesses and Burleigh added Alexander Douglas (Banff) to the same list.<sup>72</sup>

18 session committees have been analysed between 4th June and 29th July 1644 (see appendix 23). Eight out of 33 gentry analysed (24%) and two out of 22 burgesses analysed (9%) were not members of Parliament as per 4th June 1644. Five of these gentry served on the one session committee (see appendix 23), the Committee anent the borrowing of money of 5th June, and two of the gentry who served on the session committee, the Committee for trying of the Delinquents of 12th June, were both justice-deputes.<sup>73</sup>

Although the legislation of 26th July tended to link membership of parliamentary committees with membership of the Parliament in session at the time of the initiation of such committees, non-members of Parliament were included in several interval committees commissioned on or after 26th July before the close of Parliament. 16 gentry and 18 burgesses included on the Committee of Estates, 26th July, were not members of Parliament, 4th June 1644. Six gentry on the Committee for the Irish affairs, 27th July, and

10 gentry on the Committee for the Exchequer, 29th July, were not members of Parliament, 4th June 1644.<sup>74</sup>

11 interval committees have been analysed between 4th June and 29th July 1644 (see appendix 24). 64 out of 91 gentry analysed (70%) and 36 out of 56 burgesses analysed (64%) were not members of Parliament, 4th June 1644. Given the fact that all the interval committees analysed were constituted between 19th June and 29th July, two possible explanations can be forwarded for the high proportion of gentry and burgesses employed on interval committees who were non-members of Parliament. Either the rules established on 26th July were being flouted, or those non-members employed had been included by the initiative of the gentry and the burgesses or had at least met with their approval.<sup>75</sup> According to Sir James Balfour the act of 26th July was only passed after a continuation and a "longe debait" between the nobility and the other two estates; the act met with hostility from the nobility who regarded it as "ane directe violatiōne of the liberties of parliament".<sup>76</sup> The passage of the act was probably due to the combined voting strength of the gentry and burgesses. Given this, it is highly likely that the inclusion of so many non-parliamentary members of the gentry and burgesses was initiated by the gentry and the burgesses in the first place. Indeed the act anent the choosing of commissioners out of the members of Parliament of 26th July can be interpreted as an attempt by the gentry and the burgesses to control their membership on parliamentary committees outwith or at the expense of the nobility. It is also a further indication of grass-roots radicalism amongst the gentry and burgesses, as evident from 1639 onwards.

Punishment of the ringleaders involved in the recent Northern Rebellion concerned much of the deliberations of the proceedings from 3rd June to 29th July. Almost immediately following the opening of the session, a session committee for regulating the processes of those cited to the Parliament was formed on 5th June (see appendix 23). Three nobles, three gentry, and three burgesses constituted the membership. Despite the inclusion of Cassillis, the interests of conservative nobles were to the fore in the inclusion of Lanark and Perth. Two nobles, two gentry and one burgess had been included on the Committee for Processes of 25th May 1644 during the 1644 Convention (see appendix 21). One noble, Lanark, and one burgess, Sir John Smith (Edinburgh), were included on both committees.<sup>77</sup>

Likewise, a further session committee was set up on 5th June with a more specified remit of examining those cited as witnesses in the process against Lord Banff for his part in domestic insurrection (see appendix 23). Two representatives from each estate constituted the membership of the committee. Both nobles were conservatives and indicate a desire on the part of the radical nobles to involve the conservatives in the judicial process against the rebels. One laird (Francis Hay of Balhousie) and the two burgesses (John Semple and Alexander Douglas) were also included on the Committee for regulating the Processes of those cited to the Parliament (see appendix 23). Therefore an efficient use of human

manpower was being applied in terms of the gentry and burgesses.<sup>78</sup>

In terms of geography a general national spread is evident in the composition of the above two session committees (see appendix 23), in comparison to the noted trend of eastern domination of session committees. A more national geographic spread was normally associated with the staffing of interval committees.<sup>79</sup>

Following the institution of the more general Committee for regulating the Processes of those cited to the Parliament on 5th June, the House ordained on 7th June that the examination by that committee of those presently in custody for rebellion in the north and the south was to commence. Sir James Balfour asserts that this was due to the pressure of the gentry led by Johnston of Wariston (Edinburgh) as "speaker for the barrons".<sup>80</sup> Acting on instructions from the parliamentary gentry Wariston demanded that justice be administered on "such of the chief delinquents of the north and south, that has been most active in this late unnatural rebellion, and are now in hold".<sup>81</sup> Hence the processes of those individuals were to be dealt with immediately by the Committee for regulating Processes; the judgements were then to be presented to the House. This request was endorsed by the House at once.<sup>82</sup>

By 12th June a further session committee was required to be established to deal with the northern rebels (see appendix 23). The rebels had been restricted to Sir John Gordon of Haddo and seven other gentry.<sup>83</sup> The Committee for trying of the Delinquents was given wide powers. The committee could "find and decerne the fairsaids persones guilty or innocent according to their owne depositiones or ye depositiones of ye witness and other probatione led or to be led aganes them". Any of the accused and any witnesses could be ordered to appear before the committee. However, Parliament discharged the committee from pronouncing any sentence of censure or punishment. Report was to be made to the House before the 19th June of the appropriate recommended punishment, but Parliament reserved the "soll and only power of censuring and punishing of them in ther owne hand". The commission was prorogued on 28th June to 4th July, and then on 5th July to 13th July.<sup>84</sup>

Four nobles, four gentry and four burgesses, supplemented by three further gentry formed the membership of the Committee for trying of the Delinquents (see appendix 23). Noble membership was primarily conservative with only one radical included. Gentry representation did not accord to the noted geographic trend of eastern dominance and was particularly western in this case. On the other hand, burghal representation was predominantly eastern, but also included a western presence. In addition, three judicial members were included; Hamilton of Orbiston (Justice-Clerk), Alexander Colville of Blair and James Robertson of Bedlay (Justice Deputes).<sup>85</sup> The latter were included in the commission "not as ordinarie Judges in ye office of Justiciarie But as Comissionares delegat be ye saids Estats of Parliament".<sup>86</sup> In terms of common membership, only two

nobles (Linlithgow and Elphinstone) were also members of the Committee anent the Lord Banff, whilst there was no common membership with the Committee for regulating the processes of those cited to the Parliament.<sup>87</sup>

Dundas of Maner (Linlithgow) reported the conclusions of the Committee for trying of the Delinquents to the House on 25th June (six days later than the terms of the original commission). It found Sir John Gordon of Haddo guilty of high treason who should be punished with the loss of his life, land and goods. It also found Captain John Logie guilty and worthy of loss of life and goods.<sup>88</sup> On 29th June two queries were presented by the judges delegated for the delinquents to Parliament for clarification. Firstly, the House was asked to determine the punishment for the crimes of raising of armies and invasion of the kingdom. The House decided that the appropriate punishment for such crimes was loss of life, lands, and goods. Five nobles (primarily conservatives and pragmatic Royalists) and one gentry abstained from voting on this issue; Mar, Morton, Marischal, Home and Roxburgh, and Sir John Sinclair of Hirdmeston (Haddington). Secondly, the House was asked its opinion on the appropriate punishment for holding house against the authority of the Estates. Parliament decided that punishment should be loss of life, land, and goods. Six nobles (primarily conservatives and pragmatic Royalists) were not in agreement with this decision; Marischal, Morton, Home, Perth, Roxburgh, and Lord Elphinstone. Marischal abstained from the vote and Elphinstone voted that punishment should be by death only. Four nobles (primarily conservatives and pragmatic Royalists) either abstained or voted in the contrary in both votes; Marischal, Morton, Home, and Roxburgh.<sup>89</sup> These decisions by Parliament were incorporated in the Act against these that takes up arms and holds house against the kingdom and Estates of the country of 29th June.<sup>90</sup>

A second session committee concerning the punishment of delinquents was established on 2nd July (see appendix 23). This dealt with the Earl of Hartfell, Sir John Charteris of Amisfield and the Provost of Dumfries (who is not specified). These would appear to be the individuals to be tried for insurrection in the south. Its membership was composed of two nobles, three gentry, and three burgesses. Significantly the inclusion of Lanark indicates the accomodation of the interests of the conservative faction of nobles. Lanark was also included on the Committee for regulating the Processes of those cited to the Parliament; apart from this no common membership exists with the other judicial session committees. Such membership data indicates an attempt for unity among conservatives and radicals, particularly Lanark's inclusion as the leading figure amongst the conservative and nobles. Eastern domination was once more not apparent with regard to gentry and burghal representation; both gentry members were from the Borders, whilst burgess membership was spread between the west, the central belt and the east (see appendix 23).<sup>91</sup>

The decree of forfeiture against Sir John Gordon of Haddo and Captain John Logie was finally passed by Parliament on 16th July. In line with previous voting trends forfeiture with

loss of land, life, and goods.<sup>92</sup>

Only two of the specified delinquents had thus far been dealt with and it appears that investigation of their cases had not yet been included. This is illustrated by the establishment of a further judicial session committee on 19th July; the Committee for trying the relevancy of the summons of those cited to the Parliament (see appendix 23). Four of each estate plus Colville of Blair, Justice-Depute, formed its membership. Elphinstone, for the nobility, and Colville of Blair, had also been members of the Committee for trying of the Delinquents of 12th June (see appendix 23). Two out of three nobles, two out of three gentry, and three out of three burgesses included on the Committee for regulating the Processes of those cited to the Parliament of 5th June were also included on the Committee for trying the relevancy of the summons of those cited to the Parliament (see appendix 23). Noble common membership was split between radicals (Cassillis) and conservatives (Lanark). The radical orientation of this particular committee is marked by the inclusion of Balmerino for the nobility and Johnston of Wariston (Edinburgh) for the gentry. East coast gentry were numerically superior, although burgess representation was based on the Borders burgesses, the west and the east respectively. The remit of the committee was to consider and advise on all summons issued and statements given in to Parliament of those who were presently incarcerated.<sup>93</sup>

On 22nd July Balmerino from the Committee for regulating of Processes reported the conclusions of that committee concerning the Earls of Crawford and Forth and Lord Eythin, all of whom were employed in the king's armies in England.<sup>94</sup> All were adjudged of high treason and forfeiture of their lives and property was recommended. This was voted on and passed by Parliament on 25th July. The title and dignity of the Earl of Crawford was awarded to the Earl of Lindsay, who had regarded it as traditionally belonging to the Lindsays.<sup>95</sup>

Crucially, Huntly and Montrose, the leading protagonists in the rebellion, escaped forfeiture of life, land or goods. Both had already been excommunicated and their incomes confiscated until such time as they sign the Solemn League and Covenant. Such leniency may have been necessary to avoid alienating the conservative and pragmatic Royalist nobles which would have occurred if Huntly and Montrose had been captured and executed.<sup>96</sup>

Three of the individuals whose cases had been considered by the Committee for trying of the delinquents, George Gordon of Geicht, Robert Lindsay of Maynes, and John Sturgioun of Torrarie, had not had judgement passed by the end of the parliamentary session of 29th July. Therefore, a separate interval commission was initiated to deal with their cases (see appendix 24). Three gentry and two burgesses included on this commission had been members of the original Committee for the Delinquents (see appendices 23 and 24). One further burgess included on the latter committee was not a member of Parliament as per 4th June 1644 (see appendices 12 and 24).

Three judicial officials were also included on both committees. As with the terms of the Committee for trying of the Delinquents, the terms of the new interval commission stated that these judicial officials were included as full commissioners and not merely in a legal capacity. No nobles included on the interval committee had sat on the Committee for trying of the Delinquents. Indeed, whereas four nobles had sat on that session committee only two nobles were included on the interval committee. Gentry membership was geographically balanced between the west, the east and the Borders, although burghal membership was exclusively eastern. In total, therefore, eight individuals enjoyed common membership of both committees, and illustrates continuity of personnel amongst gentry and burgh members.<sup>97</sup>

Five days previously, on 24th July, the Commission for trying of the Delinquents of 12th June had been renewed by the Estates, this time as an interval committee (see appendices 23 and 24). The membership was identical bar the replacement of three nobles. Yester, Kirkcudbright and Loure were to replace the three nobles on the original commission. However, according to the terms of the original commission of 12th June, four nobles were included in the membership (Linlithgow and Weymes, Elphinstone and Barganie). Such inconsistency in terms of the noble membership may be due to the failure of one particular noble to attend the diets of that committee. Moreover, two of the three new nobles, Yester and Loure, constituted the noble element on the more specific commission for trying of Gordon of Geicht, Lindsay of Maynes, and Sturgioun of Torrerie. Thus, a rationalisation in terms of membership was being undertaken for those judicial parliamentary interval committees whose origins and specific remits lay in the parliamentary session committees.<sup>98</sup>

In common with the proceedings of the 1644 Convention, the supplying and provision of the Scottish armed forces on a British basis occupied the attention of the 1644 Parliament and was of paramount importance.

Two session committees were appointed on 5th June for dealing with financial affairs, principally for the raising of revenue; the Committee anent the borrowing of money and the Committee for the levy (see appendix 23). The commission for the Committee anent the borrowing of money was only to endure until 8th June; this was subsequently continued to 11th June. Six of each estate formed its membership. A comparison in membership with the Committee for money of 25th May of the 1644 Convention reveals that four nobles and six gentry were also included on the Committee anent the borrowing of money of 5th June, Lanark and Cassillis were the leading figures. The remaining members of the Committee anent the borrowing of money of 5th June included Burleigh and Balmerino for the nobility strengthening the position of the radicals within the committee. Therefore, a high concentration of personnel employed in the 1644 Convention were similarly employed on 5th June, especially among the gentry and even if they were not members of Parliament.

This suggests a retention of financial expertise. In terms of noble membership, leading radicals were being employed on 5th June (Balmerino and Burleigh).<sup>99</sup>

No correlation in terms of membership exists between the Committee anent the borrowing of money and the Committee for the Levy, apart from one noble (see appendix 23). Burleigh or Lord Sinclair were included as one of the four nobles on the Committee for the Levy. In theory, then, Burleigh can be regarded as being on both committees. Four of each estate formed the membership of the Committee for the Levy. Noble membership was primarily radical and included Argyll and Lothian. Johnston of Wariston (Edinburgh) was the dominant radical included in the gentry membership.<sup>100</sup>

The Ordinance anent the Committees of War of 6th June ratified and continued the membership of the Committees of War in the shires. The committees named by Argyll for the shires of Kincardine, Aberdeen and Banff were similarly approved. The only exceptions in the renewal of the above committees applied to those cited to the Parliament or who were under caution to appear before the Parliament. The commissioners of the shires sitting in Parliament were instructed to inform their local committees of such exceptions.<sup>101</sup> The relationship between the central and local administrations was further strained by legislation enacted on 11th June. Each committee of war was instructed to send two of their members with their clerk to the Parliament with all acts and orders of their committees on the grounds that the war committees had failed to provide their required quotas of horse and foot.<sup>102</sup> On 12th June the Earl of Callander's commission as Lieutenant General of the Scottish armed forces in Scotland and England was renewed.<sup>103</sup> According to Sir James Balfour a session committee had been established on 5th June to determine and revise on the nature and powers of the commission granted to Callander previously and the terms of renewal. Argyll and Lothian were the dominant radical nobles on the committee.<sup>104</sup>

The problems with the raising of the necessary quotas of the horse and foot for Callander's forces in the shires had been addressed by the formation of a Committee for the Levy on 5th June (see appendix 23). Three nobles, three gentry and four burghs included on the committee of 5th June concerning Callander's commission were also included on the Committee for the Levy. Argyll and Lothian formed the noted radical noble representation.<sup>105</sup>

A new commission for the Committee for borrowing of money was issued on 11th June (the original commission having been twice continued to 8th and then 11th June).<sup>106</sup> Five nobles, six gentry and six burgesses constituted the membership of the new committee (see appendix 23). The Chancellor, Loudoun, and the President of Parliament, Lauderdale, were also included as supernumeraries. Four nobles, three gentry and three burgesses included on the committee of 11th June had sat on the Committee anent the borrowing of money of 5th June. Although Lanark was one of these four nobles, he was outflanked by the grouping of radical nobles of Cassillis and Burleigh. Three of these nobles, three of these gentry and one



of these burgesses had also sat on the Committee for money of 25th May in the 1644 Convention and included Cassillis and Lanark. In total two gentry and two burgesses included on the Committee for borrowing of money of 11th June were not members of Parliament as per 4th June 1644 (see appendices 12 and 23).<sup>107</sup>

A general session committee concerning all matters relating to the Scottish army in Ireland was likewise formed on 11th June (see appendix 23). Seven nobles, seven gentry and six burgesses constituted the membership. Three nobles, two gentry and four burghs included on the committee had sat on the Committee anent the Irish affairs of 11th April in the 1644 Convention (see appendices 21 and 23). Cassillis and Burleigh represented radical interests, whilst Lanark represented those of conservatives. Of the remaining four nobles on the Committee concerning the army in Ireland Argyll and Lothian were the leading radicals. Glencairn was the one noted conservative included among the remaining noble membership.<sup>108</sup>

By 13th June orders were being issued to the Committees of War for the raising of forces and finance. Lord Elcho was ordained to execute all acts and ordinances of the late Committee for the North regarding the collection of the loan and tax within the sherrifdoms of Aberdeen, Banff and Kincardine. On 14th June, for example, four warrants were issued to the Committees of War for the sherrifdom of Perth for putting out of forces, and Aytoun of that ilk (Fife) was similarly issued with a warrant for putting out the forces in Fife.<sup>109</sup>

Callander was issued with instructions from Parliament on 18th June for his invasion of England to enforce the Solemn League and Covenant. As well as military instructions, the pursuit of leading royalists and any of their adherents in arms against the Parliaments of both kingdoms was ordered; particular reference was made to the Earls of Crawford, Montrose and Nithsdale, and Lords Aboyne and Ogilvie.<sup>110</sup>

The uplifting of the excise had been used throughout the 1644 Convention to finance Scottish military expeditions on a British basis. The 1644 Parliament turned to consideration of the excise to secure further revenue on 9th July. Six from each estate, plus the Chancellor, Loudoun, formed the membership (see appendix 23). Three nobles, two gentry and four burghs included on the Committee anent the matter of the excise of 9th July had sat on the Committee anent the excise of 27th January in the 1644 Convention (see appendices 21 and 23). Cassillis and Burleigh were the two radical nobles and, Lauderdale the one conservative noble who formed the three nobles included on both committees. One further noble (Balmerino), who was also a radical, included on the Committee anent the matter of the excise of 9th July had sat on the Committee concerning the uplifting and setting of the excise of 4th January in the 1644 Convention (see appendices 21 and 23). The remaining two nobles on the Committee anent the matter of the excise of 9th July were both radicals; Argyll and Lothian. Of the remaining four gentry on this committee, Johnston of Wariston (Edinburgh) was the noted influential radical. The committee had reported to the House by

15th July when Parliament voted in favour of the excise as the necessary means of building up a stock of credit.<sup>111</sup>

The rehabilitation of the House of Hamilton, which had begun with Lanark's growing influence in the 1644 Convention, was complete by 22nd July 1644. 18 parliamentary session committees have been analysed in the period 5th June to 19th July; Lanark was included on 10 of these committees, the highest figure for any member of the nobility (see appendix 23).<sup>112</sup> On 22nd July the Act and declaration in favour of James, Duke of Hamilton and other peers and subjects imprisoned in England denounced the imprisonment of the Duke of Hamilton and other Scottish peers in England without trial. If any trial of Hamilton was to take place then Hamilton was to be returned to Scotland to await such trial. On 22nd July Parliament ratified Lanark's appointment as the sole Secretary of State. Lanark had been appointed to this post by the 1641 Parliament in consultation with the King. Sir James Galloway, Master of Requests, had usurped the office and title of Secretary and the King had further replaced Lanark by Sir Robert Spottiswood. The Estates nevertheless upheld Lanark's appointment and ruled that "there can be no secretary for this kingdome Bot such as is or shall be nominated and elected" according to the 1641 legislation concerning officers of state.<sup>113</sup> Such moves helped to accommodate the conservative and pragmatic Royalist nobles in the help being given to the English Parliament.<sup>114</sup>

In common with the close of the 1641 Parliament, the vast bulk of ratifications passed through the 1644 Parliament on the closing day of the session. Sir James Balfour states that these had already been approved by the Committee for Bills and Ratifications (as per the terms of its commission of 6th June). Parliament was then continued to the first Tuesday in January 1645.<sup>115</sup>

### *(iii) The Committee Structure of the 1644 Parliament, 4th June-29th July 1644.*

Detailed consideration has been made of individual parliamentary session and interval committees, 4th June to 29th July 1644. Scrutiny of all session and interval committees analysed provides data on those nobles, gentry, and burgesses dominant in the committee structure of Parliament.

18 session committees have been analysed for the session of Parliament, 4th June to 29th July 1644 (see appendix 23). Five judicial committees, four financial committees, four

executive committees, three diplomatic committees and two military committees constituted the breakdown of the 18 parliamentary session committees. A total of 27 nobles formed the total field of noble membership of these 18 session committees. Only two nobles served on 50% or more of these committees as a whole; Lanark (10) and Burleigh (9). Cassillis served on eight committees, Balmerino on seven committees, and Argyll on six committees. The remaining 22 nobles (82%) were included on five or less session committees. Hence within the total session committee field for nobles radicals were particularly prevalent. Lanark was clearly the leading representative of conservative interests on parliamentary session committees in the 1644 Parliament.

Within the scope of the five session committees with a judicial remit, conservative nobles were nevertheless assigned an influential role (see appendix 23). Lanark, in particular, was included on three of out of five such committees and Linlithgow was included on two. The only noted radical noble included on judicial committees was that of Cassillis who was included on two out of five committees. Radical nobles were present in greater numbers on the four session committees with a financial remit (see appendix 23). Both Cassillis and Burleigh were included on three out of four such committees. Loudoun and Balmerino were also included on two financial committees each. Conservative nobles were also allocated representation; Lanark, Lauderdale and Barganie all were included on two financial committees. Radical nobles dominated the common membership representation on executive session committees (see appendix 23). Burleigh was included on three out of four executive session committees and Balmerino was included on two. Where conservative nobles were included, they were marginalised to a single committee each. Radical and conservative nobles were balanced within the common membership of the three diplomatic session committees (see appendix 23). Argyll was included on all three committees, whilst Lothian and Balmerino were included on two. On the other hand, Lanark was also included on all three committees, and Morton and Roxburgh were also included on two committees. Nevertheless, radicals were dominant on the most important diplomatic session committee, that relating to the articles of peace and the renewal of the diplomatic commission to England. Noble membership of the military session committees was essentially radical (see appendix 23). Argyll, Lothian and Burleigh were all included on both committees.<sup>116</sup>

By way of comparison, 62 gentry formed the total field of gentry included on the 18 session committees as a whole (see appendix 23). No gentry served on 50% or more committees. Two gentry served on six committees; Johnston of Wariston (Edinburgh) and Shaw of Greenock (Renfrew). MacDowall of Garthland (Wigtown) served on five committees. Hamilton of Little Preston (Edinburgh), Dundas of Maner (Linlithgow), Hay of Balhousie (Perth), and Forbes of Craigievar (Aberdeen) served on four session committees. The remaining 55 gentry (89%) served on four or less committees.

Common gentry membership of judicial session committees was centred on three gentry

(see appendix 23). Hay of Balhousie (Perth) was included on three out of five such committees and Cochrane of Cowdoun (Ayr) and Belshes of Toftis (Berwick) were each included on two committees. In addition, Colville of Blair, Justice Depute, was also included on two judicial session committees. Common gentry membership of financial session committees was also centred on three gentry. Hamilton of Little Preston (Edinburgh), Balfour of Denmilne (Fife) and Hamilton of Orbiston (Renfrew) were each included on two out of four financial session committees. The fact that neither Balfour of Denmilne nor Hamilton of Orbiston were members of Parliament as per 4th June 1644 (see appendix 12) suggests that they were being included because they possessed a level of financial expertise and knowledge that was required. Gentry common membership in terms of executive session committees was also centred on two gentry (see appendix 23). Falconer of Halkerton (Kincardine) and Dundas of Maner (Linlithgow) were both included on two out of four executive session committees. Diplomatic session committees exhibit a common membership grouping of six gentry (see appendix 23). Johnston of Wariston (Edinburgh) was included on all three diplomatic session committees. Hamilton of Little Preston (Edinburgh), Falconer of Halkerton (Kincardine), Carnegie of Pittarrow (Kincardine), MacDowall of Garthland (Wigtown) and Erskine of Cambuskenneth (Clackmannan) were all included on two out of three diplomatic session committees. Only one laird, Agnew of Lochnaw (Wigtown) was included on both session committees with a military remit (see appendix 23).<sup>117</sup>

22 burgesses formed the total field of burghal membership on 18 session committees (see appendix 23). No burgesses served on 50% or more committees. One burgess served on eight committees; James Bell (Glasgow). One further burgess served on seven committees; George Bell (Linlithgow). John Semple (Dumbarton) and Alexander Douglas (Banff) were included on six committees each. John Lepar (St. Andrews) served on five committees. Sir John Smith (Edinburgh) was included on at least five, and possibly eight, session committees. The remaining 16 burgesses (73%) served on four or less session committees.

Common burghal membership of judicial session committees was centred on three burgesses (see appendix 23). John Semple (Dumbarton) and Alexander Douglas (Banff) were both nominated to three out of five such committees. Sir John Smith (Edinburgh) was included on two out of five judicial session committees. Five burgesses constitute the common grouping of burgesses included on financial session committees (see appendix 23). James Bell (Glasgow) was included on three out of four such committees. George Bell (Linlithgow), Robert Cunningham (Kinghorn), Thomas Halyburton (Dundee) and John Osburne (Ayr) were all included on two out of four financial session committees. Three burgesses constitute the common grouping of burgesses included on executive session committees (see appendix 23). George Bell (Linlithgow) was included on three out of four executive session committees, whereas George Garden (Burntisland) and John Lepar (St.

Andrews) were each included on two out of four such committees. Burghal common membership of diplomatic session committees was focused on five burgesses (see appendix 23). Patrick Leslie (Aberdeen) and James Bell (Glasgow) were both included on all three diplomatic session committees. Sir John Smith (Edinburgh), George Bell (Linlithgow) and John Semple (Dumbarton) were each included on two out of three diplomatic session committees. Only two burgesses were included on both session committees with a military remit (see appendix 23); Sir John Smith (Edinburgh) and George Jamieson (Coupar).<sup>118</sup>

11 parliamentary interval committees have been analysed (see appendix 24). Three diplomatic committees, three financial committees, two military committees, one ecclesiastical committee, one executive committee and one judicial committee constituted the breakdown of the 11 interval committees. 50 nobles constituted the total membership of that estate on the 11 interval committees (see appendix 24). Loudoun, Chancellor, served on seven interval committees, whilst Argyll and Balmerino served on six. Glencairn, Lanark, and Lauderdale served on five interval committees. Crawford-Lindsay, Eglinton, Cassillis, Dunfermline, Leven, Lothian, Forrester and Sinclair were included on four interval committees. The remaining 36 nobles were included (72%) on three or less interval committees. Radical nobles were therefore included on the majority of interval committees as a whole although there was still a marked conservative presence.<sup>119</sup>

In terms of common membership, five nobles were included on more than one financial interval committee (see appendix 24). Loudoun was included on all three financial interval committees, whilst Burleigh was included on two. Three conservative nobles, Lanark, Lauderdale and Forrester, were each included on two financial interval committees. Common membership of diplomatic interval committees was centred on five nobles (see appendix 24). Argyll was included on all three diplomatic interval committees. Leven, Lothian and Loudoun were included on two out of three such committees as was the conservative Glencairn. No common membership exists for the noble estate with regard to the two military interval committees.<sup>120</sup>

91 gentry constituted the total field of gentry membership on the 11 interval committees (see appendix 24). Hamilton of Little Preston (Edinburgh) and Forbes of Craigievar (Aberdeen) served on five interval committees. Wauchope of Niddrie (Edinburgh), Grierson of Lag (Dumfries), Hamilton of Orbiston, Justice Clerk, Home of Wedderburne (Berwick) and Innes of that ilk (Elgin) served on four interval committees each. 82 gentry were included on three or less interval committees, whilst one included from a 1641 commission was dead and another one was too infirm to attend. 56 gentry (62%) were included on one interval committee only. Only 26 gentry analysed (29%) were members of Parliament as per 4th June 1644, whilst 65 gentry (71%) were non-parliamentary members.

Gentry common membership of financial interval committees was focused on five gentry (see appendix 24). Hamilton of Little Preston (Edinburgh), Hamilton of Orbiston (Renfrew),

Falconer of Halkerton (Kincardine), Sir James Carmichael of that ilk, Treasurer Depute and Sir Thomas Hope of Craighall, one of the Senators of the College of Justice, were all nominated to two out of three financial interval committees. Only one laird, Johnston of Wariston (Edinburgh), was included on more than one diplomatic interval committee; Wariston was included on two out of three such committees (see appendix 24). Only one further gentry, Wauchope of Niddrie (Edinburgh), was included on both military interval committees (see appendix 24). Wauchope of Niddrie was not a member of Parliament as per 4th June 1644 but had previous parliamentary experience (see appendices 5, 12 and 24).<sup>121</sup>

56 burgesses constituted the total field of burghal membership on the 11 interval committees (see appendix 24). Robert Cunningham (Kinghorn), John Semple (Dumbarton) and Alexander Douglas (Banff) served on five interval committees. Sir John Smith (Edinburgh), James Sword (St. Andrews), James Bell (Glasgow), Robert Barclay (Irvine), and William Glendoning (Kirkcudbright) all served on four interval committees. The remaining 48 burgesses were included on three or less interval committees. 31 burgesses (55%) served on one interval committee only. Only 20 burgesses analysed (36%) were members of Parliament as per 4th June 1644, whilst 36 burgesses (64%) were non-parliamentary members (see appendices 12 and 24).

Common burghal membership of financial interval committees rested on two burgesses. No burgesses were included on the Excise Commission (see appendix 24). Sir John Smith (Edinburgh) and John Semple (Dumbarton) were both included on the other two financial interval committees. Three burgesses formed the common membership of diplomatic interval committees (see appendix 24). Sir John Smith (Edinburgh), Hugh Kennedy (Ayr) and Robert Barclay (Irvine) were all included on two out of three diplomatic interval committees. Neither Robert Barclay nor Hugh Kennedy were members of Parliament as per 4th June 1644 although had previous parliamentary records (see appendices 5, 12, 21, 22 and 24). No common membership exists for the burghal estate in relation to the two military interval committees (see appendix 24).<sup>122</sup>

Detailed analysis of parliamentary session and interval committees therefore reveals that in terms of total membership per estate on both session and interval committees, near numerical parity existed between the noble and burghal estate (27 nobles and 22 burgesses on session committees, 50 nobles and 56 burgesses on interval committees; see appendices 23 and 24). The total gentry membership on both session and interval committees, however, outstripped the membership of the other two estates (62 gentry on session committees, 91 gentry on interval committees) and provides further evidence of a pool of manpower which that parliamentary estate could draw on to staff interval committees in particular. Common membership (per estate of both session and interval committees) reveals those nobles, gentry and burgesses included on both session and interval committees. Argyll, Lanark, Cassillis and Balmerino were dominant on both session and interval committees. Other nobles

dominant on either session or interval committees were the conservatives Glencairn, Lauderdale, and the radical Burleigh. Radical nobles dominated on both fronts. Whilst large numbers of gentry were employed on both types of committees, only two gentry with relatively high total figures for their estate can be linked; Hamilton of Little Preston (Edinburgh) and Forbes of Craigievar (Aberdeen). In general, dominant gentry on session committees did not have high total figures on interval committees, and vice versa. James Bell (Glasgow), John Semple (Dumbarton), Alexander Douglas (Banff) and Sir John Smith (Edinburgh) were dominant burgesses on both session and interval committees. Whilst burghal influence was thus concentrated on a small grouping of radicals, the strength of gentry radicalism continued to provide a pool of manpower which was spread over both session and interval committees, although the most important committees tended to employ the same grouping of radicals. Whilst gentry and burghal membership of session committees corresponded closely with parliamentary membership, extra-parliamentary gentry and burgesses were being employed on interval committees.<sup>123</sup>

In geographic terms gentry and burghal representation on session committees was particularly eastern (see appendix 23). Although dominated by the east in general, western and Borders gentry were prominent on judicial session committees and session committees relating to Ireland. Burghal membership of session committees was more markedly eastern compared to that of the gentry, although western burghal representation was prominent on judicial session committees. A greater national geographic spread is apparent in the staffing of interval committees (see appendix 24). Eastern gentry dominated the Scottish diplomatic interval commission, but were balanced by western and Borders gentry on the Commission for Delinquents. Western gentry dominated the Committee for Irish Affairs. Western burgesses were to the fore on the Scottish diplomatic commission and the Committee for Irish Affairs. Gentry membership of the Edinburgh section reflected a national spread, although there was a bias in favour of the west and the east, whilst burghal membership was overwhelmingly eastern. Gentry representation on the army section of the Committee of Estates was centred on the east and the Borders, whilst burghal representation was equally balanced between the east, the Borders and the west.<sup>124</sup>

#### *(iv) The Appointment of Parliamentary Interval Committees.*

Between 19th and 29th July (the closing day of the session) various parliamentary interval

committees were commissioned to sit and determine before the next session of Parliament (see appendix 24). Four of these were renewals of commissions issued by the 1641 Parliament.

Diplomatic considerations vis-a-vis the King and the English Parliament occupied the attention of the Estates from 4th June to 29th July. Current peace negotiations and proposals had been referred to a session committee of 11th June, the Committee for the propositions of peace (see appendix 23). Consideration of peace propositions was to be made and report made to the Parliament. 12 of each estate formed its membership. The most important radicals included for the nobility were Argyll, Balmerino and Burleigh. Also included were conservative and pragmatic Royalist nobles such as Glencairn, Lanark, Callander, Morton, Perth and Roxburgh. Radical interests among the gentry were particularly represented by Johnston of Wariston (Edinburgh).<sup>125</sup>

A further diplomatic session committee, dominated by radicals, had been established on 22nd June with two specific remits; to debate further on specific individuals to be included in the terms of the peace proposals, and to consider the renewal of the commission of the Scottish commissioners to be sent to England (see appendix 23). Three nobles, five gentry, and four burghs who sat on the Committee for the propositions of peace of 11th June were included on the latter committee of 22nd June (see appendix 23). Argyll and Balmerino were the two radical nobles included, whilst Lanark was the one conservative noble. Johnston of Wariston (Edinburgh) was the most important of the five gentry included on both committees.<sup>126</sup>

The latter committee had reported to the Parliament by 28th June on both remits. 20 individuals were included in the clauses of the peace proposals for subscription of a declaration against the Solemn League and Covenant and the 1643 Convention of Estates and those involved in the rebellions in the north and south of Scotland. They included Huntly, Crawford, Montrose and Nithsdale. Instructions were also laid down for the commissioners who were to go to England, principally for their work with the Committee of Both Kingdoms and the English Parliament.<sup>127</sup>

The Scottish commissioners to be sent to England were named on 16th July (in constitutional terms this was a parliamentary interval committee). Three per estate, plus Lord Maitland as supernumerary, constituted the membership (see appendix 24). Loudoun, Chancellor, Argyll and Balmerino represented the nobility. Noble representation was thus exclusively radical. In addition Johnston of Wariston (Edinburgh) was the leading gentry representative and all burghess representatives were noted radicals. All gentry and burghess members were radicals. Two nobles, one gentry and one burghess included on the commission had formed the membership of the commissioners sent by the Convention of Estates on 9th January 1644 (see appendices 21 and 24). Under the terms of the commission of 16th July Loudoun, Balmerino, Johnston of Wariston and Erskine of Cambuskenneth



were ordered to depart for England immediately. Argyll, Dundas of Maner and Sir John Smith were to depart as when required by the nature of any appropriate business under discussion or when commanded to do so by the Committee of Estates in Scotland or by the Committee with the army in England. Maitland and Robert Barclay were already in London. On 4th July the House had elected the three gentry representatives, whilst the nobility and burgesses had been elected on 5th July.<sup>128</sup> Parliament ordained on 19th July that the Scottish commissioners in England were to be part of the Committee of Estates and that those members who failed to attend when required would be fined.<sup>129</sup> The radicals had clearly succeeded in securing the nominations, over all three estates, for the diplomatic dealings with the English Parliament.<sup>130</sup>

The second commission for the Northern Business was issued on 19th July (the first having been commissioned by the 1644 Convention on 16th April, see appendices 22 and 24). Parliament deemed that the Committee was in fact a Committee of Estates and was to take control of the armed forces there. Three specific remits were issued. Firstly, any insurrections were to be firmly subdued. Secondly, the armed forces were to be supplied according to need. Thirdly, the committee was to undertake the processing and trying of any malignants and the censuring of non-subscribers of the Solemn League and Covenant. The Committees of War were to be subject to the authority of the committee, which was to extend throughout the sherrifdoms of Aberdeen, Banff, Elgin and Forres, Inverness, Nairn, Sutherland, Caithness and Cromarty.<sup>131</sup>

14 nobles, 28 gentry and 15 burgesses (57 individuals in total) formed the membership of the second commission of the Northern Business (see appendix 24 and table 8). Burleigh was appointed as President of the committee, although he was not specified as a member of the committee under the noble estate. Gentry and burgess membership was determined by their northern geographical location. In terms of membership per estate, the commission of 19th July constitutes a rise of six nobles, two gentry and eight burgesses compared to the Committee for the North of 16th April 1644 (see appendices 22, 24 and table 8). Only two out of the 28 gentry were members of Parliament as per 4th June 1644 (see appendices 12 and 24). Six out of 15 burgesses were members of Parliament as per 4th June 1644. Therefore, 26 out of 28 gentry (93%) and nine out of 15 burgesses (60%) included on the commission were not members of Parliament as per 4th June 1644. The high rate of employment of non-parliamentary personnel can be explained by the local remit of the committee.<sup>132</sup>

Six nobles, six gentry and three burgesses, plus three burghs included on the Committee for the North of 16th April were also included on the second commission for the Northern Business of 19th July (see appendices 22, 24). Membership was determined primarily by geographical location.<sup>133</sup>

*Table 2. Membership per estate of the Committee for the North, 16th April 1644, and the Committee for the Northern Business, 19th July 1644.*<sup>134</sup>

	Nobles	Gentry	Burgesses	Total
Committee for the North, 16th April 1644	8	26	7	41
Committee for the Northern Business, 19th July 1644.	14	28	15	57

Five interval commissions from the 1641 Parliament were renewed between 23rd and 29th July; the Committee for the visitation of the University, the Committee for Plantation of Kirks and Valuation of Teinds, the Committee for the Common Burdens, the Commission for the Conservators of the Peace and the Commission for the Exchequer. Additions were made by Parliament to two of these interval commissions; the Committee for Plantation of Kirks and Valuation of Teinds and the Committee for the Common Burdens. Two gentry and two burgesses listed in the original Committee for Plantation of Kirks and Valuation of Teinds were now dead and one further gentry was too physically infirm to attend committee diets. They were therefore replaced by three gentry and three burgesses. As well as the replacements due to death or illness, four of each estate were added to the Committee for Plantation of Kirks and Valuation of Teinds. Conservative interests were recognised by the addition of Lanark to the committee.<sup>135</sup>

A new commission anent the excise was issued on the closing day of the session of Parliament, 29th July, in the form of a parliamentary interval committee (see appendix 24). The membership per estate was reduced by 50% to three per estate compared to the membership per estate of the Committee anent the matter of the excise of 9th July (see appendices 23 and 24). Three nobles and one burgess who sat on the Committee anent the matter of the excise of 9th July were included on the interval committee of 29th July.

Lauderdale, Balmerino and Burleigh were the three nobles. Hence radical nobles were in the ascendancy despite the inclusion of the conservative Lauderdale. In addition, the Chancellor, Loudoun, was included on the Committee anent the excise as a supernumerary (as he had been on the Committee anent the Matter of the Excise of 9th July). None of the gentry included on the session committee of 9th July were included on the interval committee of 29th July (see appendices 23 and 24).<sup>136</sup>

A new commission for the Committee of Estates was issued on 26th July (see appendix 24). Three supernumeraries (all nobles), 27 nobles, 32 gentry and 33 burgesses (yielding a total of 95 individuals) constituted the membership of the 1644 Committee of Estates. The three supernumeraries appear to have been included due to the positions they held; Loudoun, Chancellor, Leven, General, and Callander, Lieutenant General. In common with the 1643 Committee of Estates, the 1644 Committee of Estates was split into two sections, an Edinburgh section and an army section. Two nobles, Barganie and Elibank, are listed for the nobility in the Edinburgh section but are not named in the preceding total commission. Therefore, the amended figure for the nobility is 29 and the amended total figure is 97. The three supernumeraries are not named in either the Edinburgh or the army section. In comparison with the 1643 Committee of Estates, the 1644 Committee of Estates exhibits a rise of seven nobles (excluding supernumeraries) or eight nobles (including supernumeraries), a rise of 10 gentry and a rise of 12 burgesses. In terms of comparison with the total compositions of both committees, the 1644 Committee exhibited a rise of 30 (including supernumeraries) or 29 (excluding supernumeraries).<sup>137</sup>

*Table 3. Membership per estate of the 1643 Committee of Estates and the 1644 Committee of Estates.*<sup>138</sup>

	Nobles <sup>139</sup>	Gentry	Burgesses	Total <sup>140</sup>
1643				
Committee of Estates	22 or 24	22	21	65 or 67
1644				
Committee of Estates	29 or 32	32	33	94 or 97

13 nobles, 21 gentry and 24 burgesses (yielding a total of 58) formed the Edinburgh section of the Committee of Estates (see appendix 15). The quorum of the Edinburgh section was set at seven, with one of each estate required to be present. The most influential nobles on the Edinburgh section were Lauderdale and Lanark, Balmerino and Burleigh. Hence there was a political balance between the leading conservative nobles and influential radical nobles. Seven of the 21 gentry (33.3%) on the Edinburgh section on the Edinburgh section were not members of Parliament as per 4th June 1644 (see appendices 12 and 15).<sup>141</sup> 10 of the 24 burgesses (42%) were not members of Parliament as per 4th June 1644 (see appendices 12 and 25).<sup>142</sup>

In comparison, the army section of the Committee of Estates was composed of 16 nobles, 11 gentry, and nine burgesses (yielding a total of 36, see appendix 16). The quorum was set at five, with one of each estate required to be present. The leading nobles on the army section were Argyll, Crawford-Lindsay, Glencairn and Cassillis. Although Crawford-Lindsay and Glencairn were conservatives, their inclusion was offset and ~~neutralised~~ by the presence of the radicals Argyll and Cassillis. Thus Lanark and Lauderdale had been marginalised to the Edinburgh section and balanced by Balmerino and Burleigh. This suggests that there was a deliberate policy option to marginalise the influence of the conservatives on each section and deliberately keep apart the core of conservative nobles. Only two of the gentry included on the army section were members of Parliament as per 4th June 1644; Kerr of Cavers (Roxburgh) and Scott of Harden (Selkirk). The remaining nine gentry ( 92% ) were all radicals and had been prominent in Parliament and the Convention of Estates, 1639-1644. All nine burgesses on the army section were not members of Parliament as per 4th June 1644, but all were prominent in Parliament, Conventions of Estates, and Committees of Estates, 1639-1644.

In total, 16 out of 32 gentry (50%) and 19 out of 33 burgesses (58%) on the 1644 Committee of Estates were not members of Parliament as per 4th June 1644.<sup>143</sup>

With reference to the 1643 and 1644 Committees of Estates, 26 nobles, 19 gentry, and 20 burgesses (65 in total) were included on both committees (see appendices 13, 24). These figures include additions by the 1644 Convention. More specifically, 26 out of 32 nobles (81%), 19 out of 32 gentry (59%), and 20 out of 33 burgesses (61%) included on the Committee of Estates, 26th June 1644 , were included on the 1643 Committee of Estates or in further additions by the 1644 Convention.<sup>144</sup>

Moreover, seven nobles, five gentry, and six burgesses (18 in total) included on the 1644 Committee of Estates were included on the 1640 Committee of Estates (see appendices 5,

24). Cassillis, Dunfermline, Lothian, Lindsay, Balmerino, Burleigh and Coupar were the seven such nobles. All these nobles were also included on the 1643 Committee of Estates. Hope of Craighall, Nicholson of Carnock, Hepburne of Wauchton, Home of Wedderburne, and Hamilton of Little Preston were the seven such gentry. Three of these five gentry were also included on the 1643 Committee of Estates; only Hope of Craighall and Nicholson of Carnock did not meet this criterion. Edward Edgar, Thomas Paterson, George Porterfield, Hugh Kennedy, John Rutherford and James Sword were the six such burgesses. Four of the six burgesses were also included on the 1643 Committee of Estates; only Edward Edgar and Thomas Paterson did not meet this criterion. In total, seven nobles, three gentry and four burgesses (14 in all) included in the 1644 Committee had served not only on the 1640 Committee but also on the 1643 Committee (see appendices 5, 13, 24).<sup>145</sup>

Parliament stated on 29th July that the 1644 Committee of Estates was to have full authority to appoint a Committee of Processes, whose members were to be chosen out of the Committee of Estates. The Justice Clerk and two Justice Deputes were to be included as members. This committee was to report to the next session of Parliament.<sup>146</sup>

On 27th July the Commission for the Irish Affairs was established (see appendix 24). This was to proceed to Ireland and join with commissioners from the English Parliament for the prosecuting of the war in Ireland. The Commissioners for the Irish Affairs were included on the Edinburgh section of the Committee of Estates and were to attend the diets of that section when present in Edinburgh. The Commission for the Irish Affairs can be interpreted as the section of the Committee of Estates to accompany the forces in Ireland (as was the case with the 1643 Committee of Estates). In conjunction with the commissioners from the English Parliament the Commission for the Irish Affairs can also be interpreted as a section of the Committee of Both Kingdoms specifically for the military theatre in Ireland. Five nobles, five gentry, three burghs and four military officials formed the membership. Noble membership was dominated by radicals with the inclusion of Argyll, Leven and Lothian. Leven and Lothian were included in the capacities as General and Lieutenant General respectively. Three of the five gentry were members of Parliament as per 4th June 1644 (see appendices 12 and 24). Gentry and burghal membership both exhibited a west coast bias, due to the proximity of the west coast to Ireland.<sup>147</sup>

The Commission for the Exchequer was issued on the last day of the session, 29th July (see appendix 24). This was a renewal of an earlier commission; Sir James Galloway, disgraced on account of the rivalry over the office of Secretary, was ~~omitted~~ and Loudoun was added. Three nobles and 11 gentry constituted its membership. All three nobles held institutional posts; Loudoun, Chancellor, Roxburgh, Keeper of the Privy Seal, and Lanark, Secretary. Bar Loudoun, conservative nobles thus had a strong footing within the Exchequer Commission. Similarly, 10 of the 11 gentry held institutional posts. Three were officers of state and six gentry were Senators of the College of Justice. Scott of Scotstarvit was

included as Director of the Chancellory. Only Lockhart of Lee did not hold an institutional post and he was not a member of Parliament as per 4th June 1644 (see appendices 12 and 24). The Commissioners of the Exchequer were to assist the new Treasurer, Crawford-Lindsay, and Carmichael of that ilk, Treasurer Depute.<sup>148</sup>

The 1641 Parliament had created five commissioners of the Treasury (see appendix 5). The 1644 Parliament conferred the office on one Commissioner only, Crawford-Lindsay, with Carmichael of that ilk remaining Treasurer Depute. The Treasury Commission therefore also exhibited a shift towards conservatism. Both had been included on the 1641 Commission for the Treasury. Therefore, it would appear that the Commissioners of the Exchequer were to be subordinate to the Treasurer.<sup>149</sup>

#### *(v) The Operation of Parliamentary Interval Committees.*

The Edinburgh section of the Committee of Estates met on 30th July and sat until 6th January 1645 (the second session of the First Triennial Parliament commenced on 7th January 1645).<sup>150</sup> At the first diet of its deliberations, the Committee of Estates Edinburgh section established two committees, the Committee for the Excise and the Committee for Malignants and borrowing money. Comparison with the Committee Anent the Matter of the Excise of 9th July 1644 reveals that four nobles and one burgess who served on that committee were also included on the Committee for the Excise of 30th July; Loudoun, Chancellor (included on both committees as a supernumerary), Lauderdale, Balmerino and Burleigh, and Sir John Smith (Edinburgh). Thus radicals dominated the membership of sub-committee concerning the excise. One gentry and two burgesses had also been included on the Committee for the Excise of 30th July. Comparison with the Committee for borrowing of Money of 11th June reveals that one gentry who served on that committee was also included on the Committee for Malignants and borrowing money; Balfour of Denmilne. Comparison with the membership of the Committee anent the borrowing of money of 5th June with the membership of 30th July reveals a common membership of Balmerino and Balfour of Denmilne.<sup>151</sup>

84 sederunts are recorded for the Edinburgh section of the Committee of Estates between 30th July 1644 and 6th January 1645 (see appendix 25). The highest attendance rate of any member of the nobility is that of Lauderdale with 81 (96%). Balmerino attended 48 diets (57%). The remaining 14 nobles on the Edinburgh section (including supernumeraries) attended 20 or less diets. In addition, 12 nobles included on the army section of the

Committee of Estates attended various diets of the Edinburgh section; all have attendance rates less than 50%, the highest being Cassillis with 38 (45%) and Crawford-Lindsay with 32 (38%). Five further nobles who were not included on either section of the Committee of Estates attended various diets of the Edinburgh section. Lauderdale's dominance among the nobility in terms of attendance is paralled by the fact that he is recorded as President of the Edinburgh section in 66 sederunts.<sup>152</sup>

The highest attendance figure for any of the gentry on the Edinburgh section was that of Ramsay of Balmaine with 65 (77%). Sir Archibald Campbell attended 54 diets (64%) and Sir John Hope of Craighall attended 49 diets (58%). The remaining 18 gentry on the Edinburgh section all have attendance rates less than 50%. In addition, six gentry included on the army section of the Committee of Estates attended various diets of the Edinburgh section (all have low attendance figures). Five further gentry who were not included on either section of the Committee of Estates attended various diets of the Edinburgh section.<sup>153</sup>

James Stewart (Edinburgh) attended 51 diets (61%); this is the highest attendance figure for any of the burgesses on the Edinburgh section. The remaining 23 burgesses on the Edinburgh section attended less than 50% of diets. In addition, five burgesses included on the army section of the Committee of Estates attended various diets of the Edinburgh section. All have low attendance figures apart from Archibald Sydserf (Edinburgh) with 44 (50%) and Sir John Smith (Edinburgh) with 45 (54%).<sup>154</sup>

The quorum of the Edinburgh section of the Committee of Estates had been set by the 1644 Parliament at seven with at least one of each estate required to be present. At all 84 diets the quorum was greater than seven and the rule for attendance per estate was adhered to (see appendix 25).<sup>155</sup>

The sederunts of the army section of the Committee of Estates are contained in the army register of the Committee of Estates established by the 1643 Convention of Estates. No separate commission from the 1644 Parliament is listed in the register. A diet of the Committee of Both Kingdoms took place on 30th July and diets of the army section are recorded until 23rd November 1644.<sup>156</sup>

Following the close of the parliamentary session sederunts of the Privy Council are not recorded until 11th September and continue until 4th January 1645 (the Second Session of the First Triennial Parliament commenced on 7th January 1645). In total, 12 sederunts are recorded (see appendix 26). The dominant nobles in terms of attendance were Balmerino who attended 11 diets (92%), Cassillis and Lauderdale who attended nine diets (75%), Crawford-Lindsay who attended eight diets (67%), and Burleigh who attended seven diets (58%). The dominant attenders for the gentry on the Privy Council were Hepburne of Wauchton and Carmichael of that ilk, Treasurer Depute, who attended seven diets (58%), and Sir Thomas Hope of Craighall, Lord Advocate, who attended six diets (50%). The only

burgess on the Privy Council, Sir John Smith, in the capacity of the office of Provost of Edinburgh, attended eight diets (67%).<sup>157</sup>

Therefore, those nobles dominant in the 1644 Parliament and on the Committee of Estates were also dominant on the Privy Council. The attention of Argyll and Loudoun was concentrated on the work of the Committee of Estates and the Scottish diplomatic mission in England. The growing influence of Lauderdale in Parliament is further reflected in his role as President on the Privy Council. Conservatives did not dominate that body, however, and the grouping of radical nobles may have checked any further swings towards conservatism.



### *(3) Conclusion*

Scottish political, diplomatic and military intervention in the English Civil War, which resulted in insurrection and rebellion within Scotland thus formed the focus of attention of the 1644 Convention of Estates and the 1644 Parliament. Detailed scrutiny and analysis has been made between membership of the Convention of Estates and Parliament, membership of Parliament and inclusion on parliamentary committees (both interval and session) and common membership of the same type of specific committees over sessions of Parliament and Conventions of Estates. The 1644 Parliament witnessed a growing rapprochement between conservative and radical nobles. In particular, Lanark, representing the House of Hamilton and also the most influential parliamentary figure among the conservatives, secured membership on session and interval committees. Nevertheless, radical nobles dominated the most important session and interval committees and were backed by the gentry and burgesses. The flexing of political muscle by the gentry and burgesses as the Scottish Commons was indicated not only by the presence of Johnston of Wariston as speaker for the gentry and Dundas of Maner as spokesman of the Committee for Delinquents, but also by the pressure by the parliamentary gentry for punishment of those who had been in rebellion. The trend towards rehabilitation of conservative nobles who were prepared to co-operate with the radicals was to be severely tested by the outbreak of full-scale civil war within Scotland during 1645.

1. APS, vi, i, 60-95.

2. *Ibid.*

3. SRO, PA. 11/2, folios 64-72.

4. APS, vi, i,, 51-57.

5. SRO, PA. 11/1, folios 9-12.

6. APS, vi, i, 60-80; PA. 11/1, folio 135; David Stevenson, *Revolution and Counter-Revolution in Scotland, 1644-1651*, (London, 1977), 1; Lynch, *Scotland, A New History*, 274; Donaldson, *A Source Book of Scottish History*, III, 131.

7. APS, vi, i, 61, 62-63 . Lauderdale, Yester and Balmerino, formed the noble contingent, Brodie of that ilk (Elgin), Hepburne of Wauchton (Haddington), and Sir Thomas Crombie of

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Kemnay (Aberdeen), formed the gentry contingent, while the burghs were represented by Edinburgh, Perth, and Aberdeen (the individual burgesses are not listed). The names of the individual burgesses included on this session committee are not listed, only the names of the burghs. See appendix 21.

8. *Ibid*, 65, 68. Lords Forrester and Elibank were the two nobles included, and Hepburne of Wauchton (Haddington), Balfour of Denmilne (Fife), Crombie of Kemnay (Fife) and the laird of Harden ( ), likewise formed the four gentry. No further details are given concerning the laird of Harden but this individual may well be Sir William Scott of Harden (Selkirk) who sat in the 1643 Convention and who was present in the second session of the Convention on 25th January, 10th April, and 25th May 1644. *APS*, vi, i, 73, 83-84, 93. Scott of Harden was the one gentry member who was not from the east coast. See appendices 20 and 21.

9. *Ibid*, 61, 74, 81. Loure formed the remaining noble member, Nicholson of Carnock (Stirling), Shaw of Greenock (Renfrew), Balfour of Denmilne (Fife) and Sir Alexander Falconer of Harden (Kincardine) formed the remaining four gentry and the representatives of Dundee, Glasgow and Linlithgow formed the remaining three burgesses. Two gentry were thus from the east coast, one from the west coast, one from the central belt and one from the Borders, whilst four burgesses were from the east coast and one from the west coast. See appendix 21.

10. *Ibid*, 74. Lord Elibank, Dundas of that ilk (Linlithgow), and the burgess representative of Burntisland form the further respective representatives per estate of the latter committee of 30th January. Shaw of Greenock (Renfrew), Falconer of Halkerton (Kincardine), Balfour of Denmilne (Fife) and Crombie of Kemnay (Aberdeen) were the four gentry included on both committess, along with the burgess representatives of Edinburgh, Aberdeen, Dundee and Linlithgow. See appendix 21.

11. *Ibid*, 93. Balfour of Denmilne (Fife), Sir Archibald Campbell ( ), and Hamilton of Little Preston (Edinburgh) represented the gentry. Sir William Dick (Edinburgh) and Archibald Sydserf (Edinburgh) represented the burghs. See appendix 21.

12. *Ibid*, 93. Yester, Forrester and Barganie represented the remaining nobles. Hamilton of Little Preston (Edinburgh), Balfour of Denmilne (Fife), Weymes of Bogie (Fife), Hamilton of Orbiston (Justice-Clerk), Reid of Pitlithie, and Sir Archibald Campbell ( ) represented the gentry. Sir William Dick (Edinburgh), Archibald Sydserf (Edinburgh), James Stewart (Edinburgh), and George Garden (Burntisland) represented the four burgesses. See appendix 21.

13. *Ibid*, 70-71; Stevenson, *Revolution and Counter-Revolution in Scotland*, 3.

14. NLS, Wodrow Folio LXVII, number 29.

15. Stevenson, *Revolution and Counter-Revolution in Scotland*, 4; Brown, *Kingdom or Province*, 127; Lorraine Mulligan, "The Scottish Alliance and the Committee of Both Kingdoms, 1644-46", *Historical Studies Australia and New Zealand*, 14, 1970, 173; Lorraine Mulligan, "Peace Negotiations, Politics and the Committee of Both Kingdoms", *Historical Journal*, 12, 1969.
16. CSPV, 1643-1647, 73.
17. Ferguson, *Scotland's Relations with England*, 127; Lorraine Mulligan, *Historical Studies Australia and New Zealand*, 14, 173.
18. SRO, Leven and Melville Papers, GD 26/7/166; W. Notestein, "The Establishment of the Committee of Both Kingdoms", *American Historical Review*, 17, 1912, 477-478; Lorraine Mulligan, *Historical Studies Australia and New Zealand*, 14, 173; Lotte Glow, "The Committee of Safety", *EHR*, 80, 1965, 289-313.
19. Lorraine Mulligan, *Historical Journal*, 12, 4; Lorraine Mulligan, *Historical Studies Australia and New Zealand*, 14, 174.
20. APS, vi, i, 61, 89, 92.
21. *Ibid*, 73-83; Stevenson, *Revolution and Counter-Revolution in Scotland*, 6-8.
22. APS, vi, i, 83-92, 84. Hope of Craighall, *Diary*, 204. Sinclair was the one remaining noble on the committee. Hepburn of Wauchton (Haddington), Dundas of that ilk (Linlithgow), Scott of Harden (Selkirk), and Kerr of Cavers (Roxburgh) formed the gentry contingent. Representatives of the burghs of Edinburgh, Glasgow, Dundee, and Burntisland constituted the four burgesses included on the committee. Only the names of the burghs represented on the committee for the present expedition and not the individual burgesses are listed. Representation of the gentry and burgesses was dominated by the east coast; two gentry and three burgesses represented eastern shires and burghs, whilst two gentry represented shires from the Borders and one burgess represented a western burgh. See appendix 21.
23. APS, vi, i, 84. See appendix 21.
24. *Ibid*, 84-85. Dunfermline was the one remaining noble member. Hamilton of Little Preston (Edinburgh), Weymes of Bogie (Fife), Dundas of that ilk (Linlithgow), Crawford of Kilbirnie (Ayr), Cochrane of Cowdoun (Ayr) and Shaw of Greenock (Renfrew) represented the gentry. The burghs of Edinburgh, Glasgow, Linlithgow, Burntisland, Stirling and Coupar were included for the burghal estate. See appendix 21.
25. *Ibid*, 84-85. Yester was the remaining noble member. Wauchope of Niddrie (Edinburgh), Hepburn of Wauchton (Haddington), Home of Aitoun (Berwick), Scott of Harden

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(Selkirk) and Kerr of Cavers (Roxburgh) were included for the gentry. The burghs of Edinburgh, Glasgow, Coupar, Kirkcaldy and Dumbarton represented the burghal estate. See appendix 21.

26. *Ibid*, 89-92.

27. *Ibid*, 60-95, 90-91. See appendices 20 and 22. Nine gentry and three burgesses had been included on the shire committees of war established on 26th August 1643 (*Ibid*, 51-57).

28. *Ibid*, 60-95, 91-92. 16 gentry and three burgesses had been included on the shire committees of war established on 26th August 1643. See appendices 20 and 22.

29. *Ibid*, 90-92. Although the Marquis of Argyll led the northern expedition he was still technically subordinate to the Earl of Callander, the commander-in-chief of the armed forces within Scotland. The Earl of Callander was in charge of the forces to secure the south and Borders of Scotland; APS, vi, i, 89-92; Stevenson, *Revolution and Counter-Revolution in Scotland*, 7. Although the Committees for the North and South were Committees of Estates in their own right, in comparison to earlier Committees of Estates 1640-1643, in essence they appear to be sub-committees of a larger Committee of Estates.

30. APS, vi, i, 93. See appendix 21.

31. *Ibid*, 60-95. See appendix 21.

32. *Ibid*, 60-95; Stevenson, *Revolution and Counter-Revolution in Scotland*, 4. See appendix 21.

33. APS, vi, i, 60-95. Hamilton of Orbiston, Justice-Clerk, Sir Archibald Campbell and Reid of Pitlethie were the three gentry who did not sit in the 1644 Convention (as per attendance rolls of the Convention). See appendix 21.

34. *Ibid*.

35. *Ibid*, 60-95. See appendices 21 and 22.

36. *Ibid*, 60-95. See appendix 22.

37. *Ibid*, 60-95. See appendices 20 and 22. These figures take account of the additions to the Committee of Estates throughout the 1644 Convention.

38. *Ibid*.

39. APS, vi, i, 3-4, 60-95. See appendices 20.

40. *Ibid*.

41. *Ibid*.

42. APS, vi, i, 3-4, 60-95. Sir John Smith (Edinburgh), Robert Taylor (St. Andrews), John Williamson (Kirkcaldy), George Jamieson (Coupar), Robert Cunningham (Kinghorn), Robert Barclay (Irvine), and John Semple (Dumbarton) are the seven burgesses recorded in three out of 11 sederunts. See appendix 20.

43. APS, vi, i, 3-4, 60-95. See appendix 20.

44. *Ibid.*

45. *Ibid*, 3-4, 60-95. See appendices 19 and 20. Although analysis of this nature identifies the trends in attendance over the two sessions of the 1643-44 Conventions, it is nevertheless restricted by the nature of the sederunts of the Conventions. Only one sederunt is recorded for the 1643 Convention and that is for the opening day ( 22nd June 1643). The Marquis of Hamilton and his brother the Earl of Lanark, for example, are included in the analysis even though they walked out on the opening day of the 1643 Convention followed by other pragmatic Royalist nobles and took no further part in the proceedings of that Convention. Analysis is further limited by the fact that the sederunts of the 1644 Convention often only list the names of the burghs represented and not the individual burgesses. Only the burgesses actually listed in the sederunts of both Conventions have been included in this analysis.

46. *Ibid*, 3-4, 60-95. See appendices 19 and 21. These figures are those of the total recorded per estate. Where the burgh of Edinburgh has been listed but no individual burges or burgesses named, the figures for the burghal estate have been constructed accordingly, since Edinburgh usually sent two burgesses.

47. SRO PA. 11/1, folios, 5-238; SRO PA. 11/2, folios 3-113. See appendices 17 and 18.

48. APS, vi, i, 57-59, 60-95. See appendices 17, 18 and 20.

49. *Ibid*, 94-95; SRO PA. 11/1, folio 238. Hope of Craighall, *Diary*, 206. Rait, *Parliaments of Scotland*, 71, 316; Spalding, *Memorialls of the Trubles*, II, 378.

50. APS, vi, i, 95-96. See appendices 2 and 10.

51. APS, v, 251-252, 258-259, 300-301, 303, 303-304, 305-306, 308, 331-332; APS, vi, i, 3-4. See appendices 2 and 10.

52. APS, v, 251-332; APS, vi, i, 3-4, 95-96. See appendices 2, 10 and 19. 15 burghs were absent the first day of the Triennial Parliament; Inverness, Dunfermline, Elgin, Nairn, Tain, Rothesay, Whithorn, Lochmaben, Forres, North Berwick, Cullen, Annan, Sanquhar, New Galloway and Dornoch; APS, vi, i, 860. Sir James Balfour only lists 14 burghs and does not list Elgin (*Historical Works*, III, 169-170).

53. *Ibid.*

54. APS, vi, i, 3-96. See appendices 12 and 20.

55. *Ibid*, 95-283.

56. *Ibid*, 95-97. Menteith of Salmonet, *History of the Troubles*, 167; Spalding, *Memorialls of the Trubles*, II, 378. Constitutional considerations continued on 5th June with the approval of the 1641 legislation relating to the ordering of the House and decisions on disputed elections relating to the Commissioners of the Shires. Two commissions were produced for Lanarkshire in Parliament. One was granted to Sir William Carmichael and James Hamilton of Dalserf and the other to Sir James Lockhart of Lee and James Hamilton. Hamilton of Dalserf had represented Lanark in the 1643 Convention and in the second session of the Convention of Estates. After the two commissions had been read to the Estates it was decided that the commission granted to Sir William Hamilton and Hamilton of Dalserf should be allowed whilst the other commission was declared null and void. Radical management of disputed elections had been applied to serve the radicals own interests (APS, vi, i, 97).

57. APS, vi, i, 99.

58. *Ibid*, 98-99.

59. The relevant constitutional proceedings of 1643-44 are the summoning and sitting of the Convention of Estates, 22nd June to 26th August 1643, the signing of the Solemn League and Covenant and the military treaty with the English Parliament, and the second session of the Convention of Estates, 3rd January to 3rd June 1644. *Ibid*, 3-96, 98-99. Shaw of Greenock (Renfrew) and Dundas of Maner (Linlithgow) constituted the gentry representation. Both gentry had limited parliamentary experience. Thomas Halyburton (Dundee) and John Lepar (St. Andrews) formed the burghal representation. Shaw of Greenock had been present in the Convention of Estates, 22nd June 1643, and in the rolls of the second session of the Convention of Estates, 3rd January to 3rd June 1644. He had also been a member of the Committee of Estates initiated on 26th August 1643. Dundas of Maner was not present in the Convention of Estates, 22nd June 1643, but is present in the rolls of the second session of the Convention of Estates, 3rd January to 3rd June 1644. He had also been included in the Common Burdens-Brotherly Assistance parliamentary interval commission of 1641. See appendices 4, 19 and 23.

60. *Ibid*, 148-157. Menteith of Salmonet, *History of the Troubles*, 167.

61. APS, v, 262, 318, 333, 382; Stevenson, *Government Under the Covenanters*, 187. See appendix 5.

62. APS, vi, i, 98, 114; Balfour, *Historical Works*, III, 173,

189. See appendix 23.

63. APS, vi, i, 3-4, 60-95, 98; Balfour, *Historical Works*, III, 184. Mar and Glencairn represented the nobility. Falconer of Halkerton (Kincardine) and Brisbane of Bishopton (Renfrew) represented the gentry. George Bell (Linlithgow) and George Garden (Burntisland) represented the burghal estate. Falconer of Halkerton was present in the Convention, 22nd June 1643, but is only recorded in one sederunt of the 1644 Convention. Brisbane of Bishopton was not present in the Convention of Estates, 22nd June 1643, but is not recorded in the sederunts of the 1644 Convention. See appendices 20 and 23.

64. APS, vi, i, 98.

65. *Ibid*, 3-4, 60-95, 98, 114. Lanark, Cassillis, Burleigh and Forrester formed the noble representatives. Forbes of Craigievar (Aberdeen), Dundas of Maner (Linlithgow) and Sir William Carmichael (Lanark) formed the three remaining gentry. Sir John Smith or Robert Meiklejohn (both Edinburgh), John Lepar (St. Andrews), and James Bell (Glasgow) constituted the remaining burghal representation. See appendix 23.

66. *Ibid*, 95-96, 98, 102, 114; Balfour, *Historical Works*, III, 173, 181, 183, 189. Sutherland, Yester, Balmerino and Burleigh constituted the noble members. Sir Alexander Carnegie of Pittarrow (Kincardine), Sir David Murray of Stanehope (Peebles), Sir David Murray of Pittodrie ( - ), and Sir Patrick Cockburn of Clerkington (Haddington) constituted the gentry representatives. George Bell (Linlithgow), John Semple (Dumbarton), George Garden (Burntisland) and William Simpson (Dysart) were the four burgess representatives. Murray of Pittodrie was not a member of Parliament as per 4th June 1644 (see appendix 12). The shire of Aberdeen was only represented by one commissioner as per 4th June 1644 and Murray of Pittodrie may well have been the other commissioner of the shire for Aberdeen (assuming that Aberdeen sent two commissioners). See appendix 23.

67. *Ibid*, 215; Balfour, *Historical Works*, III, 238. Rait, *Parliaments of Scotland*, 379.

68. Balfour, *Historical Works*, III, 238.

69. Stevenson, *Government Under the Covenanters*, xxxix.

70. APS, vi, i, 215.

71. *Ibid*.

72. *Ibid*; Balfour, *Historical Works*, III, 205-206.

73. APS, vi, i, 95-283, 98, 103-104. See appendix 23.

74. *Ibid*, 95-96, 211-246. See appendix 24.

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75. *Ibid*, 113-283. See appendix 24.
76. Balfour, *Historical Works*, III, 238.
77. *APS*, vi, i, 3-4, 60-95, 93, 98. Cassillis, Perth and Lanark represented the nobility, Cochrane of Cowdoun (Ayr), Francis Hay of Balhousie (Perth), and Alexander Belshes of Toftis (Berwick) represented the gentry, and Sir John Smith (Edinburgh), John Semple (Dumbarton) and Alexander Douglas (Banff) represented the burgesses. See appendix 23. Balfour, *Historical Works*, III, 172, does not list Belshes of Toftis (Berwick) as a member of this committee, but lists Grierson of Lag (Dumfries) instead. Grierson of Lag was not a member of Parliament as per 4th June 1644. He had been present in the Convention of Estates, 22nd June 1643, but is not recorded in any of the sederunts of the 1644 Convention. The Earl of Perth had been present in the Convention of Estates, 22nd June 1643, but is not recorded in any of the sederunts of the 1644 Convention. Cochrane of Cowdoun (Ayr) was not present in the Convention of Estates, 22nd June 1643, and is recorded in two of the sederunts of the 1644 Convention. Belshes of Toftis (Berwick) was not present in the Convention of Estates, 22nd June 1643, or in any of the sederunts of the 1644 Convention (*Ibid*, 3-4, 60-95, 95-96).
78. *APS*, v, 251-332; *APS*, vi, i, 3-4, 60-95, 98. Balfour, *Historical Works*, III, 172-173. Linlithgow and Lord Elphinstone represented the nobility, Murray of Stanhope (Peebles) and Francis Hay of Balhousie (Perth) represented the gentry, and John Semple (Dumbarton) and Alexander Douglas (Banff) represented the burgesses. Lord Banff had not been present in any sessions of Parliament, 1639-41, the Convention of Estates, 22nd June 1643, or in any sederunts of the 1644 Convention. Murray of Stanhope (Peebles) was not present in the Convention of Estates, 22nd June 1643, or in any of the sederunts of the 1644 Convention. See appendices 4, 20 and 23.
79. *APS*, vi, i, 98. Examination of the Committee for regulating the processes of those cited to the Parliament reveals a balanced spread amongst the gentry and the burgesses. Gentry representation was balanced between the west coast, the Borders and the north east coast. Burghal representation was balanced between the west coast, the east coast the north east. A similar pattern emerges with the Committee anent the Lord Banff with gentry membership centred on the Borders and the east coast and burghal membership based on the west and the north east.
80. Balfour, *Historical Works*, III, 177.
81. *Ibid*.
82. *Ibid*, 178.
83. *APS*, vi, i, 103-104. The full list of the delinquents was as follows; Sir John Gordon of Haddo, George Gordon of Geicht,



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John Dalgarno of Auchmunill, Captain John Logie, Roger Lindsay of Maynes, John Sturgioun of Torrerie, and William Maxwell of Midkeltoun. Balfour, *Historical Works*, III, 180, records this committee as being initiated on 11th June.

84. *Ibid*, 104, 131, 138.

85. *Ibid*, 103-104. Linlithgow, Weymes, Elphinstone and Barganie, constituted the four nobles. Sir James Stewart (Bute), Andrew Agnew of Lochnaw (Wigtown), Dundas of Maner (Linlithgow) and Shaw of Greenock (Renfrew) constituted the four gentry. Robert Meiklejohn (Edinburgh), Robert Arnot (Perth), Robert Cunningham (Kinghorn), and Allan Dunlop (Irvine) constituted the four burgesses. Balfour, *Historical Works*, III, 180, fails to list the Justice-Clerk and one of the Justice-Deputes. His list also differs from that in APS regarding two members of the gentry; he does not list George Dundas of Maner (Linlithgow) and John Shaw of Greenock (Renfrew), but lists Sir William Scott of Harden (Selkirk) and Sir Alexander Swinton of that ilk (Berwick) instead. See appendix 23.

86. *Ibid*.

87. APS, v, 251-332; APS, vi, i, 3-4, 60-95, 98, 103-104. See appendices 20 and 23. Both Sir James Stewart (Bute) and Allan Dunlop (Irvine) had no previous parliamentary committee experience. Neither Sir James Stewart were present in Parliament, 1639-41, the Convention of Estates, 22nd June 1643, or in any of the sederunts of the 1644 Convention.

88. Balfour, *Historical Works*, III, 196.

89. *Ibid*, 200.

90. APS, vi, i, 132-133.

91. *Ibid*, 98, 103-104, 136. Marischal and Lanark represented the nobility. Scott of Harden (Selkirk) and MacDowall of Garthland (Wigtown) represented the gentry. Thomas Bruce (Stirling), John Osburne (Ayr) and John Auchterlony (Arbroath) represented the burgesses. Balfour, *Historical Works*, III, 203, lists a different membership for the noble and burghal estate; Argyll, Cassillis, along with Lanark, Alexander Douglas (Banff), George Garden (Burntisland), and John Johnstone (Dumfries). I have accepted the official parliamentary version. See appendix 23.

92. APS, vi, i, 161-166. Balfour, *Historical Works*, III, 219-220. Prior to the decree of forfeiture, an attempt had been made on 16th July to delay the pronouncing of sentence against Haddo; this petition had been presented to Parliament but had been rejected after debate and a vote.

93. APS, vi, i, 98, 103-104, 174. Cochrane of Cowdoun (Ayr), Hay of Balhousie (Perth) were the two gentry included on both the Committee for regulating the processes of those cited to

Parliament and the Committee for trying the relevancy of the summons of those cited to the Parliament. Sir John Smith (Edinburgh), John Semple (Dumbarton) and Alexander Douglas (Banff) were the three burgesses included on both these committees. John Johnstone (Dumfries) was the one remaining member on the Committee for trying the relevancy of the summons of those cited to the Parliament. See appendix 23.

94. This information is based on the comments of Sir James Balfour, (*Historical Works*, 230). However, Balmerino was not a member of the Committee for regulating the processes of those cited to the Parliament as per 5th June 1644, (APS, vi, i, 98). Balmerino was a member of the Committee for trying the relevancy of the summons of those cited to the Parliament and it may have been in that capacity that he was reporting to the House (APS, vi, i, 174).

95. APS, vi, i, 215-220. Balfour, *Historical Works*, III, 230-231, 235-236. Stevenson, *Revolution and Counter-Revolution in Scotland*, 10. Spalding, *Memorials*, ii, 387-391.

96. Stevenson, *Revolution and Counter-Revolution in Scotland*, 10.

97. APS, vi, i, 95-96, 103-104, 245-246. Agnew of Lochnaw (Wigtown), Dundas of Maner (Linlithgow) and Shaw of Greenock (Renfrew) were the three gentry included on both the Committee for Delinquents and the committee concerning Gordon of Geicht, Lindsay of Maynes and Sturgioun of Torrarie. Robert Meiklejohn (Edinburgh) and Robert Cunningham (Kinghorn) were the two burgesses included on both these committees. Alexander English (Perth) was the burgess included on the interval committee although he was not a member of Parliament as per 4th June 1644. Robert Arnot had represented the burgh of Perth on the Committee for trying of the Delinquents. Hamilton of Orbiston, Justice-Clerk, and Colville of Blair and James Robertson of Bedlay, Justice-Deputes, were the judicial officials included on the Committee for trying of the Delinquents who were also included on the interval commission. Yester and Loure were the two nobles included on the interval committee. See appendices 12, 23 and 24.

98. *Ibid*, 103-104, 199, 245-246. See appendices 23 and 24.

99. *Ibid*, 93, 95-96, 98, 100. See appendices 20 and 23. Lanark, Cassillis, Yester and Forrester were included for the nobility on both committees. Hamilton of Orbiston, Justice-Clerk, Hamilton of Little Preston (Edinburgh), Balfour of Denmilne (Fife), Weymes of Bogie (Fife), Sir Archibald Campbell and Reid of Pitlithie were included for the gentry on both committees. Balfour of Denmilne (Fife), Weymes of Bogie (Fife), Sir Archibald Campbell and Reid of Pitlithie were not members of Parliament as per 4th June 1644 (see appendix 12). Balfour of Denmilne was present in the Convention of Estates, 22nd June 1643, and attended the majority of the recorded sederunts of the 1644 Convention. Weymes of Bogie was not present in the Convention of Estates, 22nd June 1643, but

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attended two diets of the 1644 Convention. Thomas Halyburton (Dundee), George Bell (Linlithgow), James Bell (Glasgow), John Lepar (St. Andrews), Alexander Douglas (Banff) and Robert Cunningham (Kinghorn) were the remaining members on the Committee anent the borrowing of money of 5th June.

100. *Ibid*, 98. Kirkcudbright was the remaining noble member. Ruthven of Frieland (Forfar) or Scott of Harden (Selkirk), MacDowall of Garthland (Wigtown) and Agnew of Lochnaw (Wigtown) formed the remaining gentry representatives. Either Sir John Smith or Robert Meiklejohn (both Edinburgh), Thomas Bruce (Stirling), John Osburne (Ayr) and George Jamieson (Coupar) formed the burgess representatives. For the burgess representatives only the names of the burghs have been listed. Since the burgh of Edinburgh sent two representatives the individual burgess on this committee would hence be either Sir John Smith or Robert Meiklejohn who were present in Parliament on 4th June. (*Ibid*, 95-96). See appendix 23.

101. *Ibid*, 99; Balfour, *Historical Works*, III, 174.

102. *Ibid*.

103. *Ibid*.

104. Balfour, *Historical Works*, III, 172. Sinclair and Kirkcudbright were the two remaining nobles on the committee. Scott of Harden (Selkirk), MacDowall of Garthland (Wigtown), Agnew of Lochnaw (Wigtown) and Nicholson of Carnock (Stirling) for the gentry, and the representatives of the burghs of Edinburgh, Stirling, Ayr and Coupar, constituted the membership. Border gentry were predominant among gentry representation, with a greater national spread evident among the burgesses. This committee is not listed in APS, vi, 1.

105. APS, vi, 1, 95-96, 98; Balfour, *Historical Works*, III, 172. Kirkcudbright was the remaining noble included on both committees. MacDowall of Gartland (Wigtown), Agnew of Lochnaw (Wigtown), and Scott of Harden (Selkirk) were the gentry included on both committees. The representatives of the burghs of Edinburgh, Stirling, Ayr and Coupar were included on both committees. The additional members of the Committee for the Levy were Burleigh or Sinclair for the nobility and Johnston of Wariston (Edinburgh) for the gentry. Scott of Harden (Selkirk) or Ruthven of Frieland (Perth) were included as only one gentry. See appendices 20 and 23. Ruthven of Frieland was not a member of Parliament as per 4th June 1644. See appendix 12.

106. APS, vi, 1, 98, 101. The title of the original committee of 5th June was the "Committee anent the borrowing of money" whereas the title of the new committee of 11th June was the "Committee for borrowing of money". Balfour, *Historical Works*, III, 181.

107. APS, vi, 1, 93, 95-96, 98, 101; Balfour, *Historical*

*Works*, III, 181. Yester was the remaining noble included on both committees of 5th June and 11th June. Hamilton of Orbiston (Justice-Clerk), Hamilton of Little Preston (Edinburgh) and Balfour of Denmilne (Fife) were the gentry included on both committees. The representatives of the burghs of Dundee, Glasgow and Kinghorn were included on both committees of 5th June and 11th June. Yester, Hamilton of Orbiston (Justice-Clerk), Hamilton of Little Preston, Balfour of Denmilne and Archibald Sydserf formed the grouping also included on the Committee for Money of 25th May in the 1644 Convention. Hamilton of Orbiston and Balfour of Denmilne for the gentry and Archibald Sydserf and Robert Fleming for the burgesses were not members of Parliament as per 4th June 1644. The remaining noble, three gentry and one burgh representative on the Committee for borrowing of money of 11th June were Barganie, Erskine of Cambuskenneth (Clackmannan), Sir John Aytoun of that ilk (Fife), MacDowall of Garthland (Wigtown) and the representative of the burgh of Ayr. See appendices 12, 21 and 23. The relationship between the Committee for money of 25th May, the Committee anent the borrowing of money of 5th June, and the Committee for borrowing of money of 11th June is specified in the terms of the commission of the latter committee of 11th June. The committee was afforded the "same power and warrand in all respectes and in ye samene maner as was Granted to the Committee of the conventione of Estates Anent ye barroweing of money for the vse of ye publict ", (APS, vi, i, 101). In addition it had the power to secure the rents of malignants.

108. *Ibid*, 84, 102. Cochrane of Cowdoun (Ayr) and Shaw of Greenock (Renfrew) were the two gentry included on both committees. The representatives of the burghs of Edinburgh, Glasgow, Coupar and Burntisland were included on both committees. Sinclair was the one remaining noble member. The remaining five gentry were Beaton of Creich (Fife), Forbes of Craigievar (Aberdeen), Grierson of Lag (Dumfries), Sir John Veitch of Dawick, younger, (Peebles) and Agnew of Lochnaw (Wigtown). The representatives of the burghs of Montrose and Irvine were the remaining two burgesses. Balfour, *Historical Works*, III, 181, contains several variations in terms of membership from APS, vi, i, 102. Andrew Agnew of Lochnaw (Wigtown) is not listed in Balfour, *Historical Works*, III, 181, but is replaced by Sir Patrick Hamilton of Little Preston (Edinburgh). Whereas only six burghs are listed in APS, vi, i, 102, seven burghs are listed in Balfour, *Historical Works*, III, 181, Aberdeen being the additional burgh; this achieves a balance of seven per estate. See appendices 21 and 23.

109. APS, vi, i, 105, 111. An act of approbation and exoneration was passed on 13th June concerning Lord Burleigh and the late Committee for the North (Burleigh was President of that committee). Similarly, the Marquis of Argyll's commission and expedition to the North was approved. Balfour, *Historical Works*, III, 182, 184.

110. APS, vi, i, 112.

111. *Ibid*, 61, 74, 142. Balfour, *Historical Works*, III, 211, 217. Falconer of Halkerton (Kincardine) and Shaw of Greenock (Renfrew) were the two gentry included on both committees. The representatives of the burghs of Edinburgh, Aberdeen, Glasgow and Linlithgow were included on both committees. Dundas of Maner (Linlithgow), Cochrane of Cowdoun (Ayr) and Brisbane of Bishopton (Renfrew) were the remaining gentry members. The two remaining burghs represented were St. Andrews and Arbroath. Sir James Balfour's record of this committee contains several variations from the membership listed in APS, vi, i, 142. Sir William Cochrane of Cowdoun (Ayr) is listed in APS, but not in Balfour's *Historical Works*, III, 211; instead Balfour lists Thomas Erskine of Balhagardie (Aberdeen). Furthermore, Balfour only lists five burghs (Edinburgh is omitted) and of those listed Burntisland is included instead of Arbroath (as in APS, vi, i, 142). See appendices 21 and 23.

112. APS, vi, i, 98-174. See appendix 23.

113. *Ibid*, 181-182, 182-183; Stevenson, *Revolution and Counter-Revolution in Scotland*, 10; Balfour, *Historical Works*, III, 229. If the Duke of Hamilton was to be tried as an English peer then he was to be judged by the English Parliament.

114. Stevenson, *Revolution and Counter-Revolution in Scotland*, 10.

115. APS, vi, i, 98, 283; Balfour, *Historical Works*, III, 244.

116. APS, vi, i, 95-283; Balfour, *Historical Works*, III, 244. See appendix 23.

117. APS, vi, i, 95-283. Eight gentry analysed (13%) were not members of Parliament as per 4th June 1644; Balfour of Denmilne, Weymes of Bogie, Hamilton of Orbiston, Justice Clerk, Reid of Pitlithie, Sir Archibald Campbell, Murray of Pittodrie and Colville of Blair and Robertoun of Bedlay, Justice Clerks. See appendices 12 and 23.

118. *Ibid*. Two burgesses analysed (9%) were not members of Parliament as per 4th June 1644; Robert Fleming and Archibald Sydserf, both burgesses of Edinburgh. Sir John Smith (Edinburgh) is named on five session committees. On other session committees only the burgh of Edinburgh is named. Therefore, the figures for Sir John Smith and Robert Fleming who represented the burgh in the 1644 Parliament have been accordingly formulated. See appendices 12 and 23.

119. *Ibid*. See appendix 23.

120. *Ibid*. See appendix 24.

121. *Ibid*.

122. *Ibid.*

123. *Ibid.* See appendices 23 and 24.

124. *APS*, vi, i, 212-213. Of the 21 gentry on the Edinburgh section, nine were from the east coast and were concentrated on the area from Edinburgh through Fife and up towards Aberdeen via Perth. Seven of the 21 gentry were from the west coast and were concentrated on Ayrshire, Renfrewshire and Argyll. Two of the 21 gentry were from central Scotland. The remaining three gentry on the Edinburgh section were from the Borders. 19 out of 24 burgesses on the Edinburgh section represented eastern burghs, whilst four out of 24 burgesses represented western burghs. Hamilton of Littlepreston (Edinburgh), Beaton of Creich ( Fife ), Aytoun of that ilk (Fife), Cockburn of Clerkington ( Haddington ), Hay of Balhousie (Perth ), Forbes of Craigievar (Aberdeen ), Balfour of Denmilne (Fife ), Hamilton of Beill ( Haddington ) and Ramsay of Balmaine (Forfar ) were the nine east coast gentry on the Edinburgh section. Cochrane of Cowdoun ( Ayr ), Sir John Crawford of Kilbirnie (Ayr ), Brisbane of Bishopton (Renfrew ), Sir Hugh Campbell of Cessnock ( Ayr ), Hamilton of Orbiston ( Renfrew), and Sir Archibald Campbell ( Argyll ) were the seven western gentry on the Edinburgh section. Nicholson of Carnock (Stirling ) and Sir John Hope of Craighall ( Clackmannan ) were the two gentry on the Edinburgh section from central Scotland. Grierson of Lag ( Dumfries ), Belshes of Toftis (Berwick ), and MacDowall of Garthland (Wigtown ) were the three gentry on the Edinburgh section from the Borders. Sir William Dick, James Stewart, Edward Edgar, Thomas Paterson, John Binnie ( all Edinburgh ), Robert Arnot (Perth), James Simpson ( Dundee ), Patrick Leslie (Aberdeen), George Bell (Linlithgow ), James Lenton ( St. Andrews ), George Garden (Burntisland ), George Jamieson (Coupar ), Richard Chapland (Haddington ), John Auchterlony ( Arbroath ), Alexander Douglas ( Banff ), Andrew Gray (Montrose ), James Purves (Dunbar ), Robert Cunningham (Kinghorn ), and Andrew Daw (Crail) all represented eastern burghs on the Edinburgh section. James Bell ( Glasgow ), John Kennedy ( Ayr ), John Semple (Dumbarton ) and Gideon Jack (Lanark ) were the western burgesses on the Edinburgh section. See appendix 25. Of the 11 gentry on the army section five represented eastern shires and were concentrated on the Fife, Edinburgh, Haddington region. Four further gentry were from the Borders whilst two represented western shires. Hepburne of Humble ( Haddington ) Erskine of Scottiscraig (Fife ), Hepburne of Wauchton (Haddington ), Winraham of Libberton (Edinburgh ) and Wauchope of Niddrie (Edinburgh ) were the five eastern gentry on the army section. Hume of Wedderburne ( Berwick ), Kerr of Cavers ( Roxburgh ), Scott of Harden ( Selkirk ) and Scott of Ardross (Selkirk) were the four Borders gentry on the army section. James Lindsay of Belstane (Lanark ) and Mure of Rowallan (Ayr) were the two western gentry on the army section. See appendix 16. Geographically three of the nine burgesses on the army section were from the east, compared to three burgesses from the Borders and three from the west.

125. APS, vi, i, 102; Balfour, *Historical Works*, III, 180. See appendices 23 and 24.

126. *Ibid*, 102, 124. Falconer of Halkerton (Kincardine), MacDowall of Garthland (Wigtown), Carnegie of Pittarrow (Kincardine) and Hamilton of Little Preston (Edinburgh) were the four remaining gentry included on both committees. The four burghs were those of Edinburgh, Aberdeen, Glasgow and Dumbarton. Eastern representation commanded the composition of gentry membership of the committee of 22nd June. Burghal representation, on the other hand, was balanced equally between the east and west coasts. See appendix 23.

127. *Ibid*, 126-129.

128. Balfour, *Historical Works*, III, 177, 204, 206; *Ibid*, 70-71, 158-159. Erskine of Cambuskenneth (Clackmannan) and Dundas of Maner (Linlithgow) were the two remaining gentry members. Sir John Smith (Edinburgh), Hugh Kennedy (Ayr) and Robert Barclay (Irvine) represented the burgesses. Hugh Kennedy and Robert Barclay were not members of Parliament as per 4th June 1644. Loudoun, Maitland, Johnston of Wariston (Edinburgh) and Robert Barclay (Irvine) had been included on the committee of 9th January 1644. See appendices 12, 21 and 24.

129. APS, vi, i, 174. Eastern gentry and western burgesses were in superior numbers in the representation of their separate estates. Balfour, *Historical Works*, III, 247, states that the Scottish commissioners at London were to be supernumeraries on the Committee of Estates. This was not specified in APS, vi, i, 174. Balfour also states that the nomination of the commissioners had taken place on 4th and 5th July.

130. Stevenson, *Revolution and Counter-Revolution in Scotland*, 9.

131. APS, vi, i, 174-177.

132. *Ibid*, 90-91, 95-96, 174-177. Carnegie of Pittarrow (Kincardine) and Forbes of Craigievar (Aberdeen) were the two gentry who were members of Parliament as per 4th June 1644. George Jamieson (Coupar), Thomas Halyburton (Dundee), John Auchterlony (Arbroath), Robert Beattie (Montrose), Patrick Leslie (Aberdeen) and Alexander Douglas (Banff) were the six burgesses who were members of Parliament as per 4th June 1644. See appendices 12 and 24.

133. *Ibid*, 90-91, 174-177. Murray, Viscounts Arbuthnot and Frendraucht, Forbes, Fraser and Loure, were the six nobles. John Barclay of Johnston, ( ) Graham of Morphie, John or William Forbes of Leslie, Forbes of Craigievar, Innes of that ilk and Lieutenant Colonel Arnot (both a military official and

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a member of the gentry) were the six nobles. William More (Aberdeen), John Auchterlony (Arbroath), George Jamieson (Coupar), and the burghs of Dundee, Montrose and Elgin, were the three burgesses and burghs. See appendices 22 and 24.

134. *Ibid*, 90-91, 174-177.

135. *Ibid*, 95-96, 198-199, 199, 208. Rigg of Ethernie (Fife), Hope of Kerse (Stirling/Clackmannan), Patrick Bell (Glasgow) and Thomas Durham (Perth) (not a member of Parliament as per 17th August 1641) were the deceased members. Gordon of Erlestoun (Galloway) was the gentry member who was too ill to attend. The three gentry were replaced by Cockburn of Clerkington (Haddington), MacDowall of Garthland (Wigtown) and Sir John Hope of Craighall, one of the Senators of the College of Justice. The two burgesses were replaced by James Bell (Glasgow) and James Stewart (Edinburgh). Sir John Hope of Craighall was not a member of Parliament as per 4th June 1644. Dunfermline, Elphinstone and Balcarras were the remaining noble additions. Sir John Hamilton of Beill (Haddington), Dundas of Maner (Linlithgow), Hamilton of Little Preston (Edinburgh) and Falconer of Halkerton (Kincardine) were added for the gentry. Thomas Bruce (Stirling), Robert Cunningham (Kinghorn), Sir John Smith (Edinburgh) and Robert Meiklejohn (Edinburgh) were added for the burgesses. The Common Burdens-Brotherly Assistance has its last recorded sederunt prior to 4th June 1644 on 6th January 1644. In geographic terms, gentry and burghal additions were primarily eastern. Two of the gentry who were now either dead or physically infirm and two of the deceased burgesses had also been included on the Committee for the Common Burdens in 1641. They were also replaced by the gentry and burgesses named above. Additions of four per estate were also made and these were identical to the same additions to the Committee for the plantation of kirks and valuations of teinds. The Commission for the Conservators of the Peace was renewed on 29th July, (see appendix 24) the only addition being that of Cassillis. The last recorded sederunt of the Conservators of the Peace is 7th July 1643. See appendices 6, 7, 12 and 24.

136. *Ibid*, 95-96, 142, 237-245. Sir John Smith (Edinburgh) was the one burgess included on the Committee Anent the Matter of the Excise who was also included on the interval committee. The gentry on the session committee of 9th July were replaced by Hamilton of Little Preston (Edinburgh), Balfour of Denmilne and Reid of Pitlithie. The remaining two burgesses were John Semple (Dumbarton) and James Stewart (Edinburgh). James Stewart was not a member of Parliament as per 4th June 1644. Eastern gentry and burgesses were still included in dominant numbers as per the membership of the interval committee. See appendices 12, 23 and 24.

137. *Ibid*, 57-58, 212-213. See appendices 24 and 25.

138. *Ibid*, 57-58, 212-213. See appendices 13 and 24.



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139. *Ibid.* The lesser figures do not include the supernumeraries for both commissions. The larger figures include the supernumeraries for both commissions.

140. *Ibid.*

141. *Ibid.*, 95-96. See appendices 12 and 24. Hope of Craighall, Balfour of Denmilne, Hamilton of Beill, Campbell of Cessnock, Ramsay of Balmaine, Hamilton of Orbiston and Sir Archibald Campbell constituted the relevant seven gentry.

142. *Ibid.*, 95-96, 212-213. Sir William Dick, James Stewart, Edward Edgar, Thomas Paterson, James Simpson, James Lentron, John Kennedy, Andrew Gray, Andrew Daw and John Binnie were the burgesses who were not members of Parliament as per 4th June 1644. See appendices 12 and 24.

143. *Ibid.*, 95-96, 212-213. The eastern burgesses on the army section were Archibald Sydserf (Edinburgh), James Sword (St. Andrews), David Simpson (Dysart) and James Rae (Edinburgh). The three burgesses from the Borders on the army section were John Rutherford (Jedburgh), Thomas MacBirnie (Dumfries) and William Glendoning (Kirkcudbright). The three western burgesses on the army section were George Porterfield (Glasgow), Robert Barclay (Irvine) and Hugh Kennedy (Ayr). One further burgess, James Rae, is included in the army section as per the split of December 1643, despite the fact that he was not included in the original commission of 26th August 1643. See appendices 12, 16 and 25.

144. APS, vi, i, 57-58, 212-213. See appendices 15, 16, 17, 18, 24 and 25.

145. APS, v, 282; *Ibid.*, vi, i, 57-58, 212-213. See appendices 5, 15, 16, 17, 18, 24 and 25.

146. APS, vi, i, 245; Balfour, *Historical Works*, III, 242.

147. *Ibid.*, 222; SRO PA. 11/1, folio 3. None of the members of the Commission for Irish Affairs were members of the Committee for Both Kingdoms. Glencairn and Annandale were the three remaining nobles on the Commission for Irish Affairs. Agnew of Lochnaw (Wigtown), MacDowall of Garthland (Wigtown) and Shaw of Greenock (Renfrew) were members of Parliament as per 4th June 1644. Sir Duncan Campbell of Auchinbreck and Sir Mungo Campbell of Lawers were the other two gentry members. General Major Monro, Alexander Hamilton, General of the Artillery, Colonel Home and Colonel Frederick Hamilton constituted the four military officials. The burghs of Glasgow, Ayr, and Irvine constituted the three burghs. See appendices 12 and 24.

148. *Ibid.*, 95-96, 235-236; Balfour, *Historical Works*, III, 242. Gibson of Durie, Clerk Register, Sir Thomas Hope of Craighall, Lord Advocate, and Hamilton of Orbiston, Justice-Clerk were the three officers of state on the Exchequer Commission. Fletcher of Innerpeffer, Leirmonth of Ballcomie,

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MacGill of Cranstonriddell, Sir John Hope of Craighall, Falconer of Halkerton, and Leslie of Newtown were Senators of the College of Justice. See appendices 12 and 24.

149. APS, v, 428; APS, vi, i, 235-236. See appendices 5 and 24.

150. APS, vi, i, 284; SRO PA.11/3, folios 6-168.

151. APS, vi, i, 98, 101, 212-213; SRO PA.11/3, folio 10. Reid of Pitlethie for the gentry and Sir John Smith and Lawrence Henderson for the burgesses were included on both the sub-committee concerning the excise and the Committee for the Excise of 30th July.

152. APS, vi, i, 212-213; SRO PA.11/3, folios 6-168. Eglinton, Findlater, Carrick, Tullibardine and Dumfries attended various diets of the Edinburgh section although they were not members of the 1644 Committee of Estates (all have low attendance records). Lanark is recorded as President on two occasions and Argyll and Cassillis President on one occasion each respectively. When Argyll was President Lauderdale was not present, but Cassillis and Lanark were present. When Cassillis was President Lauderdale, Lanark and Argyll were not present. When Lanark was President Lauderdale, Argyll and Cassillis were not present. See appendices 24 and 25. Lauderdale is recorded present in seven further sederunts and no other noble is recorded as President. Therefore, at a maximum of 73 diets Lauderdale was President.

153. APS, vi, i, 158-159, 212-213. The highest attendance figures of the 18 gentry are those of Balfour of Denmilne with 40 (48%), Belshes of Toftis with 34 (40%), and Sir William Carmichael with 31 (37%). Ruthven of Frieland, Erskine of Cambuskenneth, Shaw of Greenock, Dundas of Maner and Johnston of Wariston (all have low attendance figures) attended various diets although they were not members of the 1644 Committee of Estates. Erskine of Cambuskenneth, Dundas of Maner, and Johnston of Wariston were all Scottish diplomatic commissioners in London. See appendix 25.

154. *Ibid*, 158-159, 212-213. Sir William Dick (Edinburgh) attended 41 diets (49%) and John Binnie (Edinburgh) attended 32 diets (38%). Sir John Smith, Archibald Sydserf, William Glendoning, James Sword, George Porterfield and Thomas MacBurnie were the burgesses included on the army section who attended various diets of the Edinburgh section. One further burgess, Robert Barclay (Irvine), attended one diet of the Edinburgh section, although he was not a member of either section. However, Barclay was one of the Scottish diplomatic commissioners in London. See appendix 25.

155. SRO PA. 11/3, folios 6-168. See appendix 25.

156. SRO PA.11/2, folios 1-113. These sederunts have been

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discussed in chapter three.

157. *RPCS*, 2nd series, viii, 27-43. See appendix 26. Lauderdale is listed as President of the Privy Council at four diets. At a further five diets Lauderdale is recorded as present but not recorded as President and no other noble is listed as President.

## V PARLIAMENTARY MANAGEMENT BY THE RADICAL OLIGARCHY IN TERMS OF THE CIVIL WAR CAMPAIGN AGAINST MONTROSE, JANUARY TO NOVEMBER 1645.

### *(1) The Second Session of the First Triennial Parliament, 7th January to 8th March 1645.*

By the time the parliamentary session convened Montrose's run of military successes against the Covenanting armed forces was well under way, commencing with the Battle of Tippermuir on 1st September 1644. Faced with the reality of full-scale civil war, the radical leadership was faced with no other policy option but to continue the working relationship with the conservatives, primarily to avoid an alignment between Montrose and the conservatives.

### *(i) The Composition of the Second Session of the First Triennial Parliament, 7th January to 8th March 1645.*

The second session of the First Triennial Parliament met on 7th January 1645 and sat until 8th March 1645. The total membership of Parliament, 7th January 1645, was composed of 43 nobles, 44 gentry for 25 shires and 47 burgesses for 46 burghs (a total of 134 members, see appendix 10). In comparison to the membership of Parliament as per 4th June 1644 and in terms of membership per parliamentary estate, an additional two nobles and four additional burgesses were present in Parliament, 7th January 1645 (43 to 41 nobles and 47 to 43 burgesses, see appendix 11 for full data and table 1 for an abbreviate). In terms of individual membership per estate, 31 nobles, 22 gentry representing 14 shires and 21 burgesses for 21 burghs (74 individuals) were present in Parliament, 4th June 1644, and also in Parliament, 7th January 1645 (see appendix 12).<sup>1</sup>

*Table 4. Membership per estate of the First and Second Sessions of the First Triennial Parliament.<sup>2</sup>*

	Nobles	Gentry	Burgesses	Total
4th June 1644	41	44	43	128
7th January 1645	43	44	47	134

*(ii) The Proceedings of the Second Session of the First Triennial Parliament, 7th January to 8th March 1645.*

Following the calling of the rolls on 7th January those nobles, gentry and burgesses who had not sat in the first session of Parliament, 4th June to 29th July 1644, were required to subscribe the oath of Parliament. Thereafter the rules established by the 1641 Parliament concerning the election of the President of Parliament were followed, except that no royal approval had been sought (as per the previous parliamentary session). Lauderdale was re-elected by the Estates as the new President of Parliament and it was ordained that no other President could be elected during the duration of the First Triennial Parliament. Hence Lauderdale would be President in all future sessions. No commissioner had been sent by the King but the Parliament "did not cair much" for this.<sup>3</sup> By 11th January illness on the part of Lauderdale and his subsequent absence from the House forced Parliament into procedural innovation. The office of Vice-President was instituted and Crawford-Lindsay was elected to that office. Following the death of Lauderdale on 17th January Crawford-Lindsay was appointed as President and was to continue in that office until the close of that session of Parliament. Legislation enacted on 20th January stipulated that the elevation of Crawford-Lindsay from Vice-President to President had been in accordance with the terms of the 1641 act concerning the election of the President of Parliament. No attempt for royal approval had been

attempted.<sup>4</sup>

The proceedings of the second session of the First Triennial Parliament, 7th January to 8th March 1645 were dominated by military affairs and the punishment of malignants. 65 enactments concerned public business, 29 enactments concerned private business (making 94 enactments in all), whilst 28 ratifications were passed.<sup>5</sup> The two most important session committees were the Committee for Managing the War and the Committee for Bills, Overtures and Ratifications.

On 10th January the Committee for Managing the War within and without the Country was established to oversee and supervise the war within Scotland and also in England and Ireland (see appendix 27). Concentrating such powers as recruitment, provision and governing of Scottish forces would thus allow Parliament to proceed with the other important issues which required attention. In essence, the Committee for Managing the War was a revamped Committee of Estates in the form of a parliamentary session committee. Only one noble, one gentry and one burgess included on 10th January had not been included on the 1644 Committee of Estates (see appendices 24 and 27).

The committee was only to sit during the duration of the session of Parliament and was ultimately answerable to Parliament. Six members per estate formed the parliamentary membership of the Committee for Managing the War. Noble representation as part of one of the three parliamentary estates was primarily conservative and included Lanark and Crawford-Lindsay. Cassillis was the only noted radical included in the parliamentary noble representation. Radical interests among gentry representation were managed by Johnston of Wariston (Edinburgh). Sir John Smith (Edinburgh) and Patrick Leslie (Aberdeen) were the noted radical burgesses with a parliamentary track record. Both gentry and burghal representation on the Committee for Managing the War were based on the east. Five further nobles and one further gentry were included on the Committee for Managing the War mainly in military and administrative capacities. Lauderdale as President of Parliament, Leven as Lord General, Callander, as Lord Lieutenant General, Argyll as the head of the armed forces in the North, Lothian as Lieutenant General of the Scottish forces in Ireland, and Hepburne of Humble as General Commissioner. The noble element of this grouping was therefore composed primarily of the leading radicals (bar Callander and Lauderdale). Further additions of two per estate were made on 21st January. Whilst conservative influence was boosted by the addition of Glencairn, it was also offset not only by the addition of Balmerino but also that of the noted radical burgess Robert Barclay (Irvine). All additions had been included on the 1644 Committee of Estates bar the two additional gentry. Following the death of Lauderdale no other noble replaced him as one of the supernumeraries, probably

because Crawford-Lindsay, the new President of Parliament, was included on the commission anyway. Although conservatives such as Lanark and Glencairn were included, the role of the noble supernumeraries was crucial, particularly Argyll, Leven and Lothian. In addition, Balmerino and Cassillis added to the strength of radical nobles led by Argyll. Thus despite the inclusion of conservative and nobles, the radical nobles backed by the gentry and burgesses controlled the agenda of the Committee for Managing the War.<sup>6</sup>

The Committee for Bills, Overtures and Ratifications was established on 11th January (see appendix 27). No common membership exists between the Committee for Bills and Ratifications of 6th June 1644 and the Committee for Bills, Overtures and Ratifications of 11th January 1645 (see appendices 21 and 27). Two gentry included on the Committee for Overtures of 19th June 1644 were also included on the Committee for Bills, Overtures and Ratifications (see appendices 21 and 27). Sir William Carmichael (Lanark) and Falconer of Halkerton (Kincardine) were the two relevant gentry. As well as merging consideration of overtures with bills and ratifications, the membership of the Committee for Bills, Overtures, and Ratifications was increased by one per estate compared with the Committee for Bills and Ratifications of 6th June 1644 and stayed at the same level per estate compared with the Committee for Overtures of 19th June 1644 (see appendices 21 and 27).

Further additions were made on the 24th January and 6th February. Two nobles (both radicals) and two burgesses were added on 24th January. One noble (a conservative), three gentry and two burgesses were added on 6th February. Conservatives and pragmatic Royalists dominated the noble membership, with only Torphichen and Kinghorn as radicals. The fact that Lauderdale was included as supernumerary had no actual significance given the fact that he was on his death bed. The inclusion of so many conservatives may well indicate an attempt to rehabilitate that grouping within Parliament to avoid driving them into the rebel camp. Four remits were given to the committee; to revise and consider all bills, supplications, overtures and ratifications for the session of Parliament; secondly, the power to cite parties before the Committee of Estates in cases where Parliament has risen before the day of appearance; thirdly, to reject all bills, overtures and ratifications not worthy of being received; fourthly, not to determine but to report to Parliament except in such cases where the consent of both parties has been obtained.<sup>7</sup>

Financial affairs, the punishment of malignants, and the discussion of military matters constituted the main focus of Parliament's attention, 7th January to 8th March 1645.

Three specific remits were delegated to the session Committee anent the borrowing of money and malignants' rents of 11th January. Firstly, ways of borrowing of

money were to be continued by the committee. Secondly, details of all malignants' rents, estates and fines were to be examined and considered. Thirdly, details of all money borrowed from private individuals since 1643 were to be examined as were the accounts of the 1643 loan and tax. Five of each estate plus three supernumeraries formed the membership of the Committee anent the borrowing of money and malignant's rents (see appendix 27). Noble representation was mainly conservative, including Glencairn and Barganie, but also included Balmerino as the noted radical. Only one member on the Committee anent the borrowing of money and malignant's rents, Sir John Smith (Edinburgh), was also included on the Committee for Managing the War of 10th January and the Committee for Bills, Overtures and Ratifications of 11th January. In addition, three supernumeraries were included on the Committee anent the borrowing of money and malignant's rents; Balfour of Denmilne (Fife) for the gentry and Sir William Dick of Braid (Edinburgh) and James Stewart (Edinburgh) for the burgesses; all east coasters. All three supernumeraries were not members of Parliament as per 7th January 1645 (see appendix 12), but were not allowed voting rights on the committee; their role was of an advisory nature only. Of the three most important session committees, therefore, personnel was not concentrated within a small group of nobles, gentry and burgesses. The spread in the staffing in these session committees can perhaps be partly explained by the need for solidarity during a time of civil war.<sup>8</sup>

The Commission for the Exchequer was renewed on 1st February and was to endure until the next session of Parliament. No alterations of its membership from the previous commission instituted on 29th July 1644 (see appendices 24 and 27). The inbringing of the loan and tax was similarly ordered on 1st February. On 28th February Hepburne of Humbie was appointed by the Estates to collect maintenance due to finance the army according to the act of maintenance.<sup>9</sup>

Joint consultation between the Committee for managing the war and the Committee anent the borrowing of money and malignants' rents had resulted in agreement by 6th March that a "constant" committee of 12 or 13 "able and sufficient men" should be appointed to deal with the inbringing and distribution of money and the regulation of the burdens of the kingdom.<sup>10</sup> Furthermore such a committee was to ensure that the levels of regiments of horse and foot were to be maintained. Such a committee would thus constitute a new common burdens commission combined with a delegation of powers from the Committee for Managing the War. This committee was instituted by Parliament on 6th March. Four per estate supplemented by three supernumeraries constituted the membership (see appendix 27). Only three individuals (all burgesses) included on the interval committee for inbringing and distributing of moneys and regulating public accounts and burdens of 6th March also



sat on the session committee anent the borrowing of money and malignants' rents of 11th January (see appendix 27). The leading radicals secured a monopoly of noble representation (Argyll, Cassillis, Balmerino and Burleigh, see appendix 27) on the committee of 6th March. Two nobles (one a radical and the other a conservative) and one laird (employed in an administrative capacity) were also included as supernumeraries.<sup>11</sup>

Punishment of malignants and rebels occupied much of the attention of the Estates during the session 7th January to 8th March. The Committee for the Processes and trying and discussing the relevancy of summons of Delinquents was established on 16th January (see appendix 27). Eight per estate supplemented by three judicial officials constituted the membership. One noble, three gentry and one burgess who sat on the Committee for regulating the processes of those cited to the Parliament of 5th June 1644 were included on the Committee for Processes of 16th January 1645 (see appendices 23 and 27). The relevant noble was the radical Cassillis. One further noble and two further gentry and one further burgess who sat on the Committee for trying of the Delinquents of 12th June 1644 were included on the Committee for Processes of 16th January 1645 (see appendices 23 and 27). Of the six remaining nobles on the Committee for Processes of 16th January 1645, Balmerino and Burleigh were the noted radicals, although there was a strong conservative presence amongst the other four remaining nobles. Johnston of Wariston (Edinburgh) was the noted radical laird included. Hamilton of Orbiston, Justice Clerk, and Colville of Blair and Robertson of Bedlay, Justice Deputes, were included as supernumeraries on the Committee for the Processes of 16th January 1645; all three had sat on the Committee for trying of the Delinquents of 12th June 1644 (see appendices 23 and 27). The supernumeraries were not included in a judicial capacity but as parliamentary commissioners. Scrutiny of the total membership of the Committee for the Processes of 16th January 1645 therefore illustrates that two out of eight nobles, six out of eight gentry, two out of eight burgesses and the three judicial officials had been included on the earlier committees of the 1644 Parliament. A strong degree of continuity regarding gentry membership is thus apparent. Although there was movement in burgess membership, all new burgess were on the committee had parliamentary experience and were important radicals for the burghal estate. Five nobles, including Lanark, were displaced from the 1644 committees; all were conservatives or pragmatic Royalists. Despite the fact that Annandale and Dalhousie were included on the committee of 16th January 1645, there was nevertheless a shift in political balance among the nobles away from the conservatives, with the inclusion of Balmerino, Burleigh, Weymes and Frendraucht. The inclusion of conservatives and pragmatic Royalists was therefore a token presence, probably

initiated to avoid alienating the conservatives <sup>and</sup> pragmatic Royalists in a time of civil war.<sup>12</sup>

Nine individuals were forfeited by Parliament on 11th February for insurrection and invasion in the south of the country, the most prominent of whom were the Earls of Montrose and Nithsdale and the Viscount of Aboyne. This followed the Battle of Inverlochy on 2nd February. 14 individuals were further forfeited on 11th February for insurrection and invasion in the north. Montrose was forfeited again for insurrection and invasion in the North. 24 individuals in total were forfeited (Montrose having been forfeited twice and Carnwath was forfeited at a later date on 25th February, whilst Huntly was forfeited on 8th March), all being found guilty of high treason. Sir James Balfour asserts that only two members of Parliament present in Parliament on 11th February abstained from the vote concerning the above 22; Southesk (Montrose's father-in-law) and Dalhousie. Balfour states that 26 nobles were present in the House on 11th February and only a few gentry and burgesses present on the opening day of the session were absent. 44 gentry and 47 burgesses were present in Parliament, 7th January. Therefore somewhere in the region of 117 members of Parliament were present in the House on 11th February and around 115 voted in favour of forfeiture.<sup>13</sup> Traquair was fined 40,000 merks (£26 667 Scots) by Parliament on 1st March and ordered to be confined within his own lands.<sup>14</sup>

The establishment of the market value of the lands, rents and other resources of those forfeited individuals was the remit issued to the Committee for selling the forfeited lands initiated on 25th February. Two per estate formed the membership (see appendix 27). Noble membership was exclusively radical (Cassillis and Balmerino). The Committee for selling the forfeited lands was to report back to Parliament before the end of the session and if it had not concluded its deliberations before then it was to report to the Committee of Estates.<sup>15</sup>

By the time the parliamentary session ended on 8th March not all the processes against malignants had been concluded. All such summons and processes were remitted to the consideration of the Committee of Estates. 95 cases of either summons or processes were remitted to the Committee of Estates.<sup>16</sup>

The discussion of military matters and related issues formed the third important area of the work of Parliament, 7th January to 8th March 1645. The Committee anent the losses and those killed in the war of 15th January was formed to provide a systematic study of the extent of losses suffered at sea and on land, the manner of the losses and the extent of repairs required. Six per estate plus the President of Parliament as supernumerary constituted the membership (see appendix 27). Conservative and radical nobles both secured inclusion, although the political balance was tilted in favour of the former faction. This indicates once more the

desire of the radicals to secure a working relationship with the conservatives in a time of civil war.<sup>17</sup>

On 24th January a committee was established to accompany Lieutenant General William Baillie of Lethem on the military expedition within the country. The committee was to sit at Perth or at any other place appointed by Lieutenant General Baillie. The commission was to endure until discharged by Parliament or the Committee of Estates. Four per estate plus two supernumeraries constituted the membership (see appendix 27). The composition of the committee, centred on the east and north-east, reflected Perthshire as the main theatre of war. Burleigh was the one noted radical noble included, whereas Tullibardine was the one noted conservative noble included. None of the four gentry and two of the four burgesses were not members of Parliament as per 7th January 1645 (see appendices 12 and 27). Over all three estates only two burgesses William More (Aberdeen) and George Jamieson (Coupar) had been included in the Committee for the North of 19th July 1644 (see appendices 24 and 27). One of the two supernumeraries was included in a military capacity.<sup>18</sup>

Legislation enacted on 27th February determined the levels required for maintenance of the army and ordered the strengthening of the Earl of Sutherland's regiment. Likewise, Lieutenant General William Baillie of Lethem was commissioned on 27th February to command a military force of horse and foot throughout the kingdom.<sup>19</sup>

The renewal and/or new nomination of the Committees of War in the shires was delegated from Parliament to the consideration of the Committee of Estates established on 8th March 1645.<sup>20</sup>

By the time the second session of the First Triennial Parliament ended on 8th March three forms of bills and supplications had not been fully dealt with by Parliament; firstly, those bills which had been considered by the Committee for Bills and Supplications but which had not yet been reported in Parliament, secondly those bills and supplications which had received citations but had not yet been called, and thirdly those bills and supplications which had not yet been called or heard at the committee stage or in Parliament. All three categories were remitted to the consideration of the Committee of Estates.<sup>21</sup>

*(iii) The Committee Structure of the Second Session of the First Triennial Parliament, 7th January to 8th March 1645.*

11 parliamentary session and interval committees in total have been analysed, 7th January to 8th March 1645. Six were strictly session committees, three were both session and interval committees and two were strictly interval committees (see appendix 27). Of the six session committees two had remits of a military nature, two had remits of a financial nature, one had an executive remit and one a judicial remit. Of the three committees which were both session and interval committees, two had financial remits and one had a military remit. The two interval committees possessed executive and financial remits respectively (see appendix 27).<sup>22</sup>

46 nobles constituted the total membership of the nobility who served on the 11 committees (see appendix 27). Legislation enacted on 10th January stipulated that the President of Parliament was to sit and vote on all parliamentary committees and to preside when present. Following Lauderdale's death, Crawford-Lindsay was appointed as President on 18th January. Therefore Crawford-Lindsay was included on all committees after 18th January, whilst Lauderdale was included on all committees prior to 18th January. Crawford-Lindsay served on eight committees in total (73%), whilst Balmerino served on six (55%). Cassillis and Lauderdale (prior to his death on 17th January) were included on five committees (46%). Loudoun, Lanark, Tullibardine and Burleigh all served on four committees (36%). Argyll served on three committees. The remaining 23 nobles served on three or less committees. In terms of the political balance between radical and conservative nobles, although conservatives were included on individual committees, radicals backed by the gentry and burgesses still controlled those committees. Analysis of the breakdown of the type of committees that common membership nobles were included on provides an insight into radical/conservative alignments according to the various remits of session and interval committees (see appendix 27). Balmerino, Burleigh and Cassillis tended to be grouped together on common committees. Loudoun and Argyll were also included on both interval committees as per the above three noted radical nobles. Hence radical nobles tended to be included on the same types of committees collectively (see appendix 27). Scrutiny of conservative noble representation reveals that Lanark and Tullibardine gained membership of virtually identical committees. In terms of the total number of committees analysed, Lanark and Tullibardine were the most influential conservative nobles. Both were included on the same committees except that Lanark was included on the Exchequer Commission and Tullibardine was included on the Committee for assisting

Lieutenant General Baillie. Lanark, Hamilton's spokesman in Parliament, was the leading conservative noble, was thus included on three of the most important session and interval committees; the Committee for Managing the War, the Committee for the Exchequer and the Committee of Estates. Lanark's inclusion on such committees was undoubtedly aimed at establishing a working relationship with the conservatives, as opposed to allowing them to establish an alliance with Montrose. In addition Glencairn and Southesk were included on both interval committees as per Lanark and Tullibardine. Radical and conservative nobles were thus included collectively on both interval committees. The parliamentary committee structure was nevertheless still controlled by the noted radical nobles who could draw on their power base within the ranks of the gentry and the burghal estate. Conservative influence, whilst recognised, was still subordinate to the managerial agenda of the core of radical nobles.<sup>23</sup>

61 gentry constituted the total membership of the gentry who served on the 11 committees (see appendix 27). 30 gentry analysed (48%) were not members of Parliament as per 7th January 1645. In common with the trends evident from 1639 to date, extra-parliamentary gentry were being employed in large numbers. No gentry served on 50% or more of the 11 committees. Dundas of Maner (Linlithgow), Hay of Balhousie (Perth), Hamilton of Orbiston (Renfrew) and Cochrane of Cowdown (Ayr) all served on four committees each (36%). All four gentry were included on the Committee for Processes and the Committee of Estates. Furthermore all were included on the interval committee for the inbringing and distributing of monies except for Hamilton of Orbiston who was included on the Exchequer Commission instead. The remaining 56 gentry served on three or less committees, although this does not detract from the fact that gentry were spread over all 11 committees and formed a crucial voting block to bolster the radical nobles. Johnston of Wariston (Edinburgh), for example, was included on only three committees but his influence was greater than this figure suggests; the Committee for Managing the War, the Committee for Processes and the Committee of Estates. Four further gentry bar Johnston of Wariston were included on three committees; Winraham of Libberton (Edinburgh), Udnie of that ilk (Aberdeen), Falconer of Halkerton (Kincardine) and Hepburne of Humble. All were included on the Committee of Estates. In geographic terms two eastern and two western gentry were all nominated to four committees, whilst all gentry included on three committees represented eastern shires. It was the commitment of the gentry to the radical nobles and the strength of grass-roots radicalism in the localities that allowed for this spread of the gentry on committees, although individual session committees were dominated by the east.<sup>24</sup>

47 burgesses constituted the total membership of the burgesses who served on the

11 committees (see appendix 27). 23 burgesses analysed (49%) were not members of Parliament as per 7th January 1645 (see appendix 12).

Sir John Smith (Edinburgh) served on seven committees (64%) whilst Patrick Leslie (Aberdeen) served on five (46%). John Kennedy (Ayr), George Garden (Burntisland) and Alexander Douglas (Banff) all served on four committees each (36%). Robert Arnot (Perth), Robert Cunningham (Kinghorn), Robert Barclay (Irvine) and William Glendoning (Kirkcudbright) were each included on three committees. All burgesses included on three or more committees were members of the Committee of Estates. Six gained membership of the Committee for Processes, whilst four were members of the Committee for Managing the War. Four were included on the interval committee for the inbringing and distributing of monies. Three were included on the Committee for the East India Trade, three on the Committee anent the Losses of the War and three on the Committee for Borrowing of Monies and Malignants' rents. The remaining 38 burgesses served on two or less committees (see appendix 27).<sup>25</sup>

Near parity in terms of nobles and burgesses employed on the 11 parliamentary session and interval committees therefore exists. A greater number of gentry however was employed compared to the nobility (16) and the burghal estate (15). Once more such a trend is an indication of the radical strength in depth of the gentry numerically. Burghal commitment was nevertheless crucial to the efficient management of radical interests. Gentry and burghal influence was still concentrated along eastern lines, whilst still maintaining a noted and significant western interest. Session committees and the financial interval committee were particularly eastern, whilst the various sections of the Committee of Estates exhibited a broader geographic spread.

#### *(iv) The Appointment of Parliamentary Interval Committees.*

Two strictly interval committees were appointed; the Committee anent the borrowing of money and malignants' rents on 6th March and the Committee of Estates on 8th March.

*Table 5. The composition of the Committee of Estates, 8th March 1645.<sup>26</sup>*

	Nobles	Gentry	Burgesses	Total
Edinburgh section	10	13	16	39
Army section in England	12	8	6	26
Army section in Scotland	14	12	14	40
Diplomatic grouping	4	3	3	10

*Table 6. The numerical membership of the 1644 Committee of Estates and the Committee of Estates, 8th March 1645 (including supernumeraries ).<sup>27</sup>*

	Nobles	Gentry	Burgesses	Total
8th March 1645	40	38	39	117
29th July 1644	32	32	33	97

The Committee of Estates commissioned by Parliament on 8th March 1645 was composed essentially of four sections; the Scottish diplomatic contingent in London, an Edinburgh section, a section to accompany the army in England, and a section to accompany the army in Scotland. Four nobles, three gentry and three burgesses formed the membership of the Scottish diplomatic grouping in London (see table 3). One of these nobles (Argyll) was also included on the army section (England) section while another (Balmerino) was included on the Edinburgh section. Balmerino was the leading noble on the Edinburgh section, whilst Argyll was the dominant figure on the army section for England. The army section in Scotland was controlled by conservative nobles; Lanark and Crawford-Lindsay. The Edinburgh section was composed of those residue nobles, gentry and burgesses who were not appointed for the army section in England, the army section in Scotland and the Scottish diplomatic commission in London. In total, the Committee of Estates of 8th March 1645 was composed of 40 nobles, 38 gentry and 39 burgesses (yielding a total of 117 individuals), and illustrates near parity of membership per estate. One noble (Roxburgh) included in the total number of nobility was not allocated to any of the four sections. Two gentry included in the total number of gentry were not allocated to any of the above four sections; Gibson of Durie, Clerk Register, and Hepburne of Humble. 14 gentry (37%) and 18 burgesses (46%) included within the total membership were not members of Parliament as per 7th January 1645 (see appendices 12 and 27).<sup>28</sup>

31 nobles, 25 gentry representing 14 shires and 26 burgesses representing 19 burghs who were included on the Committee of Estates, 29th July 1644, were also



included on the Committee of Estates of 8th March 1645. A total of 82 individuals were included on both commissions (see appendices 24, 27). In percentage terms, 78% of nobles, 66% of gentry and 67% of burgesses on the Committee of Estates of 8th March 1645 had also been included on the Committee of Estates of 29th July 1644.<sup>29</sup>

Analysis of the correlation between membership of Parliament, 7th January 1645, and membership of the Committee of Estates, 8th March 1645, reveals that 10 out of 38 gentry (26%) and 17 out of 39 burgesses (44%) on the Committee of Estates of 8th March 1645 were not members of Parliament as per 7th January 1645 (see appendices 12 and 27).<sup>30</sup>

Geographical scrutiny of the total membership of gentry and burgesses on the Committee of Estates of 8th March 1645 provides a strong bias in favour of the east coast. 19 out of the total 38 gentry (50%) represented eastern shires. In comparison, eight gentry (21%) were from the west, seven gentry were from the Borders (18%) and four gentry (29%) were from the central belt. 26 out of the 38 burgesses (68%) represented eastern burghs. Seven burgesses (18%) represented western burghs, whilst three burgesses (8%) represented burghs from the Borders. Only one burgess (3%) represented the central belt and one further burgess (3%) represented the extreme north. Western gentry were particularly concentrated on the Edinburgh section, whereas western burgesses were prevalent on the diplomatic section. Borders gentry and burgesses, on the other hand, were concentrated on the army section for England. The overwhelming need and desire for nationwide commitment probably explains the geographic spread in the staffing levels of the Committee of Estates of 8th March 1645.<sup>31</sup>

#### *(v) The Operation of Parliamentary Interval Committees.*

The Committee of Estates (Edinburgh section) constituted on 8th March 1645 first met on 10th March 1645. 60 sederunts are recorded from 13th March to 2nd July 1645 (see appendix 29). The Edinburgh section frequently held its diets outwith Edinburgh due to the plague which had reached the capital. Between 13th March and 27th May the Committee of Estates sat at Edinburgh, between 29th and 30th May at Linlithgow, on 5th June at Stirling, between 9th and 12th June at Perth, on 15th June

at Stirling and between 19th June and 2nd July at Linlithgow.<sup>32</sup>

Four nobles attended 50% or more diets (see appendix 29). Cassillis attended 39 diets (65%), Burleigh 33 diets (55%), Balmerino 32 diets (53%) and Barganie 30 diets (50%). Despite the fact that the conservative Barganie attended a significant number of diets, radical nobles nevertheless still dominated this grouping. Seven further nobles who were included on the section of the Committee of Estates to accompany the Scottish army in England attended diets of the Edinburgh section on various occasions (see appendix 29). All have low attendance records bar Argyll who attended 24 diets of the Edinburgh section (40%). Argyll was clearly the influential noble on both these sections and was clearly exercising his control over the Edinburgh section. Four further nobles, all of whom were conservatives, included on the section of the Committee of Estates to accompany the Scottish army in Scotland also attended several diets of the Edinburgh section (see appendix 29). All have negligible attendance records on the Edinburgh section. Only one noble attended diets of the Edinburgh section who was not a member of the Committee of Estates as per 8th March 1645; Annandale attended 16 diets (27%). Loudoun, Chancellor, was to preside in the Edinburgh section. In his absence Balmerino was to preside. In the absence of both Loudoun and Balmerino the quorum present was to elect a president. In the absence of the Chancellor Argyll was to preside in the section of the Committee of Estates to accompany the Scottish army in Scotland.<sup>33</sup>

Only two gentry attended 50% or greater of the diets of the Edinburgh section of the Committee of Estates (see appendix 29). Sir Archibald Campbell attended 48 diets (80%) and Hope of Craighall 40 diets (67%). Neither Campbell or Craighall were members of Parliament as per 7th January 1645 (see appendices 12 and 29). Eight additional gentry who were included in the section of the Committee of Estates to accompany the Scottish army in England attended diets of the Edinburgh section, only three of whom were members of Parliament as per 7th January 1645 (see appendices 12 and 29). The highest attendance rates of such eight gentry belonged to Hepburne of Humbie with 20 (33%) and Wauchope of Niddrie with 18 (30%). An additional eight gentry who were included on the section of the Committee of Estates to accompany the Scottish army in Scotland attended diets of the Edinburgh section, only one of whom was not a member of Parliament as per 7th January 1645 (see appendices 12 and 29). The highest attendance rates of such gentry were those of Sinclair of Hirdmeston (Haddington) with 11 (18%) and Hay of Balhousie (Perth) with 10 (17%). Two further gentry attended diets of the Edinburgh section of the Committee of Estates despite the fact that they were not included in the original commission of 8th March; Balfour of Denmilne who attended seven diets (12%) and the laird of Busbie who attended one diet. Neither were members of Parliament as

per 7th January 1645 (see appendices 12 and 29).<sup>34</sup>

Only two burgesses attended 50% or greater of the diets of the Edinburgh section of the Committee of Estates (see appendix 29). Archibald Sydsersf attended 42 diets (70%) and Robert Farquhar 34 diets (57%). Neither were members of Parliament as per 7th January 1645 (see appendix 12), although both had previous parliamentary experience, and both were included in the section of the Committee of Estates to accompany the Scottish army in Scotland. In total seven burgess members of the section of the Committee of Estates to accompany the Scottish army in Scotland attended diets of the Edinburgh section (see appendix 29). Two additional burgesses who were members of the section of the Committee of Estates to accompany the Scottish army in England attended diets of the Edinburgh section; James Rae and James Sword. Neither were members of Parliament as per 7th January 1645 (see appendix 12), although both had served on previous Committees of Estates, and both attended the Edinburgh diets on one occasion only each.<sup>35</sup>

Considerable cross-~~liaison~~ therefore occurred between the various sections of the Committee of Estates, particularly with regard to the gentry and burgess members. Movement between the sections was concentrated on movement to the Edinburgh section from both the army sections. Taken in conjunction with Argyll's movement between sections, this may well indicate an aspect of effective management by the radicals over the various sections. Such an argument is strengthened by the fact that a significant number of those gentry and burgesses who attended both sections but were not members of Parliament at the time of issue of the parliamentary commission nevertheless had previous parliamentary experience or had served on previous Committees of Estates.

As per the terms of the original commission of the Committee of Estates of 8th March 1645 the quorum of the Edinburgh section was set at seven with one of each estate required to be present. At all recorded sederunts of the Edinburgh section between 13th March and 2nd July these rules were adhered to (see appendix 29).<sup>36</sup>

On 17th March the Edinburgh section established eight committees of war in total for the shires of Haddington, Berwick, Fife, Wigtown, Stirling, Clackmannan, Forfar and Edinburgh. This suggests that the existing committee structures in those shires were ineffective in operation. It may also suggest that such committees of war required purging. Furthermore on 11th April the Edinburgh section established a Committee anent Malignants to consider the citations of those malignants cited. Annandale, Lanark and Bargaie were included as the noble element. The fact that all the nobles were conservatives may be explained by the fact that it would seem less likely to alienate the conservatives if they were actually involved in the process of considering citations. Once more this illustrates the reluctance of the radical

nobles to completely alienate the conservatives. In any case, the decisions of the sub-committee would have to be approved by the appropriate section of the Committee of Estates as a whole.<sup>37</sup>

*(2) The Third Session of the First Triennial Parliament, 8th July to 11th July 1645.*

By the time the parliamentary session convened, Montrose remained undefeated on the battlefield. The political threat of an alignment between Montrose and the conservatives therefore remained a real one.

*(i) The Composition of the Third Session of the First Triennial Parliament, 8th July to 11th July 1645.*

*Table 7. The composition of the Second and Third Sessions of the First Triennial Parliament.*<sup>38</sup>

	Nobles	Gentry	Burgesses	Total
8th July 1645	34	21	20	75
7th January 1645	43	44	47	134

The third session of the First Triennial Parliament convened at Stirling on 8th July as opposed to the traditional venue of Edinburgh due to the widespread plague in the capital. 34 nobles, 21 gentry representing 14 shires, and 20 burgesses representing 19 burghs (75 members in total) constituted the membership of Parliament, 8th July

1645 (see appendix 10 for full data and table 6 for an abbreviate). 26 nobles, 19 gentry representing 13 shires and 20 burgesses representing 19 burghs (yielding a common field of 65 members) who had sat in the second parliamentary session commencing on 7th January were also present in Parliament on 8th July 1645 (see appendix 12). In terms of movement per parliamentary estate (as opposed to individual membership) nine fewer nobles, 23 fewer gentry and 27 fewer burgesses were present in Parliament on 8th July compared with 7th January 1645 (see appendix 11). Such analysis reveals a reduction in total of 59 members over all three estates. Attendance levels would therefore appear to have been affected by the plague, especially in relation to gentry and burghal representation, and commitments relating to the civil war. Radical nobles dominated the ranks of the nobility and conservatives were in a clear majority.<sup>39</sup>

*(ii) The Proceedings of the Third Session of the First Triennial Parliament, 8th July to 11th July 1645.*

The third session of the First Triennial Parliament from 8th July to 11th July was dominated by consideration of military affairs and the civil war. 18 acts were passed in all, 16 of which dealt with the public business. Crawford-Lindsay was elected to be continued as President of Parliament on 8th July. In common with the previous parliamentary session, a session committee, namely the Committee for Managing the War within and without the country was established on 8th July (see appendix 31). The committee established on 8th July owed its origin and existence to the Committee for Managing the War within and without the country of 10th January 1645. The committee of 10th January had a membership of six per estate plus four military officials, the President of Parliament and the General Commissioner (see appendix 27). The committee of 8th July on the other hand had a membership of six per estate plus the President of Parliament as supernumerary (see appendix 31). Five nobles, three gentry and three burgesses (11 members in total) served on both committees (see appendices 27 and 31). Argyll, Crawford-Lindsay, Cassillis, Tullibardine and Balcarras constituted the relevant five nobles. Hence there was a balance between radical and conservative nobles within this common grouping. Whereas Crawford-Lindsay had been included on the committee of 10th January as one of the six nobles representing the parliamentary noble estate, he was included as

supernumerary on the committee of 8th July in the constitutional capacity as President of Parliament. Whereas Argyll was included on the committee of 10th January as a military official, he was included on the committee of 8th July as one of the six nobles representing that estate. Of the two remaining noble members of the Committee for Managing the War of 8th July, one was a radical and one a conservative respectively. The common grouping of three gentry and three burgesses were primarily drawn from the east coast.

The exclusion of the military officials included in the commission of 10th January can be attributed to the fact that by July 1645 the military campaign in the civil war was actually underway. In line with the terms of the commission issued on 10th January the Committee for managing the war of 8th July was subject to the authority of and answerable to Parliament.<sup>40</sup>

Close correlations in membership between the Committee for Managing the War of 8th July and the Committee of Estates of 8th March can be established. All seven nobles (including the supernumerary), all six gentry and three out of the six burgesses on the Committee for Managing the War had been included on the Committee of Estates (see appendices 27 and 31). The three burghs whose representatives as per 8th July had not been included on the Committee of Estates had nevertheless been represented by other burgesses on that committee. In terms of the total membership of the Committee for Managing the War (19) of 8th July, eight members had been included on the army section (Scotland), five on the Edinburgh section, two on the army section (England), one on the diplomatic section and three were non-members.<sup>41</sup>

The Committee anent the Northern Business was established on 10th July to draw up a list of individuals to whom pardon could be awarded by Seaforth after "reall prooffe or assurance givine be these persones for thair dewtifull cariage to ye cuntrie".<sup>42</sup> All persons already forfeited were exempt from pardon. Two members per estate constituted the membership (see appendix 31). Noble membership was balanced between the most influential radical (Argyll) and the leading conservative (Lanark). In common with those committees concerning the punishment or citation of individuals, Lanark was included as the conservative spokesman, although Argyll was clearly the influential figure. Argyll's inclusion, supplemented by the gentry and burgess members, ensured that pardons could only be issued with the agreement of the radicals, given the fact that both Seaforth and Lanark were conservatives.<sup>43</sup>

The third session of the First Triennial Parliament terminated on 11th July when Parliament was continued to 24th July at Perth. However, the Committee of Estates had the authority to bring forward that diet if need be and to alter the location.<sup>44</sup>

*(iii) The Committee Structure of the Third Session of the First Triennial Parliament, 8th July to 11th July 1645.*

Two parliamentary session committees and two parliamentary interval committees have been analysed for the session of Parliament 8th July to 11th July 1645 (see appendix 31). The two session committees both had military remits, whilst the interval committees had remits of a financial and military nature respectively.<sup>45</sup>

13 nobles in total constituted the total field of nobles on all four committees (see appendix 31). Only one noble, Argyll, was included on all four committees. As has been shown Argyll had been the dominant figure on the Committee of Estates. This influence had continued undiminished throughout the third session of the First Triennial Parliament. Three nobles were included on two out of these four committees; Cassillis, Tullibardine and Burleigh. Cassillis was included on one of the session committees with a military remit and the interval committee with a financial remit (see appendix 31). Tullibardine was included on two committees with a military remit (one of which was a session committee and one an interval committee, see appendix 31). Burleigh was included on both interval committees (with military and financial remits respectively). Of these three nobles only Tullibardine was a conservative. The remaining nine nobles were included on only one committee each.<sup>46</sup>

11 gentry in total constituted the total field of gentry on all four committees (see appendix 31). No gentry served on a maximum of four committees. Dundas of Maner, (Linlithgow) was included on three, on both session committees with a military remit and also the interval committee with a financial remit. Four gentry served on two committees; Winraham of Libberton (Edinburgh), Hay of Balhousie (Perth), Cochrane of Cowdoun (Ayr) and Brodie of that ilk (Elgin). Winraham of Libberton was included on military committees, one of which was a session committee and one an interval committee. Brodie of that ilk was included on both the military session committees. Hay of Balhousie was included on both interval committees with financial and military remits respectively. Cochrane of Cowdoun, on the other hand, was included on one of the military session committees and the financial interval committee. Of the five gentry included on more than one committee, three represented eastern shires one represented a western shire and one represented a far north eastern shire. Two gentry analysed were not members of Parliament as per 8th July 1645 (see appendices 12 and 31). Balfour of Denmilne and Oliphant of Bachiltoun were the two such gentry. Both were eastern gentry.<sup>47</sup>

13 burgesses in total constituted the total field of burgesses on all four committees (see appendix 31). No burgess was included on all four committees. Patrick Leslie (Aberdeen) was included on three. He was included on both military session committees and the one interval military committee. Three burgesses served on two committees; James Pedie, George Garden (Burntisland) and William Glendoning (Kirkcudbright). James Pedie was included on one of the military session committees and the one military interval committee, despite the fact that he was not a member of Parliament as per 8th July 1645. George Garden was included on both interval committees. William Glendoning was included on one of the military session committees and the financial interval committee. Of the four burgesses included on more than one committee, three represented eastern burghs and one represented a burgh from the Borders. Four burgesses analysed were not members of Parliament as per 8th July 1645 (see appendices 12 and 31); Alexander Halyburton, Sir Alexander Wedderburn, James Robertson and James Pedie.<sup>48</sup>

Noble common membership was therefore primarily radical in nature. Both gentry and burghal common membership was focused on military committees and was based mainly on eastern representation with regard to both session and interval committees.

#### *(iv) The Appointment of Parliamentary Interval Committees.*

On 10th July Parliament continued the commission granted to the Committee of Estates on 8th March until 24th July (the quotas of horse and foot to be put out by the shires were issued on 9th July). Parliament then created a new sub-committee of that Committee of Estates to remain with the army at Perth until the next session of Parliament to be held on 24th July (see appendix 31). In theory this created five sections of the Committee of Estates instituted on 8th March (the Scottish diplomatic contingent, the Edinburgh section, the section accompanying the Scottish army in Scotland, the section accompanying the Scottish army in England, and the new section to remain at Perth) as Parliament continued the whole commission as per 8th March. Legally and constitutionally, the section of the Committee to remain with the army at Perth was distinct from the section of the Committee of Estates to accompany the Scottish army in Scotland. In terms of membership, however, four nobles, three gentry and three burgesses (10 members in all) included in the committee to remain with the army at Perth of 10th July had been included in the



army section (Scotland) of the Committee of Estates of 8th March (see appendices 27 and 31). The most noted of the four nobles was the conservative Tullibardine. All three gentry and all three burgesses were exclusively eastern and one of the burgesses was not a member of Parliament as per 8th July 1645 (see appendices 12, 27 and 31). In addition two nobles who were not members of the army section (Scotland) of the Committee of Estates but who were members of other sections of the Committee of Estates were included in the membership of the committee to remain with the army at Perth of 10th July. Argyll was President of the army section (England) of the Committee of Estates and Burleigh was a member of the Edinburgh section of the Committee of Estates. Both Argyll and Burleigh were therefore included to oversee the management of radical interests. Two gentry and two burgesses included on the committee to remain with the army at Perth of 10th July were not included in the full commission to the Committee of Estates of 8th March. One of these two gentry and both burgesses were not members of Parliament as per 8th July 1645 (see appendices 12, 27 and 31). One further burgess included on the committee of 10th July was a member of the Edinburgh section of the Committee of Estates. In terms of total membership (17) of the committee to reside at Perth, nine members had been included on the army section (Scotland), two on the Edinburgh section, one on the army section (England) and six were non-members of the Committee of Estates. Given the remit of the committee, the geographical composition of the committee to remain with the army at Perth naturally reflected a dominance of eastern gentry and burgesses.<sup>49</sup>

Likewise on 10th July the Commission for the Exchequer and the interval Committee for inbringing of moneys and for regulating the public accounts and burdens were both continued to 24th July (see appendix 31). No additions were made by Parliament in terms of membership.<sup>50</sup>

Consideration of the membership of the Committee for the Exchequer vis-a-vis the analysed figures above does not greatly alter the trends shown. Crawford-Lindsay and Lanark are thus included on two committees, while Roxburgh and Loudoun are now included on one committee (the Exchequer). Hamilton of Orbiston (Renfrew) is now included on two committees.<sup>51</sup>

***(3) The Fourth Session of the First Triennial Parliament, 24th July to 7th August 1645.***

***(i) The Composition of the Fourth Session of the First Triennial Parliament, 24th July to 7th August 1645.***

***Table 8. The composition of the Third and Fourth Sessions of the First Triennial Parliament.<sup>52</sup>***

	Nobles	Gentry	Burgesses	Total
24th July 1645	38	38	34	110
8th July 1645	34	21	20	75

The fourth session of the First Triennial Parliament at Perth commenced on 24th July and lasted until 7th August 1645. 37 acts, 34 of which were concerned with the public business, and four ratifications were passed between 24th July and 7th August. 38 nobles, 38 gentry representing 23 shires, and 34 burgesses representing 33 burghs (110 members in all), constituted the composition of Parliament, 24th July 1645 (see appendix 10 for full data and table 8 for an abbreviate). 31 nobles, 18 gentry representing 12 shires, and 12 burgesses representing 11 burghs (61 members in all) present in Parliament, 24th July, had also been present in Parliament, 8th July 1645 (see appendix 12 and table 9). Analysis of attendance per estate reveals a rise of four nobles, 17 gentry and 14 burgesses (a total rise of 35) between the sessions commencing on 8th July and 24th July respectively (see appendix 11). The attendance level of the nobility was therefore on a near par with the previous parliamentary session, while the rise in the gentry and burgesses was almost

identical. 20 new gentry and 22 new burgesses were in attendance and is a further indication of grass-roots radicalism amongst these two estates. This suggests not only that noble attendance was being reduced due to events on the battlefield, but also that the other two parliamentary estates were now prepared to attempt to take on an enhanced parliamentary role as evidenced in the numerical increase in gentry and burgesses from the previous parliamentary session.<sup>53</sup>

*(ii) The Proceedings of the Fourth Session of the First Triennial Parliament, 24th July to 7th August 1645.*

The proceedings of this parliamentary session were dominated by the consideration of military affairs as the civil war campaign continued in Scotland.

The two most important parliamentary session committees were established on 29th July; the Committee for the Prosecution of the War and the Committee for Provision of the Army. In essence the remit of both the Committees for Managing the War of 10th January and 8th July had been more closely delegated to the more specific committees of 29th July. Six per estate formed the membership of the Committee for the Prosecution of the War (see appendix 32). Three nobles, three gentry and two burgesses who served on the Committee for Managing the War of 8th July were included on the Committee for the Prosecution of the War of 29th July (see appendices 31 and 32). Argyll, Marischal and Cassillis served on both committees for the nobility. Therefore noble common membership was exclusively radical and indicates radical management of one of the most important session committees. Of the three remaining nobles nominated to the Committee for Prosecution of the War one was a radical (Eglinton), whilst the other two were conservatives (Roxburgh and the influential Lanark). All nobles and all gentry included on the Committee for Prosecuting the War had been included on the Committee of Estates of 8th March, renewed on 10th July (see appendices 27, 31 and 32). Of the six burgesses included on the committee of 29th July, five had been included on the Committee of Estates (see appendices 27, 31 and 32).<sup>54</sup>

No nobles, no gentry and only one burgess included on the Committee for Managing the War of 8th July were included on the Committee for the Provision of the Army of 29th July (see appendices 31 and 32). George Jamieson (Coupar) was the one such burgess. Only two nobles, Burleigh and Loure, were included on the

Committee for the Provision of the Army in comparison to four gentry. Two of the four gentry included on the Committee for the Provision of the Army were not members of Parliament as per 24th July 1645 (see appendices 12 and 32). Only two burgesses were included on the Committee for the Provision of the Army. Hence gentry representation was double that of each of the other two parliamentary estates. The geographical composition of the committee was determined by the location of the Parliament (Perth) and the fact that the army was based in the vicinity of that location. All gentry and burgess members had their domains in the surrounding area. This is in common with earlier Edinburgh based committees when parliamentary sessions were held in the capital. Whilst both burgess members had been included on the Committee of Estates of 8th March, only Burleigh for the nobility and Hay of Balhousie (Perth) for the gentry had been included on that committee (see appendices 27 and 32). The actual military jurisdiction of the committee appears to have been under some doubt until 5th August. A report from the Committee for Prosecuting the War was presented to the House on 5th August. Following debate on the report and then a vote, it was enacted that the

" directing of the warr shall be be the parliament or  
Comittie of parliament And the Actuell manageing and  
executing of the directiones To bee the Comander in  
cheefe As will be ansuerable to the parliament or yr  
Committy." <sup>55</sup>

The destruction of land and property caused by the civil war within the country was particularly addressed by Parliament. On 4th August a session committee was established to consider the extent of loss and suffering in the area around the town of Perth. Three of each parliamentary estate constituted the membership (see appendix 32). Two conservative nobles (Tullibardine and Perth) were included as well as the radical Burleigh. Two of the three gentry members were not members of Parliament as per 24th July 1645 (see appendices 12 and 32). Gentry and burghal membership of the Committee for trying the Losses near the Town of Perth was composed of gentry and burgesses from the surrounding localities, in keeping with the local remit of the committee. <sup>56</sup>

On 5th August a further session committee was initiated by the Estates, the Committee for Examining Deficients, to examine and scrutinise deficiencies in the quotas of the former levies which had occurred. Two per estate formed the membership (see appendix 32). Noble membership was balanced between conservatives (Glencairn) and radicals (Burleigh). Gentry and burghal representation

was exclusively eastern. Given the nature of the commission vis-a-vis the location of the army, such a geographic domination is perhaps unsurprising.<sup>57</sup>

In order to compensate for the financial losses suffered in the north of the country, five nobles from this area were warranted by Parliament on 7th August to uplift the rents of malignants within their specific domains.<sup>58</sup>

At the close of the fourth session of the First Triennial Parliament on 7th August the Estates adhered to the recent trend of remitting those bills and supplications handed into Parliament but not fully dealt with to the Committee of Estates. The Act anent the remitting of Bills to the Committee of Estates refers to Committee of Bills in the session of Parliament, 24th July to 7th August. However, no record of this committee or details of its membership exists. The fact remains that those bills which had been considered by the " Committee for the Bills " but had not been reported in Parliament were remitted to the Committee of Estates as were those bills remitted but which had not been heard at the committee stage.<sup>59</sup>

*(iii) The Committee Structure of the Fourth Session of the First Triennial Parliament, 24th July to 7th August 1645.*

Four parliamentary session committees and four parliamentary interval committees have been analysed between 24th July and 7th August. Two military committees, one judicial committee and one diplomatic committee constituted the four session committees. The four interval committees were composed of one financial committee and three regional administrative committees (see appendix 32).<sup>60</sup>

15 nobles in total served on the total of eight committees (see appendix 32). Burleigh was included on five committees (62%) as a whole. He was included on the one judicial session committee and one of the military session committees. He was also included on the financial interval committee and the two regional interval committees. Four further nobles served on three committees each (38%); Loudoun, Crawford-Lindsay, Perth and Tullibardine. Loudoun gained membership of the two military session committees and the financial interval committee. Crawford-Lindsay gained membership of one of the military session committees, the diplomatic session committee and the financial interval committee. The figures of Perth and Tullibardine are higher in relative terms compared to the rest of the nobility because they were included on localised committees. Both Perth and Tullibardine were

included on identical committees; the judicial session committee and the two regional interval committees relating to Perthshire. The remaining nine nobles served on two or less committees. Therefore the radicals Burleigh and Loudoun and the conservative Crawford-Lindsay were to the fore in common membership of session and interval committees.<sup>61</sup>

32 gentry in total served on the total of eight committees (see appendix 32). No gentry served on four or more committees. Five gentry served on three committees (38%); Balfour of Denmilne, Meldrum of Burghlie (Fife), Dundas of Maner (Linlithgow), Haldane of Gleneagles (Perth) and Hay of Balhousie (Perth). Balfour of Denmilne was included on the financial interval committee and two of the regional interval committees, despite the fact that he was not a member of Parliament as per 24th July 1645 (see appendices 12 and 32). Meldrum of Burghlie gained membership of one of the military session committees, the diplomatic session committee and the judicial session committee. Dundas of Maner gained membership of the diplomatic session committee, the judicial session committee and the financial interval committee. Dundas of Maner was not included on any of the regional Perthshire committees and therefore played an important role on the national committees. Haldane of Gleneagles was included on one of the military session committees and on two of the regional interval committees. Hay of Balhousie was also included on one of the military session committees and two of the regional interval committees. Two further Perthshire gentry were included on two committees, although they were not members of Parliament as per 24th July 1645 (see appendices 12 and 32). Carmichael of Balmadie and Oliphant of Bachilton were each included on one of the military session committees and one of the regional interval committees. The remaining 25 gentry were included on one committee only. 19 gentry on the Committee for the lands in Perthshire possessed, burned or wasted by the enemy were not members of Parliament as per 24th July 1645 (see appendices 12 and 32). This amounts to 59% of the total gentry analysed.<sup>62</sup>

13 burgesses in total served on the total of eight committees, all of whom were members of Parliament as per 24th July 1645 (see appendices 12 and 32). Two burgesses were included on three committees (38%); Sir John Smith (Edinburgh) and Robert Arnot (Perth). Sir John Smith gained membership of one of the military session committees, the diplomatic session committee and the financial interval committee. Robert Arnot was included on one of the military session committees and two of the regional interval committees. Two further burgesses were included on two committees each. Patrick Leslie (Aberdeen) was nominated to one of the military session committees and the diplomatic session committee. John Kennedy (Ayr) was also nominated to the same military session committee and the financial interval

committee. Burghal common membership was dominated by eastern representatives. Whilst there is near parity between the noble and burghal membership fields, the greater numbers employed for the gentry can be explained the vast amount of regional gentry included on the regional Perthshire committees.<sup>63</sup>

Four of the nobles analysed were also members of the Committee anent the Excise renewed on 7th August; Loudoun Lauderdale, Balmerino and Burleigh. Likewise four of the nobles analysed were also members of the Committee for the Exchequer renewed on 7th August; Crawford-Lindsay, Loudoun, Roxburgh and Lanark. Incorporating these two sets of membership into the analytical structure of parliamentary committees of 24th July to 7th August yields a total of 10 committees for the noble estate. Thus, Loudoun and Burleigh served on six out of 10 committees (60%), Crawford-Lindsay served on five committees (50%), Lanark served on four committees (40%), while Lauderdale, Roxburgh and Balmerino served on only two committees each (20%). Thus there was a balance between radical and conservative nobles at the upper end of this scale, with a slight bias in favour of the radicals. One laird analysed was also a member of the Committee for the Excise renewed on 7th August; Balfour of Denmilne. One gentry analysed was also a member of the Committee of the Exchequer renewed on 7th August; Hamilton of Orbiston (Renfrew), Justice-Clerk. Therefore the amended committee structure figures for these two gentry are four for Balfour of Denmilne (50%) and two for Hamilton of Orbiston (30%). No burgesses were included on the Committee for the Exchequer. One burgess analysed was a member of the Committee anent the Excise renewed on 7th August, probably to represent the interests of the burghal estate on that commission. Sir John Smith (Edinburgh) was the relevant burgess. Therefore the amended figure for Sir John Smith is four out of 10 committees (40%).<sup>64</sup>

Geographically the trend of eastern dominance continued (although not exclusively), a phenomenon not unsurprising given that the parliamentary session was being held at Perth.

#### *(iv) The Appointment of Parliamentary Interval Committees.*

Two separate but related regional parliamentary interval committees were established by the Estates on the final day of the session, 7th August; the Committee for the burned Lands in Perthshire and the Committee for trying the lands in Perthshire possessed, burned or wasted by the enemy.<sup>65</sup>

Within a wider political and British perspective the fourth session of the First

Triennial Parliament was also concerned with the progress of the Scottish diplomatic commissioners in England. Loudoun, Chancellor, was present in Parliament, 24th July, and on 3rd August a parliamentary session committee was initiated to consider three specific remits; firstly, letters produced by Loudoun by the English Parliament or committees of that Parliament, secondly any information produced by Loudoun relating to the Scottish army, and thirdly to consider anything which Loudoun himself might relate on such matters. Two per parliamentary estate plus two supernumeraries constituted the membership of this committee (see appendix 32). Noble representation was exclusively conservative (Lauderdale and Lanark were the two nobles). Crawford-Lindsay, President of Parliament, and Loudoun, Chancellor, were included as supernumeraries. Consideration of the supernumeraries does not alter the political balance of the noble members in favour of conservatism. Two nobles, one gentry and one burgess included on the session committee of 3rd August 1645 were members of the Scottish diplomatic contingent commissioned by the Estates on 8th March 1645 to treat with the English commissioners and were part of the Committee of Estates commissioned on 8th March (see appendices 27 and 32). Parliament ordained on 6th August that additional diplomatic commissioners should be despatched to treat with the English commissioners. Their role was to assist those commissioners nominated by the Estates on 8th March as the diplomatic contingent. Three nobles, three gentry, three burgesses, and one supernumerary account for the membership of the new diplomatic commission. Only one of the new diplomatic commissioners, Sir Alexander Wedderburn (Dundee) for the burgesses, was not a member of the Committee of Estates as per 8th March 1645 (see appendices 27 and 32). All three nobles were included in the section of the Committee of Estates to accompany the Scottish army in Scotland. One was a radical (Marischal), whilst the other two were conservatives (Lanark and Crawford-Lindsay). The one supernumerary, Loudoun, Chancellor, had been included on the diplomatic contingent of the Committee of Estates of 8th March. Two of the three gentry had been included in the Edinburgh section of the Committee of Estates. The remaining one gentry, Meldrum of Burghlie (Fife) was included in the section of the Committee of Estates to accompany the Scottish army in England. The remaining two burgesses, William Glendoning (Kirkcudbright) and John Kennedy (Ayr), were included in the Edinburgh section of the Committee of Estates. All gentry and burgesses included on the parliamentary committee of 6th August were members of Parliament as per 24th July 1645 (see appendices 12 and 32). Gentry membership was tilted in favour of the west, despite the fact that gentry representation on the session committee of 3rd August had been exclusively eastern. Burghial membership was balanced between



the west, the east and the Borders, whilst burghal representation on the committee of 3rd August had also been exclusively eastern. Therefore there was a greater nationwide commitment among the radicals on the diplomatic interval commission. Lanark's inclusion on both the crucial diplomatic committees of 3rd and 6th August indicates the fact that the radicals continued to have a working relationship with the conservatives at a time of civil war. Nevertheless, the diplomatic commission as a whole was still controlled by radicals, despite the inclusion of leading conservative nobles to assist them in their diplomatic commission.<sup>66</sup>

On the final day of the session, 7th August, Parliament continued the commission of the Committee of Estates which had expired on 24th July and ordered the Committee to meet after the dissolution of Parliament. The commission for the Committee for inbringing of Monies and for regulating the Public Accounts and Burdens was renewed as was the commission to the Committee for the Exchequer and the commission to the Committee for the Excise. Parliament modified the original commission to the Committee of Estates of 8th March. The section of the Committee of Estates to accompany the Scottish army in Scotland was officially abolished and it was deemed that there should be only one section of the Committee within Scotland; thus the army section within Scotland was absorbed into the Edinburgh section. Although Edinburgh had been abandoned due to the plague the main section of the Committee of Estates was still referred to as the Edinburgh section as per the terms of the commission of 8th March. Four additions to the Committee of Estates of two gentry and two burgesses were similarly made on 7th August. Both gentry were not members of Parliament as per 24th July 1645 (see appendices 12 and 32). In essence, therefore, the Edinburgh section was merged with the section of the Committee of Estates to accompany the army in Scotland into a new section of the Committee of Estates to accompany the army in Scotland. This policy option provided a more efficient means of concentrating resources against Montrose.<sup>67</sup>

#### *(v) The Operation of Parliamentary Interval Committees.*

Despite the fact that on 7th August Parliament had ordered the Committee of Estates to meet immediately after the dissolution of the parliamentary session, no sederunts of the main section of the Committee of Estates are recorded between 2nd July and 21st October 1645. Montrose's victory over Covenanting forces at Kilsyth on 15th August not only had the effect of dispersing the Covenanting army but also

of dispersing the Committee of Estates. Individual meetings of the Committee of Estates have been identified as taking place at Duns on 26th August, at Floors on 29th August and Mordington on 3rd September. Covenanting fortunes were reversed when a Covenanting force which had returned from England crushed Montrose's army at the Battle of Philiphaugh on 13th September which forced Montrose to withdraw to the Highlands. Victory at Philiphaugh secured Covenanting control of Scotland, albeit the last vestiges of Royalist resistance in the Highlands were not mopped up until the summer of 1647. Further meetings of the Committee of Estates took place near Stirling on 20th September, at Perth on 21st and 26th September, and at Duns in early October. The Committee of Estates was at St. Andrews by 14th October and proceedings were being recorded by 16th October although sederunts were not recorded until 21st October when the committee met at Glasgow. The significance of Montrose's defeat at Philiphaugh should not be restricted to the military arena. Montrose had been commissioned by Charles I to indite a Parliament to be held in Glasgow on 20th October 1645. Montrose was to be the King's Commissioner in this Parliament and was empowered to appoint a Vice-Chancellor in the absence of the Chancellor and also Officers of State if the present incumbents refused to attend. Montrose's military successes had thus been translated into organised Royalist plans for a constitutional revival in Scotland.<sup>68</sup>

22 sederunts of the Committee of Estates are recorded between 16th October and 21st November 1645. As noted, the Committee of Estates convened at St. Andrews on 16th and 17th October. From 21st October until 8th November the Committee of Estates then convened at Glasgow. From 15th November until 21st November the Committee then held its proceedings at St. Andrews in anticipation of the fifth session of the First Triennial Parliament which commenced at St. Andrews on 26th November. Of a total of 39 nobles analysed, only four are recorded in 50% or more of sederunts. Crawford-Lindsay, President of Parliament, attended 21 diets (96%) and was President of the committee on 20 occasions (91%). Burleigh attended 15 diets (68%), Glencairn attended 14 diets (64%), and Eglinton attended 13 diets (59%). Hence there was a balance between conservative and radical nobles within the dominant attendance trends. 14 further nobles did not attend any diets and a further 20 nobles attended 50% or less diets. Of the three nobles who were members of the Committee of Estates in the capacity as Scottish diplomatic commissioners in England, Argyll attended 15 diets (68%), Lauderdale attended 10 diets (46%), and Balmerino did not attend at all. Of a total of 39 gentry, no gentry attended more than 50% of diets. Crawford of Kilbirnie (Ayr) has the highest attendance figure with that of 11 (50%). 21 gentry did not attend at all and 17 gentry attended between one and 11 diets. Of the three gentry who were members of the Committee of Estates in the

capacity as Scottish diplomatic commissioners in England, Johnston of Wariston (Edinburgh) attended 10 diets (46%), whilst Erskine of Cambuskenneth (Clackmannan) and Dundas of Maner (Linlithgow) did not attend at all. Of a total of 38 burgesses, only one burgesse attended 50% or more diets; George Jameson (Coupar) attended 12 diets (54%). 24 burgesses did not attend at all and 13 burgesses attended between one and 11 diets. Of the three burgesses who were members of the Committee of Estates in the capacity as Scottish diplomatic commissioners in England, Robert Barclay (Irvine) attended five diets (23%), whilst Sir John Smith (Edinburgh) and Hugh Kennedy (Ayr) did not attend at all. All three General Officers of the army attended less than 50% of diets. Attendance levels had been greatly affected by the aftermath of the civil war campaign. According to parliamentary legislation of 7th August the quorum of the reconstituted Committee of Estates to accompany the army was deemed to be promiscuous. Therefore the reconstituted committee was no longer governed by the quorums established on 8th March.<sup>69</sup>

Following the crucial defeat of Montrose at Philiphaugh the Committee of Estates concentrated on the punishment of those who had collaborated with Montrose. One contemporary source, James Burns, merchant and bailie of Glasgow, commented that those " who were most forward for Montrose ran great hazard of life and fortune ".<sup>70</sup> Glasgow was fined £20,000 by the Committee of Estates for collaboration with Montrose after his victory at Kilsyth. Between 21st and 22nd October William Rollock, Alexander Ogilvie younger of Inverquhar and Sir Philip Nisbet were executed for assisting Montrose. No trial was required as the three had already been forfaulted by Parliament. A Committee anent Delinquents was established by the Committee of Estates on 23rd October to investigate the behaviour of 12 nobles and gentry towards the rebels. The 12 under investigation included the Earl of Queensferry, Lord Loure, Sir David Murray of Stanhope and Sir Alexander Murray of Blackbarronie. Both Loure and these two gentry had *limited* previous parliamentary experience. The Committee anent Delinquents was to decide whether or not the 12 under investigation were to be processed or fined. Where fining was deemed to be appropriate the level of fining was to be established. Two of each estate formed the membership of the Committee anent Delinquents. Both nobles on the Committee anent Delinquents were conservatives (Lauderdale and Lanark). Both gentry and burghal membership of this committee was split between east and west and indicates a growing western influence in light of the noted eastern dominance of committees. Lanark's inclusion again indicates the desire not to alienate the conservatives, whilst power still being maintained by the radicals. On 27th October the quorum of this sub-committee was set at four.<sup>71</sup>

The Committee anent Delinquents reported to the Committee of Estates on 27th October. Seven conclusions were incorporated in the Act anent some Delinquents passed by the Committee of Estates on 27th October. Firstly, those delinquents whose crimes were worthy of their estates and fortunes being allocated for public use but who were not to be processed to death, were to be fined five years' rents according to established valuations. Secondly, those delinquents who were to be fined on this basis but whose rents had not been valued, were to have their valuations carried out by the Committee of Estates. Thirdly, if the fortunes of relevant delinquents consisted of money or goods then such delinquents were to be fined a third of their stock of money and moveable goods. Fourthly, banishment, confinement or imprisonment could be imposed by the Committee of Estates. Fifthly, if any concealment of part of a delinquent's rental or estate was found then that delinquent was to incur a fine of two years' rent over and above the fine. Sixthly, the payment of fines was to be made in instalments of three; one third to be paid immediately, a second third to be paid at Candlemas, and the remaining third at Lammas. On 31st October the Committee of Estates ordained that one third of fines due by delinquents had to be paid within 10 days of intimation of sentence, otherwise their estates would be forfeited and they would be liable to confinement, imprisonment, or banishment. The recommendations of the Committee anent Delinquents established a precedent not only for the 1646 Act of Classes but also for the 1649 Act of Classes, in terms of fining tiers. Three localised subcommittees were formed; the Committee for Malignants in Perthshire on 28th October, the Committee for Examining Compliers with the Rebels in Lanark, Ayr, and Renfrew on 8th November and the Committee for Trial of Malignants in Fife by 21st November.<sup>72</sup>

Hence regional influences were to the fore in the establishment of the various subcommittees of the Committee of Estates. It is not stated whether or not they were to operate independently of the shire committees of war. The latter two subcommittees, however, were composed of noted parliamentarians most of whom were included on the relevant committees in the localities. Although these sub-committees would therefore co-operate with their companions on the shire committees, they were ultimately outwith the authority of the shire committees and answered to the Committee of Estates.

A Committee for the Processes as a subcommittee of the Committee of Estates was initiated on 19th November. One noble, two gentry and one burgess constituted the membership of the Committee for the Processes as per 19th November. The one noble was a radical (Burleigh). Johnston of Wariston (Edinburgh) a further noted radical was one of the two gentry members. The powers of the committee entailed the prosecution of the trials of delinquents and examining parties and witnesses.

However, a Committee for the Processes had been in existence as early as 27th October. No full details of membership are given. Meldrum of Burghlie (Fife) was included as a representative of the gentry and Robert Farquhar (Aberdeen) as a representative of the burgesses. The quorum was set at five. On 29th and 31st October the Committee for the Processes was reporting to the Committee of Estates concerning those cited to appear before the committee and the manner of fining. Therefore the committee established on 19th November may been a sub-committee of a larger Committee for the Processes.<sup>73</sup>

The destruction caused by the military campaign throughout the country also attracted the attention of the Committee of Estates and led to the establishment of four specific committees; the Committee for trying the losses of the inhabitants of Lanarkshire, the Committee for trying the losses of the inhabitants of Stirlingshire, the Committee for trying the losses of the shire of Nithsdale and the stewartry of Annandale (established on 8th November ), and the Committee for trying the losses of the inhabitants of Kinross-shire and related parishes (21st November).<sup>74</sup>

The regional bias towards the west and the central belt in the establishment of the various sub Committees may have been due to caution on the part of the radicals in ensuring that grass-roots radicalism and their power base was maintained. This had particular relevance considering the fact that the two recent major battles had taken place within the west.

Wider diplomatic considerations required the attention of the Committee of Estates. In particular, the management of the war in Ireland required to be dealt with. It had been agreed that a Committee of Both Kingdoms should constitute the appropriate means of such management. Commissioners had already been appointed by the English Parliament. Three Scottish commissioners were appointed on 7th November; Argyll, General Robert Monro, and Cochrane of Cowdoun (Ayr). Likewise on 7th November, Lauderdale was ordered to return to London in the capacity of one of the Scottish diplomatic commissioners in England. This was to enable Loudoun, Chancellor, to return to Scotland for the next session of Parliament, and Balmerino was unable to attend through illness. By 15th November Lauderdale had not yet left for London and was being pressed by the Committee of Estates to do so given the lack of Scottish diplomatic commissioners currently in London.<sup>75</sup>

### (3) Conclusion.

Three parliamentary sessions of the First Triennial Parliament have therefore been analysed along the lines of legislation covered, membership of parliamentary session and interval committees, and the work of the Committee of Estates within the context of a Scottish Civil War. Between 1st September 1644 (the Battle of Tippermuir) and 15th August 1645 (the Battle of Kilsyth) Montrose and MacColla defeated Covenanted military forces on six occasions. Events on the battlefield thus affected parliamentary proceedings. The radicals initiated a closer working relationship with the conservatives within Parliament primarily to avoid the nightmare of a rapprochement between the conservatives and Montrose. Particular attention was made in giving Lanark an increased parliamentary role. Not only was Lanark the influential leader and spokesman of the conservative nobles, but perhaps more importantly he was the spokesman of the House of Hamilton in general and of his brother Hamilton in particular. From the radicals' perspective a political alignment between the Hamiltons and Montrose was to be avoided at all costs. In common with the parliamentary trends to date, radical nobles backed by gentry and burgesses continued to control the parliamentary agenda in terms of legislation and the composition of committees. In geographic terms the dominance of the east continued with regard to gentry and burghal representation, although there was a noted growing western presence. With the defeat of Montrose at Philiphaugh on 13th September the Committee of Estates commenced a more rigorous programme of punishment of collaborators with Montrose. This programme would be pursued with greater intensity by the fifth session of the First Triennial Parliament on 26th November 1645.

1. APS, vi, i, 95-96, 284-285. The numerical composition of the gentry remained equal over the two sessions (44 gentry representing 25 shires). 19 shires were represented by two commissioners of the shires and six shires were represented by one commissioner of the shire only. In terms of total membership the total rise in the estates was that of six (134 to 128). See appendices 10, 11 and 12.

2. *Ibid.*

3. John Spalding, *Memorialls of the Troubles*, 436; APS, vi, i, 285-286; Balfour, *Historical Works*, III, 246-247.

4. APS, vi, i, 288, 296; Menteith of Salmonet, *History of*

*the Troubles*, 193-194; Balfour, *Historical Works*, III, 250, 256; Sir Thomas Hope, *Diary*, 211; NLS, MS. 2263, History of Events 1635-1662, folio 186. As with the opening of the 1644 Parliament a dispute emerged concerning the election of the commissioners of the shire of Lanark on 8th January. Two commissions had been issued; one to Sir William Carmichael and James Hamilton of Dalserf, and the other to Sir James Lockhart of Lee and ( ) Hamilton of Woodhall. The first commission in favour of Sir William Carmichael and Hamilton of Dalserf was approved on the grounds that when it had been issued in June 1644 it had included a clause instructing them to vote and consult in all things until the conclusion of Parliament. The latter commission issued to Lockhart of Lee and ( ) Hamilton of Woodhall did not contain this provision. Furthermore, Sir John Smith, Provost of Edinburgh, and spokesman for the burghs protested on the presence of a commissioner of the Stewartry of Kirkcudbright whilst the shire of Wigtown was represented by two commissioners of the shires. The Estates ordained that until the matter was fully explored by Parliament the commissioner for the stewartry, John Gordon of Cardines, was allowed to sit and vote in the House. Hence an extra member for the gentry in relation to the other two estates was entitled to sit.

5. APS, vi, i, 284-429.

6. *Ibid*, 212-214, 287, 297. Dunfermline, Tullibardine and Lord Balcarras constituted the remaining three nobles within the parliamentary representation of six nobles. Hamilton of Orbiston (Renfrew) was the only west coast laird and MacDowall of Garthland (Wigtown) was the only Borders laird on the committee. Winraham of Libberton (Edinburgh), Erskine of Scottiscraig (Fife) and Meldrum of Burghlie (Fife) constituted the remaining four gentry on the committee and all were east coast gentry. All the burgess representatives bar one represented east coast burghs; Sir John Smith (Edinburgh), James Simpson (Dundee), Patrick Leslie (Aberdeen), George Bell (Linlithgow) and John Lepar (St. Andrews). Only Thomas Bruce (Stirling) represented a burgh on the committee outwith the east coast. Sir David Murray of Stanhope (Peebles) and Robert Gray of Ballone (Sutherland) were added for the gentry on 21st January. Alexander Douglas (Banff) was the remaining burgess added on 21st January. Tullibardine, Robert Meldrum of Burghlie (Fife) and John Lepar (St. Andrews) formed the grouping included on the Committee for Managing the War of 10th January who had not been included on the Committee of Estates. Balfour, *Historical Works*, III, 249, states that the Committee was to be called the Committee for Dispatches; Stevenson, *Government Under the Covenanters*, xxxv; Stevenson, *Revolution and Counter-Revolution in Scotland*, 27. See appendix 27.

7. APS, vi, i, 98, 114, 288-289, 299, 311; The Earls of

Buchan and Galloway and Lords Elphinstone and Kirkcudbright were the four nobles on the committee. The President of Parliament was supernumerary. The remaining gentry were Campbell of Cessnock (Ayr) and John Haldane of Gleneagles (Perth). Robert Cunningham (Kinghorn), Alan Dunlop (Irvine), James Smollett (Dumbarton), and Archibald Merse (Culross) were the four burgh representatives. Kinghorn and Lord Torphichen for the nobility and Alexander Douglas (Banff) and Robert Cunningham (Kinghorn) for the burghs were added on 24th January. Southesk for the nobility and Carnegie of Pittarrow (Kincardine), William Cunningham of Ballindalloch (Stirling) for the gentry and John Douglas (Elgin) and John Coupland (Dumfries) for the burghs were added on 6th February. Four east coast gentry and three east coast burghs were included on the committee compared to one west coast gentry, one west coast burgh and one central belt gentry, one Border burgh and one northern burgh. A dominance of eastern gentry and burghs (including additions for both estates) prevailed on the Committee for Bills, Overtures and Ratifications. Balfour, *Historical Works*, III, 252. See appendices 23 and 27.

8. APS, vi, i, 284-285, 287, 288, 288-289. Perth and Yester were the remaining two nobles on this committee. Cockburn of Clerkington (Haddington), Sir Alexander Swinton of that ilk (Berwick), Erskine of Dun (Forfar), Sir John Sinclair of Hirdmeston (Haddington) and John Udnie of that ilk (Aberdeen) formed the five gentry representatives on the committee. Sir John Smith (Edinburgh), Robert McKean (Edinburgh), Colin Campbell (Glasgow), John Kennedy (Ayr), and George Garden (Burntisland) formed the five burghs represented on the committee. Gentry and burghal representation on the Committee anent the borrowing of money and malignants' rents was once more dominated by the east, although there was a western burghal presence. Four east coast gentry, one Borders gentry and no west coast gentry were included on the committee. Three east coast burghs compared to two west coast burghs were included. Balfour, *Historical Works*, III, 250, contains discrepancies in terms of membership of the Committee anent the borrowing of money and malignants' rents. John Udnie of that ilk (Aberdeen) is not listed, whilst Sir Michael Balfour of Denmilne (Fife) is listed as one of the gentry representatives. Sir John Smith (Edinburgh) and John Kennedy (Ayr) are not listed, whilst James Law (Kirkcaldy) and George Jamieson (Coupar) are listed as burgh representatives. Sir William Dick (Edinburgh) and James Stewart (Edinburgh) are correctly listed as supernumeraries. See appendices 12 and 27.

9. APS, vi, i, 235-236; 303-305, 306, 355-357; Balfour, *Historical Works*, III, 265. See appendix 27.

10. APS, vi, i, 371.



11. *Ibid*, 284-285, 371-372, 383-385. Sir John Smith (Edinburgh), John Kennedy (Ayr) and George Garden (Burntisland) were the three burgesses included on both the interval committee for inbringing and distributing of moneys of 6th March and the session committee relating to the borrowing of money and malignants' rents of 11th January. Cochrane of Cowdoun (Ayr), Dundas of Maner (Linlithgow), Francis Hay of Balhousie (Perth) and Balfour of Denmilne (Fife) formed the contingent of gentry. Balfour of Denmilne was not a member of Parliament as per 7th January 1645. See appendices 12 and 27. William Glendoning (Kirkcudbright) was the one further burgess on the interval committee. Eastern influence prevailed once more with regard to gentry and burghal representation on the committee of 6th March. Three gentry had their domain in the east coast whilst one was from the west. Two burgesses were from the east coast, one from the west and one from the Borders. The Earl of Loudoun, Chancellor, the Earl of Crawford-Lindsay, President of Parliament, and Sir Adam Hepburne of Humble, General Commissioner, were further included as supernumeraries.

12. *Ibid*, 98, 103-104, 290-291. Parliament approved the proceedings of the committees for processes and summons of the 1644 Parliament on 17th January; *Ibid*, 293. Cochrane of Cowdoun (Ayr), Belshes of Toftis (Berwick), Hay of Balhousie (Perth), and Sir John Smith (Edinburgh) were the respective gentry and burgesses included on the committee of 4th June 1644 and the Committee for Processes of 16th January 1645. Weymes, Agnew of Lochnew (Wigtown), Dundas of Maner (Linlithgow), and Robert Cunningham (Kinghorn) formed the grouping of nobles, gentry and burgesses included on the Committee for trying Delinquents of 12th June 1644 and the Committee for Processes of 16th January 1645. Annandale, Dalhousie, Viscount Frendraucht and Forrester constituted the four remaining nobles on the Committee for the Processes of 16th January. Douglas of Cavers (Roxburgh) and Brisbane of Bishopton (Renfrew) constituted the remaining two gentry on the Committee for the Processes. Patrick Leslie (Aberdeen), John Kennedy (Ayr), William Glendoning (Kirkcudbright), David Simpson (Dysart), Gideon Jack (Lanark) and George Garden (Burntisland) constituted the remaining six burgesses on the Committee for the Processes of 16th January. In terms of gentry and burghal representation on the Committee for Processes, a geographic bias towards the east coast is apparent, but is not as pronounced as in terms of earlier trends. Three gentry and four burgesses were from the east coast, two gentry and two burgesses were from the west and three gentry and two burgesses were from the Borders. Balfour, *Historical Works*, III, 251, states that the membership for this committee was determined on 11th January. The membership is identical with APS, vi, i, 290-291, except

that Cassillis and Balmerino were added on the insistence of the burghs and Sir John Smith (Edinburgh) was added on the insistence of the gentry. The attempt by the burgesses to have Winraham of Libberton (Edinburgh) and Meldrum of Burghlie (Fife) added to the gentry representatives failed. The additions of Cassillis, Balmerino and Sir John Smith can thus be interpreted to bolster the ranks of the radicals on the committee. See appendices 23 and 27.

13. APS, vi, i, 284-285, 371-372, 383-385; *The Memoirs of Henry Guthry*, 175.

14. Balfour, *Historical Works*, III, 286; *Scots Peerage*, VI, 253.

15. APS, vi, i, 284-285, 344-345. Cochrane of Cowdoun (Ayr) and Hay of Balhousie (Perth) represented the gentry, whilst John Semple (Dumbarton) and Alexander Douglas (Banff) represented the burgesses on the committee. John Semple was not a member of Parliament as per 7th January 1645. See appendices 12 and 27. Gentry representation was balanced between east and west, whilst burghal membership was balanced between the west and the north east.

16. *Ibid*, 402; Balfour, *Historical Works*, III, 292.

17. APS, vi, i, 289-290. Marischal, Morton, Eglinton, Roxburgh, Buccleuch and Lord Borthwick formed the noble contingent. Scott of Harden (Selkirk), Grierson of Lag (Dumfries), Brodie of that ilk (Elgin), Thomas Erskine of Pittodrie (Aberdeen), Sir Alexander Shaw of Sauchie (Clackmannan) and William Semple of Foulwood (Dumbarton) formed the contingent of gentry. Sir John Smith (Edinburgh), Robert Arnot (Perth), James Simpson (Dundee), Robert Alexander (Anstruther), Patrick Leslie (Aberdeen), and James Law (Kirkcaldy) formed the contingent of burgesses. Thomas Erskine of Pittodrie was not a member of Parliament as per 7th January 1645. Gentry and burghal membership was again centred on the east. Three gentry and six burgesses were from the east with one gentry from the west and two gentry from the Borders. See appendices 12 and 27.

18. *Ibid*, 284-285, 297-298. Viscount Arbuthnot and Balcarras formed the remaining two noble representatives. Ruthven of Frieland (Forfar), Ramsay of Balmaine (Kincardine), John Oliphant of Bachiltoun, and ( ) Creichtoun of Ruthven formed the representatives of the gentry. Robert Arnot (Perth), George Brown (Dundee), William More (Aberdeen) and George Jamieson (Coupar) formed the representatives of the burgesses. None of the gentry were members of Parliament as per 7th January 1645. George Brown and Gilbert More were not members of Parliament as per 7th January 1645. Lieutenant General

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Baillie and Lord Elcho were further included as supernumeraries. See appendices 12, 22 and 27.

19. *Ibid*, 351-354, 355, 363. Baillie was still subject to the authority of Leven. Baillie's commission was ratified on 1st March. See appendix 27.

20. *Ibid*, 380-383, 384.

21. *Ibid*, 401.

22. *Ibid*, 287-385. See appendix 27.

23. *Ibid*, 287-385. Balmerino was included on three financial committees (both session and interval), one military session committee, one judicial session committee and one executive interval committee. Cassillis was also included on all committees as per Balmerino with the exception of one of the financial session committees. Burleigh was included on all committees as per Cassillis bar one military session committee. In addition Cassillis gained membership to the military committee which was both a session and an interval committee. Loudoun was included on both interval committees as per Balmerino, Burleigh and Cassillis and was also included on the financial committee which was both a session and an interval committee. Argyll was also nominated to both interval committees and also served on one of the military session committees. Lanark and Tullibardine were included on three of the same committees; one military session committee, one financial session committee and one executive interval committee. In addition Lanark was included on the financial committee which was both a session and an interval committee, whilst Tullibardine was included on the military committee which was both a session and interval committee. Southesk gained membership of both interval committees as per Lanark and Tullibardine (and also per the radical nobles) and also secured nomination to the executive session committee. Glencairn was also included on both interval committees, whilst also being included on one of the military session committees. See appendix 27 .

24. *Ibid*, 287-385. Only two gentry analysed who were included on session committees were not members of Parliament as per 7th January 1645. 14 gentry analysed who were included on committees which were both session and interval committees were not members of Parliament as per 7th January 1645. Hence 14 gentry who were included on interval committees only were not members of Parliament as per 7th January 1645. See appendices 12 and 27.

25. *Ibid*. Four burgesses analysed who were included on session committees were not members of Parliament as per 7th January 1645. Two burgesses analysed who were

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included on committees which were both session and interval committees were not members of Parliament as per 7th January 1645. Hence 17 burgesses analysed who were included on interval committees were not members of Parliament as per 7th January 1645 (see appendices 12 and 27). Geographically burghal common membership was concentrated in the east but also contained a western and a Borders presence.

26. *APS*, vi, i, 380-383.

27. *Ibid*, 212-213, 380-383.

28. *Ibid*, 284-285, 380-383. One burgess from the Committee for Money was to be included on the army section within Scotland; this burgess was not specified or named. See appendices 12 and 27. *The Memoirs of Henry Guthry*, 183, lists the political balance among the nobility on the various sections. Moreover, Guthry also states that after Inverlochy Crawford-Lindsay was appointed President of the Privy Council in recognition of the growing political power of the Hamiltonian faction (*Memoirs*, 182).

29. *Ibid*, 212-214, 380-383. Eight out of 40 nobles (20%), 12 out of 38 gentry (33%) and 11 out of 39 burgesses (28%) included on the Committee of Estates of 8th March 1645 had not been included on the Committee of Estates of 29th July 1644. See appendices 24 and 27.

30. *Ibid*, 284-285, 380-383. See appendices 12 and 27.

31. *Ibid*, 380-383. Although 39 burgesses in total were included on the Committee of Estates of 8th March 1645, only 38 were specified with the remaining burgess to be one of those burgesses included on the Committee for Money. Thus only 38 can be analysed in terms of geographic representation. Analysis of the geographic composition of the four constituent sections of the Committee of Estates reveals the geographic balance of the gentry and burgesses between the sections. Whilst eastern gentry were numerically superior on the diplomatic section, western burgesses included in most numbers on that section. Western gentry were dominant on the Edinburgh section although there was also a presence from the Borders, the east and the central belt. Eastern representatives dominated burghal membership of the Edinburgh section although there was also a western presence. Both gentry and burghal membership of the army section in England was concentrated on the east and the Borders. Gentry membership of the army section in Scotland was strongly eastern, although there was also a western presence. Burghal membership of the army section in Scotland was almost exclusively eastern. Therefore western gentry were being mainly confined to the

Edinburgh section, but also had a presence on the army section in Scotland. Western burgesses were concentrated on the Edinburgh section and the diplomatic sections. Eastern gentry were focused on the respective army sections for Scotland and England, but also maintained a presence on the other two sections. Eastern burgesses were particularly concentrated on the Edinburgh section and the army section in Scotland, whilst still retaining a presence on the other two sections. Border gentry were focused on the Edinburgh section and the army section in England. Border burgesses were allocated to the army section in England and the Edinburgh section. Gentry representation on the diplomatic section was composed of two eastern gentry and one gentry from the central belt. Burghal representation on the diplomatic section was composed of two western burgesses and one eastern burgess. Gentry representation on the Edinburgh section consisted of six western gentry, three gentry from the Borders and two gentry each from the central belt and the east coast. Burghal representation on the Edinburgh section consisted of 10 eastern burgesses, four western burgesses and one burgess each from the Borders and the central belt. Gentry membership of the army section in England was composed of four eastern gentry, three gentry from the Borders and one western gentry. Burghal membership of the army section in England was composed of three eastern burgesses, two burgesses from the Borders and one western burgess. Gentry membership of the army section in Scotland consisted of nine eastern gentry and three western gentry. Burghal representation of the army section in Scotland consisted of 12 eastern burgesses and one northern burgess.

32. SRO PA. 11/4, folios 1-128. See appendix 29.

33. *Ibid*; APS, vi, i, 380-383. See appendices 27 and 29. Argyll, Coupar, Buccleuch, Yester, Dunfermline, Dalhousie and Eglinton constitute the grouping of nobles included on the Committee of Estates to accompany the Scottish army in England who attended diets of the Edinburgh section. Tullibardine, Lanark and Glencairn, Balcarras were the four nobles included on the section of the Committee of Estates to accompany the Scottish army in Scotland who attended diets of the Edinburgh section. Loudoun attended no diets of the Edinburgh section between 13th March and 2nd July. Lord Balmerino is listed as preses at 26 diets (43%). Of the 24 diets of the Edinburgh section which Argyll attended, he is listed as President on five occasions (21%). On a further four occasions Balmerino was present but not listed as President and no other noble was listed as President. Therefore Balmerino actually presided at 30 diets (50%). On a further four occasions at which Loudoun, Cassillis and Balmerino were absent, Argyll was present but not listed as President. Therefore Argyll may be regarded as President at a total of nine out of 24 diets (38%).

Elphinstone is listed as President on one occasion (2%). Cassillis is listed as President on six occasions (10%). At a further nine diets where Cassillis was present and Argyll, Loudoun and Balmerino were absent, no President is listed. Therefore Cassillis may be regarded as President of the Edinburgh section at a total of 15 out of 60 diets (25%).

34. SRO PA. 11/4, folios 1-128; APS, vi, i, 284-285, 380-383. Hepburne of Humble, Wauchope of Niddrie, Home of Wedderburne, Hamilton of Beill, Hepburne of Wauchton, Scott of Harden (Selkirk), Douglas of Cavers (Roxburgh) and Meldrum of Burghlie (Fife) were the eight gentry included in the section of the Committee of Estates to accompany the Scottish army in England who also attended diets of the Edinburgh section. Only the latter three gentry were members of Parliament as per 7th January 1645. Sinclair of Hirdmeston (Haddington), Hay of Balhousie (Perth), Udnie of that ilk (Aberdeen), Falconer of Halkerton (Kincardine), Crawford of Kilbirnie, Winraham of Libberton (Edinburgh), Erskine of Scottiscraig (Fife) and Brodie of that ilk (Elgin) were the further eight gentry included on the section of the Committee of Estates to accompany the Scottish army in Scotland who also attended diets of the Edinburgh section. Crawford of Kilbirnie was not a member of Parliament as per 7th January 1645. See appendices 12 and 29.

35. SRO PA. 11/4, folios 1-128; APS, vi, i, 284-285, 380-383. Archibald Sydserf, Robert Farquhar, Alexander Douglas (Banff), John Douglas (Elgin), Patrick Leslie (Aberdeen), Robert Arnot (Perth) and George Jamieson (Coupar) were the seven burgesses included on the section of the Committee of Estates to accompany the Scottish army in Scotland who also attended diets of the Edinburgh section.

36. SRO PA. 11/4, folios 1-128. See appendix 29.

37. *Ibid*, folios 12-14, 45. Hepburne of Wauchton, Hamilton of Beill and Belshes of Toftis represented the gentry on the subCommittee anent malignants, whilst Robert Cunningham, Edward Edgar and Robert Farquhar represented the burgesses. Two the three gentry members on the subCommittee anent malignants were included in the section of the Committee of Estates to accompany the Scottish army in England. One of the three burgess members of the subCommittee was included on the section of the Committee of Estates to accompany the Scottish army in Scotland. Hepburne of Wauchton and Hamilton of Beill were included in the section of the Committee of Estates to accompany the Scottish army in England whilst Robert Farquhar was included in the section of the Committee of Estates to accompany the Scottish army in Scotland.

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38. APS, vi, i, 284-285, 429-430. See appendix 10.

39. APS, vi, i, 284-285, 429-430; Seven shires were represented by two commissioners of the shires and seven shires were represented by one commissioner of the shire only. *The Memoirs of Henry Guthry*, 190; Stevenson, *Revolution and Counter-Revolution in Scotland*, 28. See appendices 10 and 11. Between the end of the second session on 8th March and the new session commencing on 8th July sederunts of the Privy Council are recorded on four occasions. Two nobles attended all four diets (Lanark and Balmerino) whilst five attended three diets (Eglington, Cassillis, Lothian, Yester and Elphinstone). Two gentry attended three of the four diets (Hamilton of Orbiston and Hepburne of Wauchton). Sir John Smith, Provost of Edinburgh, attended two of the Privy Council diets. Cassillis and Balmerino, prominent on the Edinburgh section, were thus also playing an important role on the Privy Council. The fact that Lanark was the leading conservative noble is highlighted by his presence at all four diets. See appendix 28.

40. *Ibid*, 287, 429-430, 430-431, 429-433. Marishcal and Glencairn were the two remaining noble members included on the committee of 8th July. Winraham of Libberton (Edinburgh), Hamilton of Orbiston, Justice-Clerk (Renfrew) and Meldrum of Burghlie (Fife) were the three gentry who served on both committees. Dundas of Maner (Linlithgow), Cochrane of Cowdoun (Ayr) and Brodie of that ilk were the remaining gentry members included on the committee of 8th July. James Simpson (Dundee), Patrick Leslie (Aberdeen) and Thomas Bruce (Stirling) formed the grouping of three burgesses who served on both committees. William Glendoning (Kirkcudbright), George Jamieson (Coupar) and James Pedie (Montrose) formed the remaining three burgesses on the Committee for Managing the War of 8th July. James Pedie was not a member of Parliament as per 8th July 1645 (see appendix 12). Analysis of the geographical composition of gentry and burghal representation on the Committee for Managing the War of 8th July as a whole again reveals the dominance of the east coast. Whilst there was a western presence among the gentry representatives, burghal representation was more markedly eastern. Three gentry on the Committee for Managing the War of 8th July were from the east; Winraham of Libberton (Edinburgh), Dundas of Maner (Linlithgow) and Meldrum of Burghlie (Fife). Two gentry were from the west; Hamilton of Orbiston (Renfrew) and Cochrane of Cowdoun (Ayr). The remaining gentry was from the north east; Brodie of that ilk (Elgin). Four burgesses were also from the east; James Simpson (Dundee), Patrick Leslie (Aberdeen), James Pedie (Montrose) and George Jamieson (Coupar). One burgess was from the Borders; William Glendoning (Kirkcudbright). The remaining burgess was from the central belt; Thomas Bruce (Stirling). See appendices 27 and 31.

41. *Ibid*, 380-383, 430-431. The relevant three burghs were Aberdeen, Dundee and Montrose. Five of the seven nobles had been included on the army section (Scotland), one further noble had been included on the army section (England) and one had been included on the Edinburgh section. Two gentry had been included on the army section (Scotland), two on the Edinburgh section, one on the army section (England) and one on the diplomatic section. Of the three burgesses who had been included on the Committee of Estates, two had been allocated to the Edinburgh section and one to the army section (Scotland). Marischal, Glencairn, Tullibardine, Balcarras and Crawford-Lindsay were the five nobles included on the army section (Scotland). Cassillis was included on the Edinburgh section and Argyll on the army section (England). Winraham of Libberton (Edinburgh) and Brodie of that ilk (Elgin) were included on the army section (Scotland). Hamilton of Orbiston (Renfrew) had been included on the Edinburgh section, Dundas of Maner (Linlithgow) on the diplomatic section and Meldrum of Burghlie (Fife) on the army section (England). Thomas Bruce (Stirling) and William Glendoning (Kirkcudbright) had been included on the Edinburgh section. George Jamieson (Coupar) had been included on the army section (Scotland).

42. *Ibid*, 435.

43. *Ibid*, 429-430, 435. Dundas of Maner (Linlithgow) and Brodie of that ilk (Elgin) represented the gentry. Patrick Leslie (Aberdeen) and Sir Alexander Wedderburne (Dundee) represented the burgesses. Sir Alexander Wedderburne was not a member of Parliament as per 8th July 1645. Gentry representation was split between the east and the north-east, whilst burghal representation was exclusively eastern. See appendices 12 and 31.

44. *Ibid*, 440; Balfour, *Historical Works*, III, 297.

45. APS, vi, i, 430-433. See appendix 31.

46. *Ibid*.

47. *Ibid*, 429-430, 430-433. See appendices 12 and 31.

48. *Ibid*.

49. *Ibid*, 380-383, 429-430, 431-432, 432-433. Kinghorn, Tullibardine, Arbuthnot and Lord Fraser formed the grouping of four nobles included in the committee to remain with the army at Perth of 10th July who had also been included on the army section of the Committee of Estates of 8th March. Hay of Balhousie (Perth), Winraham of Libberton (Edinburgh) and Erskine of Scottiscraig (Fife) formed the grouping of three gentry included on



the committee to remain with the army at Perth of 10th July and the army section of the Committee of Estates of 8th March. Robert Arnot (Perth), Patrick Leslie (Aberdeen) and Alexander Halyburton (Dundee) formed the grouping of three burgesses included on the committee to remain with the army at Perth of 10th July and the army section of the Committee of Estates of 8th March. Alexander Halyburton was not a member of Parliament as per 8th July 1645 (see appendix 12). Haldane of Glenneagles (Perth) and John Oliphant of Bachiltoun constituted the two gentry included on the committee to remain with the army at Perth of 10th July who had not been included in the commission of 8th March. James Robertson (St. Andrews) and James Pedie (Montrose) constituted two burgesses included in the committee to remain with the army at Perth of 10th July who had not been included on the commission of 8th March. John Oliphant of Bachiltoun, James Robertson and James Pedie were not members of Parliament as per 8th July 1645 (see appendix 12). George Garden (Burntisland) was the burgess who was a member of the Edinburgh section of the Committee of Estates and was included on the committee of 10th July. All gentry and burgesses on the committee represented eastern shires and burghs, concentrated along the Edinburgh-Fife-Tayside line. Balfour, *Historical Works*, III, 294, lists Sir William Scott of Ardross as a representative of the gentry; APS, vi, i, 432-433 lists only five members of the gentry as opposed to six per estate for the nobility and burgesses.

50. APS, vi, i, 433; Balfour, *Historical Works*, III, 295.

51. APS, vi, i, 303-305. See appendices 27 and 31.

52. *Ibid*, 429-430, 440-441. See appendix 10.

53. *Ibid*, 429-430, 440-474, 440-441. 15 shires were represented by two commissioners of the shires and eight shires were represented by one commissioner of the shire only. See appendices 10 and 11.

54. *Ibid*, 430-431, 442. Of the three gentry included on both committees two represented western shires. Cochrane of Cowdoun (Ayr), Meldrum of Burghlie (Fife) and Hamilton of Orbiston (Renfrew) were included on both the Committee for Managing the War of 8th July and the Committee for Prosecuting the War of 29th July. Patrick Leslie (Aberdeen) and Thomas Bruce (Stirling) served on both such committees for the burgesses. Erskine of Scottiscraig (Fife), MacDowall of Garthland (Wigtown) and Campbell of Cessnock (Ayr) formed the the remaining three gentry members of the Committee for the Prosecution of the War of 29th July. Sir John Smith (Edinburgh), Sir Alexander Wedderburn (Dundee), John Kennedy (Ayr) and Robert Cunningham (Kinghorn) formed the remaining four burgesses on the Committee for Prosecuting the War of

29th July. Sir Alexander Wedderburne (Dundee) was the one burgess included on the Committee for the Prosecution of the War who had not been included on the relevant Committee of Estates, although he had previous parliamentary experience and had sat on previous Committees of Estates. Three gentry represented western shires; Hamilton of Orbiston (Renfrew), Cochrane of Cowdoun (Ayr) and Campbell of Cessnock (Ayr). Two gentry represented eastern shires; Erskine of Scottiscraig (Fife), Meldrum of Burghlie (Fife). The remaining gentry member was from the Borders; MacDowall of Garthland (Wigtown). In contrast, four burgesses represented eastern burghs; Sir John Smith (Edinburgh), Sir Alexander Wedderburne (Dundee), Patrick Leslie (Aberdeen) and Robert Cunningham (Kinghorn). One burgess was from the west; John Kennedy (Ayr), whilst one was from the central belt; Thomas Bruce (Stirling). The geographical composition of the Committee for Prosecuting the War as a whole indicates the influence of the west regarding the gentry and a dominance of the east regarding the burgesses. See appendices 27, 31 and 32.

55. *Ibid*, 380-383, 430-431, 440-441, 442, 442-443, 448. Haldane of Glenneagles (Perth), Hay of Balhousie (Perth), David Carmichael of Balmadie and John Oliphant of Bachilton were the four gentry members included on the Committee for the Provision of the Army. David Carmichael of Balmadie and John Oliphant of Bachilton were not members of Parliament as per 24th July 1645. The remaining burgess member on the Committee for the Provision of the Army was Robert Arnot (Perth). See appendices 12, 27 and 32.

56. *Ibid*, 440-441, 447. Haldane of Glenneagles (Perth), William Cunningham of Ballindalloch, and Balfour of Denmilne represented the gentry. Cunningham of Ballindalloch and Balfour of Denmilne were not members of Parliament as per 24th July 1645 (see appendix 12). Robert Arnot (Perth), James Robertson (St. Andrews), and George Jamieson (Coupar) represented the burgesses. See appendices 12 and 32.

57. *Ibid*, 450. Dundas of Maner (Linlithgow) and Meldrum of Burghlie (Fife) represented the gentry. James Pedie (Montrose) and Walter Airth (Pittenweem) represented the burgesses. See appendix 32.

58. *Ibid*, 462-465. Marischal, Findlater Erroll, Frendraught and Fraser formed this grouping of five nobles.

59. *Ibid*, 466.

60. *Ibid*, 442-470. See appendix 32. The inclusion of three regional committees in the committee structure analysis is valid in the sense that it allows scrutiny of

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the relationship between the staffing of national and regional committees, i.e whether or not those included on regional committees gained membership of the mainstream national committees.

61. *Ibid.*

62. *Ibid*, 440-441, 442-470. See appendices 12 and 32.

63. *Ibid.*

64. *Ibid*, 237-245, 303, 440-441.

65. *Ibid*, 440-441, 469-470, 470. The Committee for the burned lands in Perthshire was issued with a defined remit of assessing the extent of material and financial losses sustained by the heritors and tenants of Perthshire and the town of Perth caused by the Scottish army residing in the town. Three nobles, one gentry and one burgesses accounted for the total membership of five (see appendix 32). Two conservatives (Perth and Tullibardine) and one radical (Burleigh) constituted the noble membership. All bar Perth and Tullibardine had been included on the session committee, the Committee for trying the losses near the town of Perth (see appendix 32). By way of comparison the Committee for trying the lands in Perthshire possessed, burned or wasted by the enemy was composed of two nobles, 22 gentry, and no burgesses (see appendix 32). Both nobles, Perth and Tullibardine, were also included on the other interval committee relating to Perthshire (see appendix 32). Only three of the gentry (14%) were members of Parliament as per 24th July 1645 (see appendices 12 and 32). None of these gentry were included on the other interval committee relating to Perthshire. Haldane of Gleneagles (Perth) and Hay of Balhousie (Perth) had nevertheless been included on the session committee, the Committee for trying the losses near the town of Perth. 19 gentry were not members of Parliament as per 24th July 1645 (see appendices 12 and 32). All gentry members were drawn from the Perthshire area. Balfour of Denmilne (Fife) represented the gentry whilst Robert Arnot (Perth) represented the burgesses. Haldane of Gleneagles (Perth), Hay of Balhousie (Perth) and Sir Robert Campbell of Glenurghie (Argyll) were the three gentry on the committee for trying the lands in Perthshire possessed, burned or wasted by the enemy who were members of Parliament as per 24th July 1645. See appendices 12 and 32.

66. *Ibid*, 380-383, 440-441, 457. Dundas of Maner (Linlithgow) and Meldrum of Burghlie (Fife) represented the gentry, whilst Sir John Smith (Edinburgh) and Patrick Leslie (Aberdeen) represented the burgesses on the session committee. Loudoun and Lauderdale, Dundas of Maner (Linlithgow) and Sir John Smith (Edinburgh) formed the grouping on the session committee who had also been

included as the diplomatic members of the Committee of Estates of 8th March 1645. Hamilton of Orbiston, Justice-Clerk, (Renfrew), and Cochrane of Cowdoun (Ayr) were the two gentry sent to assist the Scottish diplomatic commissioners at London who had been included on the Edinburgh section of the Committee of Estates. It is not specified whether or not the additional commissioners named on 6th August were included in the diplomatic session of the Committee of Estates of 8th March. Indeed, the parliamentary commission of 6th August states that the new commissioners were to treat and and debate according to the instructions given to them by Parliament or the Committee of Estates. Whilst all bar one member of the diplomatic commission of 6th August were members of the Committee of Estates constituted on 8th March, it is unclear whether or not the 6th August commission was to be incorporated into the commission to the Committee of Estates. Given the fact that the diplomatic contingent of 8th March was a section of the Committee of Estates, it would seem likely that the latter committee of 6th August would also be included in that commission (although this is not specified by Parliament). See appendices 27 and 32.

67. *Ibid*, 440-441, 460-462; Stevenson, *Government Under the Covenanters*, 1. See appendices 12 and 32. The membership of the diplomatic contingent commissioned on 6th August was now composed of members who were on the Committee of Estates since Sir Alexander Wedderburne (Dundee) was now included on the Committee of Estates. No explanations for the changes in membership in the renewed commission are given. Although, the burgess changes were geographic with changes in membership for the burghs of Montrose and Dundee, both James Pedie and Sir Alexander Wedderburne had previous parliamentary experience and had sat on previous Committees of Estates. Balfour of Denmilne was a radical but so was Sir Archibald Campbell; hence it may well have been a case of a geographic swap of radicals between east and west. Sir Harry Gibb was added to the gentry representatives on the Committee of Estates, whilst Balfour of Denmilne replaced Sir Archibald Campbell. Sir Alexander Wedderburn (Dundee) replaced Alexander Halyburton (Dundee) and James Pedie (Montrose) replaced Robert Taylor (Montrose) for the burgesses on the Committee of Estates. Sir Harry Gibb and Balfour of Denmilne were not members of Parliament as per 24th July 1645 (see appendix 12).

68. SRO PA. 11/4, folios 127-130. Details of the meetings of the Committee of Estates from August to October 1645 are taken from Stevenson, *Government Under the Covenanters*, 1-2. Stevenson, *Revolution and Counter-Revolution in Scotland*, 43. Peterkin, *Records of the Kirk*, 441; Louise B. Taylor, *Aberdeen Council Letters*,

III, (Oxford, 1952), 13. NLS, MS. 2263, History of Events, 1635-1662, incorrectly states that the proposed Parliament was to be held at Glasgow on 20th September. SRO, Montrose Papers, GD. 220/3/131, lists the commission from Charles 1st to Montrose although it should be noted that this commission does not contain the time and place of convocation. Lynch, *Scotland, A New History*, 275; Russell, *The Crisis of Parliaments, English History 1509-1660* (1990 edition, Oxford), 360; *The Memoirs of Henry Guthry*, 196-197. Guthry states that after Kilsyth Hamilton of Orbiston, Justice Clerk, and Archibald Primrose, clerk to the Committee of Estates, had aligned themselves to Montrose and were attempting to draw Lanark along with them.

69. The relevant figures have been extracted from Stevenson, *Government Under the Covenanters*, 57-60. Stevenson, *Government Under the Covenanters*, 5-56; APS, vi, i, 460.

70. "Memoirs of the Civil War and During the Usurpation, by James Burns, Merchant and Bailie of the City of Glasgow, from the (Year) 1644 till the (Year) 1661", in J. Maidment (ed.), *Historical Fragments, Relative to Scottish Affairs, from 1635 to 1664*, (Edinburgh, 1833).

71. Stevenson, *Government Under the Covenanters*, 7, 8-9; Stevenson, *Revolution and Counter-Revolution*, 43; APS, vi, i, 313-23; W.S. Shepherd, *The Politics and Society of Glasgow, 1648-74*, (University of Glasgow, Ph.D. thesis, 1978), 22. Hepburne of Humble (Haddington) and Cochrane of Cowdoun (Ayr) represented the gentry, whilst Archibald Sydserf (Edinburgh) and George Porterfield (Glasgow) represented the burgesses on the Committee anent Delinquents.

72. Stevenson, *Government Under the Covenanters*, 15, 18, 24. On 28th October the Committee for Malignants in Perthshire was established to deal with eight named malignants and others in the parishes of Logierait and Little Dunkeld. These individuals had been involved in Montrose's rebellion yet they were still uplifting their rents and goods for their own use. William Oliphant of Pitlochrie, Alexander Menzies of Comrie and Thomas Menzies of Togermach were commissioned to uplift such property for the public use. None of these three individuals were members of the Committee of Estates as per 8th March 1645 or in later additions (see appendices 27, 31 and 32). Neither did they attend any of the diets of the Committee of Estates, October to November 1645. Only Menzies of Comrie had been included on the Committee for trying the lands in Perthshire possessed, burned or wasted by the enemy of 7th August (see appendix 32). None of the members had been included on the Committee for the burned lands in Perthshire of 7th August (see appendix 32). The Committee for Malignants in Perthshire was empowered to

pursue the malignants for their rents and property before the shire committee of war, the Committee for trying Malignants in that shire or any other judicatory of the kingdom. All the committees of war were ordered to assist the Committee for Malignants in Perthshire and the committee was answerable to Parliament, the Committee of Estates, and the Treasurer of the Army. The commission of the committee was to endure until cancelled by Parliament or the Committee of Estates. (*Ibid*, 17-18, 57-60; APS, vi, i, 380-383, 469-470. See appendix 32). Four nobles, three gentry and two burgesses constituted the membership of the Committee for examining Compliers with the Rebels in Lanark, Ayr and Renfrew. Noble membership was balanced between radicals (Argyll and Eglinton) and conservatives (Glencairn and Lanark). Gentry and burghal representation was all western and was focused on the geographic areas under the remit of the subCommittee. All nobles, gentry and burgesses included on the subCommittee were members of the Committee of Estates. Those individuals examined who were found guilty of complying with Montrose were to be punished by fine or imprisonment (fining was to be greater than one year's rent). Those who actually served with the rebels were to be imprisoned until further action be taken (Stevenson, *Government Under the Covenanters*, 46). Cochrane of Cowdoun (Ayr), Campbell of Cessnock (Ayr) and Crawford of Kilbirnie (Ayr) represented the gentry. George Porterfield (Glasgow) and Robert Barclay (Irvine) represented the burgesses. By 21st November a further subCommittee of the Committee of Estates, the Committee for Trial of Malignants in Fife was in existence. No full details of membership are given, but three gentry and one burgess were certainly included. Erskine of Scottiscraig (Fife), Balfour of Denmilne (Fife), and Meldrum of Burghlie (Fife) were included as representatives of the gentry and James Sword (St. Andrews) as a representative of the burgesses. Sir James Arnot of Fernie also appears to have been included and is stated as being preses of the committee. On 21st November Gibson of Durie, Clerk Register, appeared before the Committee of Estates having already been examined by the Committee for Trial of Malignants in Fife for collaborating with Montrose, and had been summoned to appear before Parliament. Durie refused to serve as Clerk Register in the next session of Parliament unless he was cleared of all charges. The Committee of Estates then examined Sir James Arnot of Fernie, President of the sub-committee, Durie himself, and all legal documentation concerning the case. The Committee of Estates then annulled the citation for Durie to appear before Parliament and allowed him to serve as Clerk Register in that Parliament (*Ibid*, 53, 55).

73. *Ibid*, 15-16, 19, 22, 52-53. Sir Thomas Hope of Craighall, Lord Advocate, was the remaining gentry member. and James Sword (St. Andrews) represented the

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burgesses. Gentry and burghal representation was exclusively eastern.

74. *Ibid*, 46, 47, 56; APS, vi, i, 380-383. Three members of the Lanarkshire committee were members of the Committee of Estates; Cochrane of Cowdoun (Ayr), Crawford of Kilbirnie (Ayr) and Dundas of Maner (Linlithgow). One further member, Sir Ludovick Houston of that ilk (Renfrew/Dumbarton), had been present in earlier Parliaments. Two members of the Lanarkshire committee were also included on the Stirlingshire committee; Dundas of that ilk (Linlithgow) and Dundas of Maner (Linlithgow). Only two members of the Stirlingshire committee were members of the Committee of Estates; Dundas of Maner (Linlithgow) and Shaw of Sauchie (Clackmannan). Dundas of that ilk (Linlithgow) had been active in earlier Parliaments and their committees. Only one member of the Nithsdale committee was a member of the Committee of Estates; William Glendoning (Kirkcudbright). No members of the Kinross-shire committee were members of the Committee of Estates.

75. *Ibid*, 34, 38-39, 48.

## **VI PARLIAMENTARY MANAGEMENT BY THE RADICAL OLIGARCHY: PURGING AND THE PUNISHMENT OF COLLABORATORS, NOVEMBER 1645 TO NOVEMBER 1646.**

### ***(1) The Fifth Session of the First Triennial Parliament, 26th November 1645 to 4th February 1646.***

The Second, Third and Fourth Sessions of the First Triennial Parliament had witnessed the emergence of a working relationship between radical and conservative nobles, primarily to avoid the latter grouping becoming aligned to Montrose. Nevertheless, the military defeat of Montrose at Philiphaugh had swung the political balance of events more firmly towards the radicals. It was against this background that the Fifth Session convened.

### ***(i) The Composition of the Fifth Session of the First Triennial Parliament, 26th November 1645 to 4th February 1646.***

The Fifth Session of the First Triennial Parliament was held at St. Andrews (due to the continuance of the plague in the vicinity of the capital) on 26th November 1645 and lasted until 4th February 1646. Punishment of collaborators formed the main focus of parliamentary business. 102 enactments were passed, 68 of which concerned the public business, as well as 10 ratifications. 33 nobles, 37 gentry representing 20 shires, and 32 burgesses representing 32 burghs (102 members in total) formed the total membership of Parliament as per 26th November 1645 (see appendix 10 for full data and table 1 for an abbreviate). 24 nobles, 13 gentry and 15 burgesses (52 members in total) who had been present in the fourth session commencing on 24th July were also present in Parliament, 26th November 1645 (see appendix 12). In terms of composition per parliamentary estate as a whole and not individual membership, five fewer nobles, one less gentry, and two fewer burgesses attended the fifth session (see appendix 11).<sup>1</sup>



*Table 9. The composition of the Fourth and Fifth Sessions of the First Triennial Parliament.<sup>2</sup>*

	Nobles	Gentry	Burgesses	Total
26th Nov. 1645	33	37	32	102
24th July 1645	38	38	34	110

*(ii) The Proceedings of the Fifth Session of the First Triennial Parliament, 26th November 1645 to 4th February 1646.*

Parliamentary representation of burghs which had collaborated with Montrose had been restricted by the Committee of Estates. The burghs of Edinburgh, Linlithgow, and Glasgow were initially barred from sending commissioners to the Parliament at St. Andrews. The town council of Glasgow had been purged by the Committee of Estates on 30th September 1645 on the orders of the Earl of Lanark. The office of Provost was filled by George Porterfield and 31 council places were purged. Moreover, George Porterfield represented the burgh of Glasgow in Parliament, 26th November 1645. Therefore the installation of the Porterfield faction on Glasgow Town Council nullified the earlier parliamentary bar applied to the burgh of Glasgow.<sup>3</sup>

Following the calling of the parliamentary rolls and before the parliamentary oath could be taken, dissension immediately emerged over the composition of the Parliament. Johnston of Wariston (Edinburgh) stated that his answering of his name for the parliamentary rolls did not imply his acknowledgement of the constitution of that Parliament until he was tried concerning compliance with the rebels. In a long speech to the House Wariston referred to the presence of malignants and delinquents in the House and that before Parliament was formally constituted he implored that Parliament "wold make ane serious searche and enquirey after suche as wer eares and eyes to the enimies of the comonwealthe".<sup>4</sup> Therefore Wariston argued that Parliament should be dissolved until 27th November and that each

estate should meet apart to consider " quhat corrupted members amongst them, quho had complayed with the publicke enimey of the stait, ather by themselues, or by ther agents or frindes ".<sup>5</sup> Following Wariston's speech debate emerged concerning the manner of procedure and form of trial of such individuals and how they were to be removed from the House. It was agreed that once the House had dissolved the Estates should consider the issue separately. When the Estates reassembled as a whole on 27th November, Parliament was again adjourned, until 28th November, and the Estates were to consider the issue further. Each parliamentary estate was to call before them any suspected malignants and delinquents and examine their comments. The insistence on the procedural and legislative integrity of each of the Three Estates separately which was initiated by the gentry can be interpreted as a means of resisting noble domination of the procedural and judicial agenda of Parliament vis-a-vis malignancy. This phenomenon is not only consistent with the procedure established by Parliament in 1640-41 for scrutinising legislation, but can also be traced to the administrative organisation of the Tables in 1638-39.<sup>6</sup>

On 28th November Parliament appointed a session committee of four of each estate to consider those malignants who were members of Parliament and to examine the commissions of such commissioners of the shires and the burghs (see appendix 33). Noble membership was radical in the ratio of 3:1 compared to the conservatives. (Argyll, Cassillis and Lothian constituted the radical noble membership, whilst Crawford-Lindsay represented the conservative nobles). Johnston of Wariston (Edinburgh) was also included as one of the four gentry members. Of the total membership of the committee, only two gentry had not been included on the Committee of Estates initiated on 8th March 1645 (see appendices 27 and 33). By 29th November the committee had reported its conclusions to Parliament. Following the swearing of the parliamentary oath on 29th November, legislation enacted stipulated that all members coming to Parliament were to be tried for collaboration with Montrose before they could sit or vote in the House. Furthermore, the commissioners of the burghs were to be called in the parliamentary rolls by their names and not according to burgh; this would facilitate the process of identifying collaborators.<sup>7</sup>

Johnston of Wariston's actions of 26th November can be interpreted as a deliberate political manoeuvre intended to force the House's hand on the issue of parliamentary membership vis-a-vis collaboration with Montrose. In short it made inevitable the establishment of the committee of 28th November.

On 29th November Parliament laid down rules of membership concerning four session committees; the Committee for Dispatches, the Committee for Processes, the Committee for the Bills, and the Committee for hearing the Commissioners of the Burghs of Edinburgh, Linlithgow, St. Andrews and Jedburgh. Six of each estate were to be represented on the Committee for Dispatches. The General Officers of the army were included as supernumeraries and the quorum was set at 10, with one of each estate to be present. Six of

each estate were to be represented on the Committee for the Processes and the quorum was set at nine, with two of each estate to be present. Three of each estate were to be represented on the Committee for the Bills and the quorum was set at four, with one of each estate to be present. Three of each estate were to be represented on the Committee for hearing the Commissioners of the Burghs of Edinburgh and Linlithgow, St. Andrews and Jedburgh. The President of Parliament, Crawford-Lindsay, was to be supernumerary in all committees. One of each estate constituted the membership of the Committee for hearing the Commissioners of the Burghs of Edinburgh, Linlithgow, St. Andrews and Jedburgh in their carriage towards malignants (see appendix 33). The one noble member was a radical (Burleigh).

After hearing the report of that committee on the same day the Estates ordained that John Lepar (St. Andrews) was entitled to sit and vote in Parliament as commissioner for ~~that~~ burgh.<sup>8</sup>

The Committee for Dispatches was appointed on 1st December for managing the army within and outwith the country during the session of Parliament and was answerable to Parliament. The official parliamentary register indicates that no common membership would be allowed to exist between the Committee for Dispatches and the Committee for the Processes during the fifth session of the First Triennial Parliament. However, Loudoun, Chancellor, was to remain as supernumerary on both committees. Therefore the combined voting strength of the gentry and burgesses in the House had restricted a possible monopoly of power by the nobility on both committees.<sup>9</sup>

Only one noted radical noble (Argyll) secured membership of the Committee for Dispatches, although Loudoun was also included as a supernumerary in his capacity as Chancellor. Tullibardine and Lanark were the noted conservative nobles included, along with Crawford-Lindsay in the capacity of President of Parliament. All the nobles on the Committee for Dispatches had been included on the Committee of Estates of 8th March (see appendices 27 and 33). Only two gentry were members of the Committee of Estates as per 8th March; Home of Wedderburne and Hamilton of Beill. Hence four gentry were not members of the latter committee (see appendices 27 and 33). Only two burgesses on the Committee for Dispatches of 1st December were not members of the Committee of Estates of 8th March (including the additions of 7th August); Gabriel Cunningham and David Alexander (see appendices 27 and 33).<sup>10</sup>

Four Committees for the Dispatches had therefore been established from the first to the fifth sessions of the First Triennial Parliament. Although termed under a variety of names, the remit of each of the committees was essentially the same. Seven nobles, no gentry and no burgesses who served on the Committee for Managing the War within and without the Country of 10th January 1645 were also included on the Committee for the Dispatches of 1st December 1645 (see appendices 27 and 33). Four nobles, no gentry and one burgess who served on the Committee for Managing the War of 8th July 1645 were also included on the

Committee for Dispatches of 1st December 1645 (see appendices 31 and 33). Similarly, four nobles, no gentry and one burgess who served on the Committee for the Prosecution of the War of 29th July 1645 were also included on the Committee for Dispatches of 1st December 1645 (see appendices 32 and 33). A trend of noble domination under Argyll is evident, with Argyll serving on all four committees. Nevertheless, the ~~celebration~~ <sup>celebration</sup> of conservative nobles is evidenced by the presence of conservative nobles, especially Lanark, within this common grouping of nobles. None of the six gentry appointed on 1st December had been included on any of the four committees appointed since January 1645. As is evident from the trends recorded from previous analysed committee structure data, the gentry and burgesses had a strong grass-roots base to draw on, while conservative nobles had to be brought in to work beside the radicals.<sup>11</sup>

Six per parliamentary estate formed the membership of the Committee for Processes of 1st December (see appendix 33). Noble membership was dominated by radicals (in particular by Cassillis and Burleigh) and only one noted conservative (Glencairn) gained membership. The radical orientation of the committee was supplemented by the presence of Johnston of Wariston (Edinburgh) who secured membership as one of the gentry representatives. Colville of Blair and Robertson of Bedlay, Justice Deputes, were included and possessed the same powers as the rest of the Commissioners for the Processes. All six nobles included on the committee had been included on the Committee of Estates of 8th March (see appendices 27 and 33). Including supernumeraries, four out of eight gentry on the committee were not members of the Committee of Estates of 8th March, whilst only one of the five burgesses included on the committee was not a member of the Committee of Estates of 8th March (see appendices 27 and 33). Although the quorum was set at nine with two of each estate required to be present, the two Justice Deputes were not to be counted in the total number for the quorum. Hence the quorum was dependent on attendance by the representatives of each parliamentary estate. In common with the Committees of Processes established by other sessions of the First Triennial Parliament, the committee was to proceed in the trials of rebels cited to the Parliament. Whilst gentry membership adhered to the noted trend of eastern domination, burghal representation exhibited a western bias.<sup>12</sup>

Three Committees for the Processes had therefore been established from the first to the fifth sessions of the First Triennial Parliament. Comparison with the respective memberships of the Committees for Processes of 5th June 1644 and 1st December 1645 reveals that one radical noble and one gentry were included in both commissions (see appendices 23 and 33); Cassillis and Cochrane of Cowdoun (Ayr). Analysis of common membership of the Committees for Processes of 16th January 1645 and 1st December 1645 reveals that three radical nobles, three gentry (one of whom was a leading radical) and two burgesses served on both committees (see appendices 27 and 33). Cassillis, Weymes and Burleigh represented the nobility on both committees, Johnston of Wariston (Edinburgh),

Cochrane of Cowdown (Ayr) and Dundas of Maner (Linlithgow) represented the gentry on both committees, whilst John Kennedy (Ayr) and William Glendoning (Kirkcudbright) represented the burgesses on both committees. Therefore a large degree of common membership of parliamentary personnel exists between the Committees for the Processes of 16th January and 1st December respectively. The political orientation of that common membership was radical.<sup>13</sup>

Three per parliamentary estate constituted the membership of the Committee for Bills and Ratifications of 1st December 1645 (see appendix 33). Noble membership was primarily radical. Furthermore, all three nobles had been included on the Committee of Estates as per 8th March 1645 (see appendices 27 and 33). On the other hand, two of the three gentry on the Committee for Bills and Ratifications had not been included on the Committee of Estates of 8th March, whilst only one of the three burgesses had not been included on that Committee of Estates (see appendices 27 and 33).<sup>14</sup>

Three Committees for Bills and Ratifications had therefore been established from the first to the fifth sessions of the First Triennial Parliament. No nobles served on all three committees. Falconer of Halkerton (Kincardine) served on all three committees. No burgesses were included on all three committees and no common membership exists for the burgesses between the Committee for Bills and Ratifications of 11th January and 1st December. Over all three estates, therefore, common membership of the Committee for Bills and Ratifications was limited and the burghal estate was marginalised.<sup>15</sup>

Membership details of the Committee for Dispatches, the Committee for the Processes and the Committee for Bills and Ratifications were issued on 1st December. Contemporary sources nevertheless indicate that between 29th November and 1st December considerable lobbying took place regarding the membership of those committees. A first vote on the membership of the Committee for Dispatches and the Committee for Processes had taken place on 29th November. Only three of the nobles included on the Committee for Dispatches on 29th November remained on 1st December; Argyll, Lanark and Tullibardine. Five of the gentry included on the Committee for Dispatches on 29th November remained on 1st December; only MacDowall of Garthland (Wigtown) had been replaced. No details of burgess representation on 29th November are given. The membership of the Committee for Processes on 29th November is identical to the membership of the Committee of the Processes on 1st December. On 1st December there was a "grate debait in the housse, wich lasted aboue 3 heures"<sup>16</sup> in which Glencairn, Cassillis and Lanark attempted to be included on both the Committee for Dispatches and the Committee for Processes. Therefore both radical and conservative nobles were attempting to bolster their particular political factions within noble representation on these two committees. This manoeuvre was strongly opposed by the commissioners of the shires and the commissioners of the burghs. Following a vote by the House it was ordained that the three nobles, one gentry and one burgess which

had been included on both committees at the first election on 29th November were to sit on the Committee for the Processes only. Marischal, Glencairn and Cassillis constituted the three such nobles, MacDowall of Garthland (Wigtown) constituted the one gentry, and John Kennedy (Ayr) constituted the one burgess. Hence within the noble estate there was a dominance of radicals in the ratio of 2:1. Undoubtedly it was these proceedings that led to the ordinance of 1st December separating the two memberships of the Committees for Processes and Dispatches. The parliamentary gentry and burgesses had succeeded in curtailing the power of the nobility. This is indicative of gentry radicalism in particular. These developments would also tend to indicate that the noble estate had been attempting to dominate the legislative agenda within Parliament.<sup>17</sup>

Additions to the membership of the Committee for Processes were later made by Parliament on 13th January 1646. This was at the request of the Committee of the Processes itself for the purposes of examining parties and witnesses. Balfour of Denmilne and Sir John Hope of Craighall, Lord of Session, were specifically asked by the <sup>Committee</sup> to be included by the Committee of Processes. This was granted by the Estates despite the fact that neither Balfour of Denmilne nor Hope of Craighall were members of Parliament as per 26th November 1645 (see appendices 12 and 33). James Sword (St. Andrews) was likewise added as was Colville of Blair, Justice Depute. James Sword was not a member of Parliament as per 26th November 1645 (see appendices 12 and 33). Colville of Blair had been included as a member of the Committee for Processes on 1st December. His further addition on 13th 1646 may be attributable to lack of attendance at the diets of that parliamentary committee on his part.<sup>18</sup>

The additions made by Parliament on 13th January 1646 constituted in essence a sub committee of the Committee for the Processes. Indeed, the supplementary members of 13th January 1646 were issued with one specific remit only; the examination of witnesses and parties. Furthermore, the commission of 13th January 1646 is headed as the Commission for Examining of Parties and Witnesses.<sup>19</sup>

Further powers were awarded to the Committee for the Processes on 31st January 1646. Individuals fined by the Committee for the Processes during the session of Parliament or by appropriate commissioners appointed with jurisdiction for the period after the parliamentary session were to be subject to tighter parliamentary control regarding the payment of fines. If insufficient security was provided by those persons fined by the Committee for the Processes then those individuals were to be imprisoned. The Committee for the Processes was also awarded the power of sequestration of delinquents' rents and estates.<sup>20</sup>

Recommendations from the Committee for Dispatches were followed throughout the parliamentary session until 4th February 1646. Firstly, the army was reorganised; regiments were sent to England as reinforcements. 4300 foot and six troops of horse were to be stationed in eight garrisons north of the Clyde and Forth. 8400 men in total formed what has

been termed " a mobile army " to seek out the rebels in the north of the country.<sup>21</sup> Secondly, new committees of war were established in the shires on 2nd February. Thirdly, the Committee of Estates established on 3rd February was to raise 10,000 men to reinforce Scottish armed forces on a British basis. Fourthly, military appointments to the Scottish forces were made on 4th February 1646; Middleton was placed at the head of the force to pursue the rebels within Scotland; the offer had originally been made to Callander whose excessive demands resulted in the transfer of the position to Middleton. James Hepburne was placed as General Major of the foot.<sup>22</sup>

Having established the three most important session committees by 1st December 1645, Parliament could now concentrate on punishing the malignants and rebels in greater detail. On 1st December a further session committee was established to consider the behaviour of the Earls of Mar and Perth and the commissioners of Edinburgh and Linlithgow towards the rebels. Three nobles, three gentry and four burgesses constituted its membership (see appendix 33). The examination of the commissioners of Edinburgh and Linlithgow had been included in the remit of a previous session committee formed on 29th November. Therefore the commissioners of Edinburgh and Linlithgow were still under suspicion of malignancy by 1st December. The conservative noble Dalhousie was balanced by Kirkcudbright and Yester. One of the three gentry members was not a member of Parliament as per 26th November 1645 (see appendices 12 and 33). Of the four burghal members, only one did not represent a burgh which was not under suspicion. Sir John Smith (Edinburgh), Robert McKean (Edinburgh) and George Bell (Linlithgow) constituted the representatives of the three burghs under examination. Furthermore all three were not members of Parliament as per 26th November 1645 (see appendices 12 and 33). Gentry representation did not adhere to the trend of eastern dominance and instead was based on the west and the Borders. Burghal representation remained focused on the east. All nobles included on the committee were members of the Committee of Estates of 8th March 1645 (see appendices 27 and 33). Only one gentry on the committee, Belshes of Toftis (Berwick) had been included on the Committee of Estates of 8th March (see appendices 27 and 33). This indicates that new gentry were being brought in and illustrates the commitment of grass roots radicalism. All burgesses included on the committee had been included on the Committee of Estates of 8th March 1645 (see appendices 27 and 33). Loudoun, Chancellor, and Crawford-Lindsay, President of Parliament, were included as supernumeraries on the committee of 1st December. As Sir John Smith (Edinburgh), Robert McKean (Edinburgh) and George Bell (Linlithgow) were included in the parliamentary burghal representation with the same voting rights as the representatives of the nobility and the gentry, this committee may have been employed by the radical leadership to whitewash any aspersions or doubts of malignancy against the commissioners of the respective burghs (under the supervision of Loudoun and Crawford-Lindsay). Moreover, it may have been employed as a constitutional precedent as a

means of ensuring that further session committees could be formed during the session to examine malignant tendencies among members of Parliament. The remit of the committee regarding those under suspicion was "anent the clearing of their carriage before they sit and vote as members of Parliament."<sup>23</sup> In the naming of the session committee no differentiation was made between commissioners of the shires and commissioners of the burgh. However, commissioners were present for the shires of Edinburgh and Linlithgow in Parliament on 26th November; Johnston of Wariston (Edinburgh), Foullis of Colington (Edinburgh), Dundas of Maner (Linlithgow) and John Hamilton of Boghall (Linlithgow). The fact that no burgess representatives for Edinburgh and Linlithgow were present in Parliament on 26th November reinforces the assertion that the committee was to consider the burgess representatives of Edinburgh and Linlithgow only, and not the gentry representatives for those shires.<sup>24</sup>

Delinquents and Malignants were classified within three specific tiers of punishment according to the severity of their crimes. Those whose crimes fell within the first class were to be fined between four and six years' rent and barred from all public office until peace was properly restored. The latter included a bar from sitting or voting in Parliament and the Privy Council, being included as an Officer of State, or having vote in the election of Commissioners of Shires and Commissioners of the Burghs. Replacements for those removed from any public office would be provided by Parliament or parliamentary committee. Banishment, confinement or imprisonment could also be imposed within the first class. Those whose crimes fell within the second class were to be fined between two to four years' rent and barred from all public office at least until the next session of Parliament. Those barred from public office within the second class included representation in Parliament or membership of any parliamentary committees. Those whose crimes fell within the third class were to be fined between half a years' rent to two years' rent. In cases of lesser importance the fine under the third class could be dispensed with and censure imposed. Those individuals whose crimes fell within the third class were to have their cases remitted to the judges to consider whether or not suspension was appropriate.<sup>25</sup>

The Act of Classes of 8th January 1646 therefore constituted the major item of legislation designed to punish and purge malignants and delinquents. Designed ostensibly to deal with those rebels captured at Philiphaugh, the scope of the Act of Classes also extended to individuals who had been sentenced, fined or confined by Parliament or its committees since the Act of Oblivion of 1641. Those who had joined with the rebels in previous battles but were not included within the remit of the Act of Classes could be remitted to the determination of Parliament or appropriate parliamentary committees.<sup>26</sup>

Although the Act of Classes received parliamentary sanction on 8th January 1646, it had been under overt parliamentary discussion since 31st December 1645. The first class of the Act of Classes was considered by the Estates on 31st December and probably prior to this as



well. Intense pressure on the part of Loudoun, Cassillis, Lanark, Lothian, Burleigh, Johnston of Wariston (Edinburgh), Cochrane of Cowdoun (Ayr) and Dundas of Maner (Linlithgow) secured the incorporation of important legislation concerning the remit of the first class. Lanark was the only conservative among this grouping and illustrates his willingness to have a working relationship with the radicals. The House "vnanimously enacted" <sup>27</sup> that those within the first class who were not to be forfeited or executed were to be fined between three and six years' rent. When the final Act of Classes was passed on 8th January 1646 the level of fining for the first class had been extended to four to six years' rent. Furthermore the House voted in favour of incorporating an extension to the first class in two important respects. Firstly, that "this acte should be extendit and stricke aganist all relapses and delinquents" <sup>28</sup> since the 1641 Act of Oblivion. Secondly, banishment, imprisonment or confinement could be imposed within the first class, as well as fining, for those Parliament should "thinke to demeritt a heigher censur then ther fynes, and might proue dangerous instruments to the peace of the countrey" <sup>29</sup>

The second and third classes of the Act of Classes had been remitted to the consideration of the Estates separately on 6th January 1646. When the full Parliament met on the morning session of 7th January a minor addition was made to the second class (those who had advanced the rebels' cause by holding public meetings or convening meetings were to be included within that class) and the third class was "quolly assented too by the housse, without a contradictorey wotte". <sup>30</sup> In the afternoon session exclusion from public office was agreed on and it was ordained that no proscribed noble, gentry or burgess was to have a vote in Parliament until peace was concluded and that none of the three classes was to have any involvement in the election of parliamentary commissioners. <sup>31</sup>

Four death sentences were passed by Parliament against malignants on 16th January 1646. Nathaniel Gordon, William Murray (brother of the Earl of Tullibardine), Andrew Guthrie (the son of the former Bishop of Moray) and Sir Robert Spottiswood were to be forfeited of life, lands and goods. The date of execution was set for 20th January 1646. Reports on all four cases were made from the Committee for the Processes to the House. The Committee for the Processes had found all four guilty of high treason. <sup>32</sup>

The case of Nathaniel Gordon was the first to be dealt with by the Estates. Having been found guilty of high treason by the Committee for the Processes, the full Parliament voted in favour of his execution, but only after a three hour debate. This would suggest that the case against Gordon was far from clear-cut. Loudoun, Chancellor, voted against the forfeiture of Gordon's life, land and goods. It is not clear whether or not Dunfermline, Cassillis, Lanark and Carnwath voted against the forfeiture of Gordon, but at the very least they were uncertain about technical aspects of the case. Of all the gentry present only Beaton of Creich (Fife) found the case against Gordon not proven. Having been found guilty of high treason by the Committee for Processes, the report of that committee against William Murray was

read twice to the House, which then voted in favour of Murray's forfeiture and execution. Tullibardine, Murray's brother was not present in the House when the vote was taken. Five nobles and two gentry voted that Murray should be imprisoned for life and his lands and goods forfeited; Eglinton, Glencairn, Kinghorn, Dunfermline and Buccleuch for the nobility and Falconer of Halkerton (Kincardine) and Frederick Lyon of Brighton (Forfar). The report of the Committee for Processes against Andrew Guthrie finding him guilty of high treason was also read to the House. Cassillis and Dunfermline voted in favour of the imprisonment of Guthrie for life with the forfeiture of his lands and goods. Chancellor Loudoun abstained in the vote against Guthrie. The vast majority of members present, however, voted for the execution of Guthrie. The report by the Committee for the Processes against Sir Robert Spottiswood, the last of the quartet to be forfeited and ordered to be executed by Parliament on 16th January, was based on two points. The first concerned Spottiswood's role in the delivery and prosecution of the commission from Charles I to Montrose. The House voted that execution constituted the appropriate punishment for such behaviour. The second point concerned the capture of Spottiswood at the Battle of Philiphaugh. Forfeiture of land and goods was voted as the appropriate punishment for fighting with the rebels. Four nobles voted in favour of life imprisonment and forfeiture of land and goods; Eglinton, Cassillis, Dunfermline and Carnwath. Two further nobles, Loudoun and Lanark, craved the pardon of the House in the case of Spottiswood, but abstained from the final vote. One gentry and one burgess voted in favour of saving the life of Spottiswood; Patrick Maxwell of Tailing (Forfar) for the gentry and Robert Farquhar (Aberdeen) for the burgesses.

Deviation in voting patterns from the consensus in the House regarding the four executions is therefore most marked in the noble estate. A total of nine nobles did not vote in favour of all four executions. Dunfermline, Cassillis, Lanark, Eglinton and Carnwath voted against execution in more than one case and favoured life imprisonment with forfeiture of land and goods. Chancellor Loudoun abstained in two cases. Voting patterns among the nobles therefore cut across radical and conservative lines (although this is dependent on the total number of nobles present; information which is not available). However, it is clear that <sup>it was</sup> the voting strength of the gentry and burgesses which forced the decisions through.<sup>33</sup>

Whilst the punishment of malignants and delinquents formed the most crucial area of parliamentary business discussed between 26th November 1645 and 4th February 1646, a reassessment of the effectiveness of the Covenanted military leadership during the period of Montrose's victories was undertaken. In particular, the conduct at the Battle of Kilsyth was closely scrutinised. On 18th December 1645 a session committee was established to consider three specific remits. Firstly, the conduct of Lieutenant General Baillie (as the commander of the Covenanted forces at the battle) and the officers of the army present at the battle was to be examined. Secondly, the conduct of the Committee of Estates as

constituted at that time was likewise to be examined. Thirdly, the extent and manner of the losses suffered at Kilsyth were to be considered. The committee was then to report back to Parliament which would then take any appropriate action. The formation of this committee owes its origin to a petition from Lieutenant General Baillie himself desiring a trial concerning his carriage at Kilsyth. Five per parliamentary estate plus the General Officers of the army formed the membership of the Committee anent the Battle of Kilsyth and Lieutenant General Baillie (see appendix 33).<sup>34</sup>

The political orientation of noble representation on the committee was radical (and included Cassillis and Eglinton) with only one noted conservative noble included (Glencairn). In addition, Johnston of Wariston (Edinburgh), was included as one of the five gentry members. Whilst both gentry and burghal membership contained eastern representation, the west and the Borders also secured representation. A broader geographic spread of representation can be attributed not only to the national significance of Montrose's victory at Kilsyth, but also to the fact that the battle had taken place in the west. The committee had reported back to Parliament by 29th January.

On 29th January the Estates absolved Lieutenant General Baillie of any blame for the defeat at Kilsyth, but did not mention the conduct of the Committee of Estates. Of the 15 parliamentary members on the Committee anent the Battle of Kilsyth and Lieutenant General Baillie all were members of the Committee of Estates as per 8th March 1645 or as per later additions on 7th August 1645 bar one. Only David Beaton of Creich (Fife) for the gentry had not been a member of the Committee of Estates then in session (see appendices 27, 32 and 33). Therefore there appears to have been a whitewash of the role of the Committee of Estates in the defeat at Kilsyth vis-a-vis the actions of the military leadership at Kilsyth.<sup>35</sup>

The concentration of attention on the punishment of malignants and delinquents did not obscure the fact that action was required to be taken concerning reparations for those whose lands and estates had been ravaged during the course of the civil war in Scotland. Such an issue was devolved to a parliamentary session committee established on 12th December 1645; the Committee anent the Losses (see appendix 33). The Committee anent the Losses was issued with a remit of establishing a uniform device which could be applied nationally for an effective reparations scheme. The committee was only to concern itself with the estates of individuals who had been loyal to the Covenanting cause. Four nobles, five gentry, six burgesses, and two supernumeraries (both nobles) constituted the membership of the Committee anent the Losses (see appendix 33). Noble membership was balanced between radicals (Eglinton and Kirkcudbright) and conservatives (Haddington and Buccleuch). The two supernumeraries, Loudoun, Chancellor, and Crawford-Lindsay, President of Parliament, supplemented the numbers of the nobility to six, giving a greater parity with the other two estates. One noble, two gentry and two burgesses included on the

Committee of the Losses of 12th December 1645 were not members of the Committee of Estates of 8th March 1645 (see appendices 27 and 33). The Committee for the losses sat throughout the session of Parliament from 12th December until 4th February. The commission to the Committee for the Losses was then renewed on 4th February and the committee would then convene as a parliamentary interval committee until the next session of Parliament.<sup>36</sup>

Throughout the parliamentary session from 26th November 1645 until 4th February 1646 Parliament regulated its own affairs and initiated constitutional and procedural legislation. Low levels of parliamentary attendance are indicated by the legislation enacted on 20th December 1645. No member of Parliament was to be allowed to leave a diet of Parliament without having received permission from the appropriate parliamentary official. Shires and burghs which had not sent commissioners of the shires or commissioners of the burghs to the fifth session of the First Triennial Parliament were to be written to, elections were to be held and then such commissioners were to be sent to Parliament as quickly as possible. Such a phenomenon probably reflects the economic and financial effects of a civil war campaign throughout parts of the country which hindered such shires and burghs from dispatching parliamentary representatives. Lack of attendance by parliamentary members was further addressed by an ordinance issued on 2nd February 1646 concerning members leaving in numbers before the dissolution of Parliament on 4th February. A three tier level of fining was applied to such members; 300 merks per noble, 200 merks per individual gentry and one hundred merks per individual burghess. In common with the second session of the First Triennial Parliament commencing on 7th January 1645, the Fifth Session of that Parliament appointed a Vice-President of Parliament. Due to the absence of Crawford-Lindsay, the present incumbent of the office of President, Cassillis was appointed Vice-President of Parliament on 26th December 1645 and was to continue in that post during the absence of Crawford-Lindsay. Greater regulation of burghal representation was enacted on 12th January 1646. Robert Hill had represented the burgh of Queensferry in the First to Fourth Sessions of the First Triennial Parliament (see appendix 12). John Mylne is recorded in the parliamentary rolls as representing the burgh of Queensferry on 26th November 1645 (the opening day of the Fifth Session, see appendix 12). Parliament ultimately ~~approved~~ of the change in commissioner but stipulated that during the Fifth Session there was to be no change in commissioners of the burghs without Parliament's approval. Therefore it would appear that the burgh of Queensferry had changed its parliamentary commissioner during the Fifth Session without Parliament's approval.<sup>37</sup>

On 4th February 1646, the Fifth Session of the First Triennial Parliament was dissolved and the Sixth Session was to meet on the first Tuesday of November 1646. 23 bills and 101 supplications were remitted to the Committee of Estates and the Committee for Monies. The concentration of parliamentary business on judicial matters had obviously left insufficient

time for the House to consider all legislation submitted to it.<sup>38</sup>

*(iii) The Committee Structure of the Fifth Session of the First Triennial Parliament, 26th November 1645 to 4th February 1646.*

12 parliamentary session committees and five parliamentary interval committees have been analysed for the Fifth Session of the First Triennial Parliament (see appendices 33 and 34). Of the 12 session committees, four had financial remits, three had remits relating to parliamentary commissions and malignancy, whilst two had military remits. The three remaining session committees possessed diplomatic, judicial and procedural remits respectively. Of the five interval committees, four were concerned with financial affairs and one was an executive committee.<sup>39</sup>

25 nobles in total formed the field of nobles on the 12 parliamentary session committees (see appendix 33). Legislation enacted on 29th November and 1st December 1645 stated that the Chancellor and the President of Parliament were to be included on all parliamentary session committees. Therefore Loudoun, Chancellor, and Crawford-Lindsay, President of Parliament, were theoretically included on the maximum of 12 parliamentary session committees. Cassillis served on four session committees in total and Glencairn and Yester served on three session committees each. Argyll, Eglinton, Marischal, Lothian, Lanark, Dalhousie, Kirkcudbright and Burleigh were all included on two session committees each in total. The remaining 12 nobles served on one session committee only. Common membership of the noble estate on parliamentary session committees was therefore primarily radical, but also included a conservative element.<sup>40</sup>

In terms of the breakdown of session committees with specific remits, no common membership exists for the noble estate on financial session committees. Excluding Loudoun and Crawford-Lindsay as supernumeraries, no noble who was included on any one financial session committee gained membership of any other financial session committee (see appendix 33). Therefore the discussion of financial affairs was spread throughout the noble estate as a whole, possibly in an attempt to maintain the fragile radical-conservative alliance within that estate. No noble (bar Loudoun and Crawford-Lindsay) was included on all three session committees concerned with parliamentary commissions and malignancy. Correlations in membership exist, however, between the judicial session committee (the Committee for Processes) and these committees. Cassillis was included on both the Committee for Processes and the session committee of 28th November relating to members of Parliament and parliamentary commissions. Burleigh was also included on the

Committee for Processes and the session committee of 29th November dealing with the commissioners of the burghs of Edinburgh, Linlithgow, St. Andrews and Jedburgh. Scrutiny of the membership of the diplomatic session committee relating to the position of Crawford-Lindsay as supernumerary reveals that Cassillis was also included on that committee. Furthermore, Glencairn gained membership of both the Committee for Processes and the diplomatic session committee. Therefore where noble common membership exists between the judicial session committee and any of the session committees dealing with parliamentary commissions and malignancy, that common membership was radical. Noble common membership between the judicial session committee and the diplomatic session committee was balanced between radicals and conservatives. No common membership exists for the nobility (bar Loudoun and Crawford-Lindsay) on the two session committees with military remits.<sup>41</sup>

25 gentry formed the total field of gentry included on the 12 parliamentary session committees (see appendix 33). Three primarily radical gentry each served on four session committees as a whole; Johnston of Wariston (Edinburgh), Ruthven of Frieland (Perth) and MacDowall of Garthland (Wigtown). Two further gentry were included on two session committees as a whole; Lockhart of Lee (Lanark) and Ramsay of Balmaine (Kincardine). The remaining 20 gentry served on one session committee. Five gentry analysed were not members of Parliament as per 26th November 1645; Balfour of Denmilne, Hope of Craighall, Colville of Blair, Robertson of Bedlay and Maxwell of Newark (see appendix 12).

No gentry gained membership of all four financial session committees. Only one gentry, Ramsay of Balmaine (Kincardine) was included on more than one financial session committee (see appendix 33). Only one gentry, Ruthven of Frieland (Perth), gained membership of more than one session committee relating to parliamentary commissions and malignancy (see appendix 33). Ruthven of Frieland also gained membership of the diplomatic session committee relating to Crawford-Lindsay. Correlations in membership exist between the judicial session committee (the Committee for Processes), the diplomatic session committee and the session committees relating to parliamentary commissions and malignancy. Both Johnston of Wariston (Edinburgh) and Dundas of Maner (Linlithgow) were included on the Committee for Processes and the session committee concerning members of Parliament and parliamentary commissions. In addition, Johnston of Wariston was also included on the diplomatic session committee. One further gentry, MacDowall of Garthland (Wigtown), gained membership of both the judicial and the diplomatic session committees respectively (see appendix 33). Common membership of gentry representation on the two military session committees was centred on Beaton of Creich (Fife) (see appendix 33).<sup>42</sup>

23 burgesses formed the total field of burgesses included on the 12 parliamentary session committees (see appendix 33). Sir Alexander Wedderburne (Dundee) was included on six

session committees in total. Two burgesses served on four session committees in total; John Kennedy (Ayr) and George Garden (Burntisland). Three further burgesses served on three session committees in total; Robert Cunningham (Kinghorn), William Lyon (Brechin) and Robert Barclay (Irvine). Robert Arnot (Perth), Robert Farquhar (Aberdeen), James Pedie (Montrose), David Alexander (Anstruther Easter), John Johnstone (Dumfries) and William Glendoning (Kirkcudbright) were each included on two session committees in total. The remaining 11 burgesses served on only one parliamentary session committee. Six burgesses analysed were not members of Parliament as per 26th November 1645.

No burgess gained membership of three or more financial session committees. Four burgesses gained membership of two out of four financial session committees (see appendix 33). John Johnstone (Dumfries) and William Lyon (Brechin) were included on identical financial session committees. George Garden (Burntisland) and Robert Farquhar (Aberdeen) were also each included on two financial session committees (see appendix 33). Only one burgess, Sir Alexander Wedderburne (Dundee), gained membership of more than one session committee relating to parliamentary commissions and malignancy. He was also included on the diplomatic session committee concerning Crawford-Lindsay (see appendix 33). Three burgesses included on the judicial session committee (the Committee for Processes) also gained membership of the identical session committee of 28th November dealing with members of Parliament and parliamentary commissions (see appendix 33). George Garden (Burntisland), Robert Cunningham (Kinghorn) and Robert Barclay (Irvine) constituted the three relevant burgesses. In addition, John Kennedy (Ayr), gained membership of both the judicial session committee and the diplomatic session committee relating to Crawford-Lindsay. Burghal common membership of the two military session committees was focused on Sir Alexander Wedderburne (Dundee).<sup>43</sup>

Within the structure of parliamentary session committees, a significant relationship over all three estates existed between the membership of the Committee for Processes, session committees dealing with parliamentary commissions and malignancy and the diplomatic committee concerning Crawford-Lindsay's possible inclusion on the diplomatic interval commission. Noble common membership within this relationship was primarily radical. Burghal common membership of financial session committees was greater than that of the nobility and the gentry. Geographically, both gentry and burghal common membership was focused primarily, but not exclusively, on eastern representation. The influence of the west and the Borders was apparent on two judicial session committees (the Committee for Processes and the Committee for the Earls of Mar and Perth and the commissioners of Edinburgh and Linlithgow), on one military session committee (the Committee anent the Battle of Kilsyth) and one financial session committee (the Committee anent Lord Humble's Accounts).

26 nobles formed the total field of noble membership of the five parliamentary interval

committees, one of which was a regional committee (see appendix 34). Six nobles were included on two interval committees in total; Eglinton, Dunfermline, Lothian, Buccleuch, Balcarras and Kirkcudbright (see appendix 34). Hence there was a balance between conservative and radical nobles. The remaining 20 nobles were included on one interval committee only. Argyll had been dispatched to Ulster and this may account for a lower figure than expected on the parliamentary interval committees. No nobles included on the Committee for Monies, Processes and Excise were included on any other interval committee (see appendix 34). All three nobles on the Committee for Clearing the Accounts with England were also included on the Committee of Estates (see appendix 34). Three out of the four nobles on the Committee for the Losses were also included on the Committee of Estates (see appendix 34). With the exception of the regional interval committee (the Committee anent the Losses of the Sherrifdom of Aberdeen), a close correlation in noble membership exists between the Committee of Estates and the other parliamentary interval committees.<sup>44</sup>

48 gentry formed the total field of gentry membership of the five interval committees (see appendix 34). Eight gentry were included on two interval committees (see appendix 34). Dundas of Maner (Linlithgow), Kerr of Cavers (Roxburgh), Ruthven of Frieland (Perth), Forbes of Craigievar (Aberdeen), Hepburne of Humble, Treasurer of the Army, Home of Wedderburne (Berwick), Ramsay of Balmaine (Kincardine) and Maxwell of Tailing (Forfar) constituted this grouping of eight gentry. 28 gentry analysed were not members of Parliament as per 26th November 1645 (see appendices 12 and 34), 23 of whom were included on the regional interval committee (the Committee anent the losses of the Sheriffdom of Aberdeen). Parliamentary legislation of 29th January 1646 had stipulated that no member of the Committee for Monies could sit on any other parliamentary committee. However, one laird, Forbes of Craigievar (Aberdeen), secured membership of both the Committee for Losses and the Committee for Monies, Processes and Excise (see appendix 34). Hence parliamentary legislation governing membership of committees was being breached by the gentry. All four gentry included on the Committee for Clearing the Accounts with England were also included on the Committee of Estates (see appendix 34). Two out of the five gentry included on the Committee for the Losses were also included on the Committee of Estates (see appendix 34). Ramsay of Balmaine (Kincardine) and Maxwell of Tailing (Forfar) were the two relevant gentry and both came from the same geographic domain. Gentry common membership between the Committee of Estates and the other interval committees was still significant, although it was not as coherent compared to the nobility.<sup>45</sup>

26 burgesses form the total field of burghal membership of the five parliamentary interval committees (see appendix 34). Two burgesses were included on three interval committees in total (see appendix 34); Robert Farquhar (Aberdeen) and John Johnstone (Dumfries). A



further five burgesses were included on two interval committees in total (see appendix 34); Robert Arnot (Perth), Sir Alexander Wedderburne (Dundee), Alexander Jaffray (Aberdeen), William Glendoning (Kirkcudbright) and John Auchterlony (Arbroath). The remaining 19 burgesses were included on only one interval committee only (see appendix 34); these were concentrated primarily on the Committee of Estates. Nine burgesses analysed were not members of Parliament as per 26th November 1645 (see appendices 12 and 34). The burghal estate, in common with the gentry, was in breach of parliamentary legislation of 29th January concerning membership of the Committee for Monies, Processes and Excise.

Three of the four burgess members of the Committee for Clearing the Accounts with England were also included on the Committee of Estates (see appendix 34). Four of the six burgess members of the Committee for the Losses were also included on the Committee of Estates (see appendix 34). Burghal common membership between the Committee of Estates and the other interval committees was therefore concentrated on the Committee for Losses and the Committee for Clearing the Accounts with England.<sup>46</sup>

Membership of interval committees, over all Three Estates, was in general related to membership of the Committee of Estates (with the exception of the regional interval committee, the Committee anent the Losses of the Sherrifdom of Aberdeen). The noble estate was the most noted among the Three Estates regarding in terms of this phenomenon. Both the gentry and burgesses openly breached parliamentary legislation concerning membership of the Committee for Monies, Processes and Excise, whilst the nobility did not. Such a breach provides further evidence of a challenge to the political power of the nobility over the other two estates. Gentry and burghal common membership of interval committees was particularly eastern but also included significant representation from the Borders and the west, particularly on the various sections of the Committee of Estates.

#### *(iv) The Appointment of Parliamentary Interval Committees.*

Five parliamentary interval committees were appointed (one of which was a regional committee); the Committee for Monies, the Committee anent the Losses of Aberdeen, the Committee for Hepburne of Humble's accounts, the Committee for clearing the Accounts with England and the Committee of Estates. In addition, the parliamentary session committee of 12th December 1645, the Committee anent the Losses, was renewed as an interval committee on 4th February 1646 (see appendix 34).<sup>47</sup>

Acting on a petition from Forbes of Craigievar and Forbes of Echt, the commissioners of the shires for Aberdeen, a parliamentary interval committee was appointed on 3rd February

to consider the losses suffered by the shire of Aberdeen. This was in common with localised parliamentary committees established by earlier sessions of Parliament (for example, the Committee for trying the Lands in Perthshire of 4th August 1645).<sup>48</sup>

Fining of malignants on a national basis was remitted to a specialised parliamentary interval committee established on 3rd February 1646; the Committee for Monies. Following the four death sentences passed against malignants on 16th January 1646, the radical orientated Commission of the Kirk had been strongly advocating that the same course should be followed for other malignants. The policy of further executions was refused by the noble estate and the Commission of the Kirk could only be placated by the initiation of a policy of heavy fining of malignants. The establishment of the parliamentary interval committee of 3rd February therefore owes its origins to this development. The full remit for the Committee for Monies was essentially that of fining and processing of malignants, the raising of monies, and the farming of the excise. Therefore different financial agendas were incorporated within the one parliamentary committee allowing an efficiency of financial administration and expertise (for example, the powers of previous Committees of the Excise being invested in that committee). The distribution of public money was to be under the monopoly of the Committee for Monies. However, the powers of the Committee for the Exchequer were not incorporated within the Committee for Monies and the Commission for the Exchequer was renewed on 2nd February to continue until the next parliamentary session. Legislation enacted on 4th February empowered the Committee for Monies to forfeit the lands and estates of any individuals fined within the first and second class of the Act of Classes who were refusing to pay their fines as well as individuals who were fined by the Committee for Monies following the close of the parliamentary session. On 29th January Parliament had laid down three stipulations concerning the Committee for Monies. Firstly, no member of the Committee for Monies was to be included on any other parliamentary committee. Secondly, six per parliamentary estate (yielding a total of 18 members) was to constitute the membership of that committee. Thirdly, the Committee for Monies was to be split into two sections the Committee for the Monies (North) and the Committee for Monies (South); 12 members were to be on the Committee for Monies (South) and six on the Committee for Monies (North). The membership of the Committee for the Monies had been agreed on by 30th January although the committee had been redefined to seven per parliamentary estate. According to Sir James Balfour, it had been decided on 22nd January that seven per estate were to be on the Committee for Monies and that those commissioners were to be on no other committee; this may well have represented a shift in power away from the nobility. Gentry and burghal voting strength appear to have combined to check noble domination of the Committee for Monies and direct political power to the other two parliamentary estates. When the commission was officially issued on 3rd February seven per parliamentary estate was confirmed as the parliamentary membership complemented by

Hepburne of Humbie in the capacity as Treasurer of the Armies. 12 members (four per parliamentary estate) were allocated to the southern section of the Committee for Monies, whilst nine members (three per parliamentary estate) were allocated to the northern section of the Committee for Monies. Therefore the increase of one per parliamentary estate from the official parliamentary record of 29th January appears to have been allocated to the Committee for Monies (North) resulting in a total membership of nine as opposed to six. Hepburne of Humbie was allocated to the southern section resulting in a total membership of 13.<sup>49</sup>

Noble membership of the northern section of the Committee for Monies was primarily radical (see appendix 34). One of the gentry representatives was not a member of Parliament as per 26th November 1645 (see appendices 12 and 34). Two of the burghal representatives were not members of Parliament as per 26th November 1645 (see appendices 12 and 34). The quorum of the Committee for Monies (North) was set at five with no stipulation on compulsory attendance per estate. The geographical radius of the Committee for Monies (North) was that of the sherrifdoms of Forfar, Mearns, Aberdeen, Banff, Murray, Nairn, Inverness, Cromarty, Sutherland, Caithness and Orkney. Hence geographical remit was matched by geographical parliamentary membership on the Committee for Monies (North).<sup>50</sup>

Noble membership of the southern section of the Committee for Monies was also radically orientated with only one conservative noble included. The geographical radius of the Committee for Monies (South) was that of the remainder of the country south of the sherrifdoms under the remit of the Committee for Monies (North). However, the Committee for Monies (South) was dominated by east coast gentry and burgesses.<sup>51</sup>

The southern section of the Committee for Monies was to reside at Edinburgh and the quorum of that committee was set at seven. No compulsory attendance per estate was stipulated. Although the Committee for Monies had been split into two geographic sections, these two sections were *in fact* part of the one committee. Thus the two sections were ordered to keep regular correspondence with one another, as well as with the Committee of Estates. Ultimately answerable to Parliament, members of both sections were allowed to attend the diets of the other section.<sup>52</sup>

The reassessment of financial affairs on a Scottish and British basis as a result of military commitments manifested itself in the appointment of two parliamentary committees. A parliamentary session committee had been appointed on 12th December 1645 to audit the accounts of Hepburne of Humbie as Treasurer of the Army. Consideration was also to be made of the Scottish forces in England and those in Scotland which had not yet been footed. On 4th February 1646 an interval committee was established to meet after the close of the parliamentary session to attempt to settle financial transactions with the English Parliament.<sup>53</sup>

No common membership exists between the Committee for Hepurne of Humble's accounts of 12th December 1645 and the Committee for the English Accounts of 4th February 1646 (see appendices 33 and 34). Three per parliamentary estate formed the membership of the former committee (see appendix 33). Noble membership of the session committee appears to have been orientated towards the conservatives. Three nobles, three gentry, four burgesses and five military officials formed the membership of the Committee for the English Accounts of 4th February 1646 (see appendix 34). Of the three noble members, Lothian was the only noted radical.<sup>54</sup>

*Table 10. The compositions of the Committee of Estates, 3rd February 1646, and the Committee of Estates, 8th March 1645.<sup>55</sup>*

	Nobles	Gentry	Burgesses	Total
Committee of Estates, 3rd February 1646	18	17	16	51
Committee of Estates, 8th March 1645	39	39	39	<u>117</u>

A new commission was issued to the Committee of Estates by Parliament on 3rd February (see appendix 34). A total of 18 nobles, 17 gentry, 16 burgesses and one military official (52 individuals) were included in four sections of the Committee of Estates. One section of the Committee of Estates was to reside constantly within Scotland, another section was to accompany the Scottish army in England, another section was to accompany the Scottish army in Ireland, and a fourth section was to ~~negotiate~~ with the English Parliament. The composition of the Committee of Estates as per 3rd February 1646 represents a drop of 21 nobles, a drop of 22 gentry and a drop of 23 burgesses compared with the composition of the Committee of Estates of 8th March 1645 (see appendices 27 and 34). The reduction in numbers (spread almost evenly over all three Estates) was obviously affected by Parliament's ruling that members of the Committee for Monies could not serve on any other interval committee. 18 nobles, 10 gentry and 14 burgesses (42 individuals in total) included in the Committee of Estates of 8th March 1645 or in later additions of 6th and 7th August 1645 were also included in the Committee of Estates of 3rd February 1646 (see appendices 27, 32 and 34). Conservatives formed only a small proportion of the nobles on both commissions; Buccleuch, Dalhousie and Lanark.<sup>56</sup>

Three nobles, three gentry and three burgesses were included on the section of the Committee of Estates to accompany the Scottish army in England. Lothian was the only noted radical included on this section.<sup>57</sup> Two nobles, two gentry, two burgesses and one military official were included on the section of the Committee of Estates to accompany the Scottish army in Ireland. Noble membership was balanced between radicals and conservatives. The quorum of the section of the Committee of Estates to accompany the Scottish army in Ireland was deemed to "promiscuous" although three of the committee was required to be present.<sup>58</sup>

No exact details of membership of the section of the Committee of Estates to reside in Scotland are given in the commission to the Committee of Estates of 3rd February 1646. Extraction of the respective members of the sections to accompany the Scottish army in England and the Scottish army in Ireland nevertheless reveals a rump of seven nobles, seven gentry and seven burgesses on the section of the Committee of Estates to reside in Scotland. Noble membership of this section was primarily radical but also included a conservative element. Conservative nobles were thus isolated on the "Edinburgh" section, where a close watch on them could be made. Two of the burgesses (both from Edinburgh) were not members of Parliament as per 26th November 1645 (see appendices 12 and 34).<sup>59</sup>

Also included on the Committee of Estates of 3rd February 1646 were the Scottish diplomatic commissioners negotiating with the English Parliament. Four nobles, three gentry and three burgesses had been included on the original commission of 8th March 1645. The political orientation of this grouping of nobles was radical (Argyll, Loudoun, and Balmerino), with only one conservative noble (Lauderdale) included. The radical orientation of the diplomatic section of the Committee of Estates was enhanced by the inclusion of Johnston of Wariston (Edinburgh) as one of the three gentry representatives within this common grouping. During the fourth session of the First Triennial Parliament additions had been made to the Scottish diplomatic contingent on 6th August 1645 of three per parliamentary estate. The noble additions were primarily conservative but also included a radical element. The commission issued to the Committee of Estates on 3rd February 1646 does not differentiate between the membership of the diplomatic contingents of 8th March and 6th August 1645, although the grouping listed on 8th March was clearly the major one. Furthermore, according to commission of 3rd February 1646 Crawford-Lindsay was listed as one of three supernumeraries for the nobles and Loudoun and Lanark were included on the section of the Committee of Estates to reside in Scotland. None of the gentry added to the diplomatic grouping on 6th August 1645 were included in any other of the sections of the Committee of Estates on 3rd February. Of the three burgesses added to the diplomatic grouping on 6th August 1645, Sir Alexander Wedderburne (Dundee) was included on the section of the Committee of Estates to reside in Scotland, John Kennedy (Ayr) was included on the section of the Committee of Estates to accompany the Scottish army in Ireland, and

William Glendoning (Kirkcudbright) was included on the section of the Committee of Estates to accompany the Scottish army in England. It would therefore appear that the diplomatic commissioners appointed on 6th August were appointed for a temporary period only and that the main grouping remained those commissioners named on 8th March 1645. As per 3rd February 1646 the quorum of the Scottish diplomatic contingent in London was set at three and the whole number of commissioners was set at four nobles, three gentry and three burghs; this adheres to the diplomatic membership of 8th March 1645. Radicals continued to have dominant political control of the diplomatic section.<sup>60</sup>

Indeed when the House agreed the membership of the Committee of Estates on 3rd February 1646 "a grate debait"<sup>61</sup> emerged concerning the renewal of the diplomatic commission to the English Parliament. Glencairn and Lanark "with much hait and contentione"<sup>62</sup> attempted to have Crawford-Lindsay included as a supernumerary on the diplomatic commission. Hence conservative nobles were attempting to bolster their numbers on the diplomatic section. It was put to the vote whether or not Crawford-Lindsay should leave the House until the motion was decided on. A majority voted that Crawford-Lindsay should not leave the House. Thereupon a vote was taken whether or not the issue should be decided by parliamentary session committee; a majority of the House voted in favour of parliamentary session committee. Three per estate constituted the membership of that committee (see appendix 33). Both Glencairn and Lanark themselves were included on that committee along with the radical Cassillis, whilst Johnston of Wariston (Edinburgh) galvanised the organisation of the gentry and burghal members. The conclusion of the parliamentary session committee was that no alteration should be made to the original diplomatic commission of 8th March 1645. Two important details can be interpreted regarding this episode. Firstly, the fact that Glencairn and Lanark had been the instigators of the move to have Crawford-Lindsay installed on the commission and had then been included on the session committee to decide the issue suggests that a majority of the noble estate was in favour of Crawford-Lindsay being installed (the nobility having elected Glencairn and Lanark to be on that session committee). Thus the noble estate seemed to favour a more balanced grouping of radical and conservative nobles to deal with the English Parliament (and possibly also to challenge the power of Argyll on the diplomatic committee). Secondly, it also indicates that there was sufficient opposition from the gentry and burgess representatives to Crawford-Lindsay's inclusion to defeat the motion at the committee stage. Johnston of Wariston (Edinburgh) was one of the diplomatic commissioners included on 8th March 1645 and probably led some form of opposition at the committee stage, considering that the remaining gentry and burgesses on the session committee were important radicals. Moreover, Johnston of Wariston acted as the spokesman and political agent for Argyll within the other two estates.<sup>63</sup>

The commission to the Committee of Estates of 3rd February 1646 included three

supernumeraries for the nobility, two supernumeraries for the gentry and one supernumerary for the burgesses. The supernumeraries appointed for the nobility and gentry were based on military and administrative functions, but also included Crawford-Lindsay in the capacity of President of Parliament. None of these individuals had been allocated to the sections of the Committee of Estates to reside in Scotland, to accompany the army in England or to accompany the army in Ireland. Whilst the supernumeraries could sit in any of these three sections, the effect of the barring of Crawford-Lindsay as a supernumerary from the diplomatic commission was to bar all the other supernumeraries too. Hence no supernumerary could sit with the diplomatic commissioners negotiating with the English Parliament.<sup>64</sup>

The renewal of the diplomatic commission of 8th March 1645 also presented problems regarding gentry representation. Dundas of Maner (Linlithgow) was included on the original diplomatic commission of 8th March 1645, which was renewed on 3rd February 1646. He was also included on the Committee for Monies initiated on 3rd February 1646. Parliament stipulated on 31st January 1646 that should Dundas have to leave for London on diplomatic business then the Committee for Monies was to choose another member of the gentry to replace him.<sup>65</sup>

#### *(v) The Operation of Parliamentary Interval Committees.*

Following the dissolution of the Fifth Session of the First Triennial Parliament on 4th February 1646, the first recorded meeting of the section of the Committee of Estates to reside in Scotland is on 27th February 1646. Details of the diets of that section of the Committee of Estates are provided from 27th February until 31st March 1646 (see appendix 30).<sup>66</sup> From 27th February until 7th March that section held its diets at Linlithgow probably due to the plague and from 12th March until 31st March at Edinburgh. 22 sederunts in total are recorded. Crawford-Lindsay attended 18 diets (82%), Lanark 14 diets (64%) and Dalhousie 10 diets (46%). Conservative nobles were therefore the dominant noble attenders on the Edinburgh section. Nobles included on the other sections of the Committee of Estates often attended the proceedings. Glencairn was included on the section of the Committee of Estates to accompany the Scottish army in Ireland and was present on seven occasions (32%). Dunfermline was included on the section of the Committee of Estates to accompany the Scottish army in England and was present on five occasions (23%). Argyll was included on the Committee of Estates as one of the Scottish diplomatic commissioners in London and was present on three occasions (14%). Barganie attended nine diets (41%) despite the fact that he had not been included on any sections of the Committee of Estates as per 3rd

February 1646. A conservative noble (Barganie) thus attended a significant number of diets of the Edinburgh section although he was not a member of the current Committee of Estates. At the first diet on 27th February Crawford-Lindsay was nominated and elected as President of the Committee of Estates (Scotland) in the absence of the Chancellor. Crawford-Lindsay is recorded as President at 15 diets (68%). Chancellor Loudoun did not attend any of the diets of the Committee of Estates (Scotland) between 27th February and 31st March 1646. Glencairn is recorded as President at five diets, Crawford-Lindsay being absent.<sup>67</sup>

Analysis of gentry representation on the Committee of Estates (Scotland) reveals five gentry attending on a regular or semi-regular basis (see appendix 30). Foullis of Colington (Edinburgh) attended 19 diets (86%), Ramsay of Balmaine (Kincardine) attended 16 diets (73%), Beaton of Creich (Fife) attended 14 diets (64%), Belshes of Toftis (Berwick) attended 13 diets (59%) and Lockhart of Lee (Lanark) attended 10 diets (46%). Maxwell of Newark attended six diets (27%) despite the fact that he had not been included in any sections of the Committee of Estates as per 3rd February 1646 (see appendix 34). Maxwell of Newark was not a member of Parliament as per 26th November 1645 (see appendix 12). Gentry attendance on the Committee of Estates (Scotland) was therefore dominated by eastern lairds in general.<sup>68</sup>

Analysis of burghal representation on the Committee of Estates (Scotland) reveals dominant attendance by two burgesses (see appendix 30). Archibald Sydserf (Edinburgh) attended 21 diets (96%) and Thomas Bruce (Stirling) attended 19 diets (86%). Hence burghal attendance was focused on the central belt and Edinburgh. Archibald Sydserf was not a member of Parliament as per 26th November 1645 (see appendix 12). Sir John Smith (Edinburgh) was included on the Committee of Estates as one of the Scottish diplomatic commissioners at London. Sir John Smith attended two diets (9%) of the Committee of Estates (Scotland). The fact that it was only the nobility who were cross-attending sections compared to the other two estates, might have been an attempt on the part of the nobility to check the radicalism of the other two estates, particularly the gentry.<sup>69</sup>

Under the terms of the commission of the Committee of Estates issued on 3rd February 1646, the quorum of the Committee of Estates (Scotland) was set at nine with two of each estate required to be present. This rule was not adhered to at only one of the 22 diets. Thus the rules laid down by Parliament relating to the quorum of the Committee of Estates (Scotland) were adhered to in general.<sup>70</sup>

The Committee for Monies (South) first met and accepted its commission on 7th February 1646 (see appendix 36). From 7th February to 9th February the committee met at St. Andrews, from 5th March to 7th March at Linlithgow, and from 12th March until 26th October at Edinburgh. 95 sederunts are recorded between 7th February and 26th October 1646 (see appendix 36). Scrutiny of noble attendance on the Committee for Monies (South) reveals that Cassillis attended 77 diets (81%). Tullibardine attended 58 diets (61%),



Burleigh 56 diets (59%) and Coupar 52 diets (55%). Therefore the dominant attenders were primarily radicals. In addition the three nobles on the Committee for Monies (North) attended sessions of the Committee for Monies (South). On 7th February Cassillis was elected President of the Committee for Monies (South). When Cassillis was not present Burleigh was President on nine occasions (10%) and Weymes of Bogie (Fife) was President on five occasions (5%). At four of the diets where Burleigh was preses Weymes of Bogie (Fife) was also present at the diet. When Bogie was listed as President Marischal, Coupar, Burleigh and Arbuthnot were present over the period of all five diets. Coupar was listed as preses at two diets; at one of these diets Cassillis was present. Therefore when Cassillis was absent, Weymes of Bogie (Fife) took precedence over the noble members present, even when the leading radical noble Burleigh was present. The appointment of a laird as President of an important parliamentary interval commission ahead of other noble members indicates the political strength of the gentry vis-a-vis the noble estate. It also provides an indication of the grass-roots radicalism of the gentry in general.<sup>71</sup>

Scrutiny of gentry attendance on the Committee for Monies (South) reveals that Hope of Craighall attended 71 diets (75%). Cochrane of Cowdoun (Ayr) attended 61 diets (64%), Dundas of Maner (Linlithgow) 55 diets (58%) and Weymes of Bogie (Fife) 49 diets (52%) (see appendix 36). Hope of Craighall was not a member of Parliament as per 26th November 1645 (see appendix 12). The dominant gentry attenders represented eastern shires, bar one western laird. Although Weymes of Bogie has the lowest attendance record of the gentry on the Committee for Monies (South) the fact that he was often President of the committee indicates that he was the most influential gentry on the committee. Hepburne of Humble attended 22 diets (23%) in the capacity as Treasurer of the Army. Humble was not a member of Parliament as per 26th November 1645 (see appendix 12). Three gentry included on the Committee for Monies (North) attended various diets of the Committee for Monies (South). Forbes of Echt (Aberdeen) attended 16 diets (17%), Arbuthnot of Findowrie eight diets (8%) and Forbes of Craigievar seven diets (7%).<sup>72</sup>

Analysis of burghal attendance in relation to the Committee for Monies (South) reveals that James Campbell (Dumbarton) attended 77 diets (81%). James Stewart (Edinburgh) attended 76 diets (80%). James Stewart was not a member of Parliament as per 26th November 1645. George Garden (Burntisland) attended 63 diets (66%) and George Jamieson (Coupar) 40 diets (42%). Burghal attendance was therefore concentrated on the east in general and adhered to the noted trend. The three burgesses on the Committee for Monies (North) attended various sessions of the Committee for Monies (South). Robert Lockhart (Edinburgh) attended 71 diets (75%), Alexander Jaffray (Aberdeen) six diets (6%) and James Pedie (Montrose) five diets (5%). Robert Lockhart and Alexander Jaffray were not members of Parliament as per 26th November 1645 (see appendix 12).<sup>73</sup>

The terms of the commission to the Committee for Monies stipulated that the quorum for

the southern section was to be seven although no requirement was placed on attendance per estate. The quorum for the southern section was met at all diets (see appendix 36).<sup>74</sup>

Between 6th March and 30th October 1646 the Committee for Monies (South) ordained 386 individuals to lend sums between 200 and 900 merks.<sup>75</sup> 14 individual cases were considered for fining by the Committee of Estates during July 1646, the details of which are recorded in the Register of the Committee for Monies (South). Of 14 cases considered 12 resulted in fines and two were discharged. One of the 12 cases which resulted in fining was later discharged. The level of fines imposed ranged from £1440 Scots to £6667 Scots. Three fines imposed were less than £3000 Scots, whilst the other nine were in the region of £3000 to £6667 Scots.<sup>76</sup> Within a wider perspective covering the period 9th January to 28th October 1646 and also relating to fining during the parliamentary session, it has been calculated that 151 individuals were fined during this period amounting to £901,818. By November 1646, however, £332,111 13s 4d of this total had still not been paid.<sup>77</sup>

The Committee for Monies (North) sat at Dundee from 9th March until 8th May, at Edinburgh from 16th to 18th May, at Dundee from 22nd May until 5th June, and at Aberdeen from 12th October until 28th October 1646. 56 sederunts are recorded between 9th March and 28th October 1646 (see appendix 37). Findlater attended 49 diets (88%), Arbuthnot 41 diets (73%) and Marischal 25 diets (45%). Three of the nobles on the Committee for Monies (South) also attended various sessions of the Committee for Monies (North). Coupar attended 12 diets (21%), Burleigh nine diets (16%) and Tullibardine one diet only. Loudoun attended one diet although he was not a member of the Committee for Monies. Marischal is listed as preses at 19 diets, whereas Findlater is listed as preses at 13 diets (Marischal was not present at these diets).<sup>78</sup>

Analysis of gentry attendance on the Committee for Monies (North) reveals that Robert Arbuthnot of Findowrie attended 50 diets (89%) (see appendix 37). Robert Arbuthnot of Findowrie was not a member of Parliament as per 26th November 1645 (see appendix 12). Forbes of Echt (Aberdeen) attended 48 diets (86%) and Forbes of Craigievar 13 diets (23%). The four gentry on the Committee for Monies (South) attended one diet each only.<sup>79</sup>

Analysis of burghal attendance on the Committee for Monies (North) reveals that Alexander Jaffray (Aberdeen) attended 55 diets (98%) (see appendix 37). Alexander Jaffray was not a member of Parliament as per 26th November 1645 (see appendix 12). James Pedie (Montrose) attended 40 diets (71%) and Robert Lockhart (Edinburgh) eight diets (14%). Although Robert Lockhart had been included on the Committee for Monies (North), he sat on the Committee for Monies (South); this was <sup>in</sup> accordance with the commission issued on 3rd February. Three burgesses on the Committee for Monies (South) attended various diets of the Committee for Monies (North).<sup>80</sup>

The terms of the commission to the Committee for Monies stipulated that the quorum of the northern section was to be five with no requirement placed on attendance per estate. This

quorum was adhered to at all diets (see appendix 37).<sup>81</sup>

Between 17th March and 5th June 1646 the Committee for Monies (North) ordained 69 individuals to lend money. Between 15th October and 28th October the Committee for Monies (North) ordained 106 individuals to lend money. As was the case with fining, this constituted an additional source of raising revenue at a time of recent civil war.<sup>82</sup>

A comparison between cross-attendance of the various sections of the Committee of Estates and cross-attendance of the two sections of the Committee for Monies suggests that the radicalism of the gentry and burgesses on the latter committee had gone unchecked by the nobility. In any case the nobles on the Committee for Monies were radicals. Evidence of the radicalism of the gentry is enhanced by the fact that Weymes of Bogie was often President of the Committee for Monies (South).

## *(2) Conclusion.*

On the eve of the commencement of the Sixth Session of the First Triennial Parliament on 3rd November 1646, the military campaign of Montrose and the rebels had therefore been effectively neutralised. The Fifth Session of that Parliament from 26th November 1645 until 4th February 1646 had initiated the process of purging malignants from civil office and of fining individuals according to three tiers of malignancy. Purging and fining were to be continued during the Sixth Session from 3rd November 1646 to 27th March 1647. The emergence of a Scottish Commons, noted earlier, in the form of the political power of the gentry and burgesses, became more marked during the Fifth Session. Johnston of Wariston continued his role as speaker for the gentry. The power of the noble estate in comparison to the gentry and burgesses had been checked in three ways. Firstly, the combined voting strength of the gentry and burgesses prevented the inclusion of Glencairn, Lanark and Cassillis on both the Committee for Dispatches and the Committee for Processes. Secondly, it was that combined voting strength which was the driving force behind the passing of the four death sentences against malignants. Thirdly, the appointment of Weymes of Bogie as President of the southern section of the Committee for Monies provides a striking example of the political power of the gentry in operation. The drawing of the English Civil War to a conclusion and the role of Charles I vis-a-vis both the Scottish and English Parliaments were to have an equally divisive effect on the power relationship between the radicals and conservatives. The Fifth Session had witnessed a closer working relationship between conservative and radical nobles. During the Sixth Session that relationship would be

redefined gradually, but not exclusively, in favour of the conservative nobles..

1. APS, vi, i, 440-441, 474-475, 474-612. 17 shires were represented by two commissioners of the shires and three shires were represented by one commissioner of the shire on 26th November 1645. Sir James Balfour states that the shires of Bute, Caithness and Orkney were unrepresented on 26th November (Balfour, *Historical Works*, III, 309). See appendices 10 and 11.

2. APS, vi, i, 440-441, 474-475. See appendix 10.

3. W.S Shepherd, " The Politics and Society of Glasgow, 1648-74 ", (University of Glasgow, Ph.D. thesis, 1978), 33-34; " Memoirs of the Civil War and During the Usurpation, by James Burns, Merchant, and Bailie of the City of Glasgow, from the (Year) 1644 till the (Year) 1661 ", ed. J. Maidment, *Historical Fragments, Relative to Scottish Affairs, from 1635 to 1644* (Edinburgh, 1833), 13; APS, vi, i, 474-475.

4. APS, vi, i, 475; Balfour, *Historical Works*, III, 311. The official parliamentary register lists Wariston's speech as taking place on 27th November. However, Balfour's account is more consistent with events as recorded in APS and his own *Historical Works*, 26th to 28th November.

5. Balfour, *Historical Works*, III, 311.

6. *Ibid*, 313.

7. APS, vi, i, 380-383, 460, 475. Ruthven of Frieland (Perth), Lockhart of Lee (Lanark) and Dundas of Maner (Linlithgow) were the remaining three gentry on the committee. Sir Alexander Wedderburne (Dundee), George Garden (Burntisland), Robert Cunningham (Kinghorn), and Robert Barclay (Irvine) represented the burghal estate on the committee. Both gentry and burghal representation was eastern in nature in the ratio of 3:1 compared to western representation on the session committee of 28th November. Lockhart of Lee and Ruthven of Frieland were the two gentry who had not been included on the Committee of Estates of 8th March 1645. Balfour, *Historical Works*, III, 314. Robert Barclay (Irvine) is listed in Balfour but not in APS. See appendices 27 and 33.

8. APS, vi, i, 476. Ruthven of Frieland (Perth) represented the gentry and Sir Alexander Wedderburne (Dundee) for the burgesses on the committee. Both gentry and burghal representation were exclusively eastern. See appendix 33.

9. *Ibid*, 478.

10. *Ibid*, 380-383, 460, 474-475, 477-478. Dunfermline, Viscount Frendraucht and Balcarras were the remaining three nobles on the Committee for Dispatches. The General Officers of the Army were also included as supernumeraries. Beaton of Creich (Fife), Home of Wedderburne (Berwick), Lockhart of Lee

(Lanark), Hamilton of Beill (Haddington), James Mercer of Adie (Perth) and Arthur Forbes of Echt (Fife) represented the gentry on the Committee for Dispatches. Sir Alexander Wedderburne (Dundee), George Jamieson (Coupar), James Pedie (Montrose), Gabriel Cunningham (Glasgow), David Alexander (Anstruther Easter) and William Lyon (Brechtin) represented the burgesses. Gabriel Cunningham was not a member of Parliament as per 26th November 1645. Gentry and burghal membership was concentrated on eastern representation. A geographical breakdown of the gentry representatives on the Committee for Dispatches reveals four east coast gentry, one west coast gentry and one gentry from the Borders. When applied to the burgess representatives on the Committee for Dispatches, geographical analysis reveals five east coast burgesses and one west coast burgess. See appendices 12 and 33.

11. *Ibid*, 287, 430-431, 442, 447-478. Argyll, Loudoun,, Dunfermline, Tullibardine, Lanark and Balcarras constituted the grouping of seven nobles included on both the Committee for Managing the War of 10th January 1645 and the Committee for Dispatches of 1st December 1645. Argyll, Crawford-Lindsay and Tullibardine and Balcarras for the nobility, with George Jameson (Coupar) for the burgesses formed the grouping included on both the Committee for Managing the War of 8th July and the Committee for Dispatches of 1st December. Argyll, Loudoun, Crawford-Lindsay and Lanark for the nobility, with Sir Alexander Wedderburne (Dundee) for the burgesses formed the grouping included on both the Committee for the Prosecution of the War of 29th July and the Committee for Dispatches of 1st December. See appendices 27, 31, 32 and 33.

12. *Ibid*, 380-383, 476-477. The remaining nobles on the Committee for Processes were Marischal, Weymes, and Coupar. Dundas of Maner (Linlithgow), Cochrane of Cowdoun (Ayr), Ruthven of Frieland (Perth), Weymes of Bogie (Fife) and MacDowall of Garthland (Wigtown) formed the remaining five gentry gentry on the Committee for the Processes. John Kennedy (Ayr), George Garden (Burntisland), Robert Cunningham (Kinghorn), Robert Barclay (Irvine), William Glendonning (Kirkcudbright) and James Campbell (Dumbarton) formed the six burgesses on the committee. Ruthven of Frieland, Weymes of Bogie, Colville of Blair and Robertson of Bedlay were the four gentry on the committee who were not members of the Committee of Estates of 8th March 1645. James Campbell (Dumbarton) was the one burgess on the committee who was not a member of the Committee of Estates of 8th March 1645. Four east coast gentry were included on the Committee for Processes of 1st December 1645 as opposed to one west coast gentry and one from the Borders (excluding supernumeraries). Burghal membership consisted of two east coast burgesses, three west coast burgesses and one burgess from the Borders. See appendices 27 and 33. Sir James Balfour states that Colville of Blair and Robertson of Bedlay, Justice Deputes were included as supernumeraries, (*Historical Works*, III, 316). However, this is not indicated in APS which states that the Justice Deputes were included as ordinary members.

13. APS, vi, i, 98, 290-291, 476-477. See appendices 23, 27 and 33.

14. *Ibid*, 380-383, 474-475, 478. Kinghorn, Findlater and Arbuthnot represented the nobility on the Committee for Bills and Ratifications of 1st December 1645. Falconer of Halkerton (Kincardine), Sir James Foullis of Colington (Edinburgh) and Ramsay of Balmaine (Kincardine) formed the three gentry representatives. John Lepar (St. Andrews), David Simpson (Dysart) and Robert Hill (Queensferry) formed the three burgesses on the Committee for Bills and Ratifications. Robert Hill was not a member of Parliament as per 26th November 1645 (see appendix 12). Foullis of Collington and Ramsay of Balmaine were the two gentry on the Committee for Bills and Ratifications who had not been included on the Committee of Estates of 8th March 1645. Ramsay of Balmaine had served on earlier parliamentary commissions. Robert Hill was the one burgess who had not been included on the Committee of Estates of 8th March 1645. Both gentry and burghal representation on the Committee for Bills and Ratifications was exclusively eastern. See appendices 12, 27 and 33.

15. *Ibid*, 98, 288-289, 299, 478. Kinghorn was included on the committees initiated on 11th January and 1st December 1645 respectively (see appendices 27 and 33). See appendices 23, 27 and 33.

16. Balfour, *Historical Works*, III, 318.

17. *Ibid*, 318-319. According to Sir James Balfour's account of these proceedings Lanark and not Marischal was included on both the Committee for Dispatches and the Committee for Processes on 29th November. However, the lists of membership provided by Balfour for 29th November have Marischal on both committees. Dunfermline, Frendraught and Balcarras replaced the three relevant nobles on the Committee for Dispatches on 1st December. Hamilton of Beill (Haddington) replaced MacDowall of Garthland (Wigtown) on the Committee for Dispatches. Gabriel Cunningham (Glasgow) replaced John Kennedy (Ayr) on the Committee for Dispatches. No other details of burgess membership on the Committee for Dispatches on 29th November are available apart from John Kennedy (Ayr).

18. APS, vi, i, 474-475, 517. See appendices 12 and 33.

19. *Ibid*, 517.

20. *Ibid*, 549-550.

21. Stevenson, *Revolution and Counter-Revolution in Scotland*, 47

22. APS, vi, i, 559-563, 570-572, 581-582; Balfour, *Historical Works*, III, 470-471, David Stevenson, *Revolution and Counter-Revolution in Scotland*, 47.

23. APS, vi, 474-475, 476, 478. Sir William Baillie of

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Lamington (Lanark), Belshes of Toftis (Berwick) and Patrick Maxwell of Newark represented the gentry on the committee of 1st December. Maxwell of Newark was not a member of Parliament as per 26th November 1645 (see appendix 12). Robert Arnot (Perth) was the remaining gentry member on the committee. See appendices 12 27 and 33.

24. *Ibid*, 474-475, 478.

25. *Ibid*. Restrictions were imposed regarding the level of fining within each class. Those within the first class were to be fined a maximum of a third of the value of their estates or moveable goods and a minimum of two thirds of their estates or moveable goods (these figures are within the context of fines between four and six years' rents). Those within the second class were to be fined a maximum of two thirds of their moveable goods or money and a minimum of a third of their moveable goods or money (these figures are within the context of fines between two and four years' rents). Those within the third class were to be fined a maximum of a third of their moveable goods or money and a minimum of a quarter of their moveable goods or money (these figures are within the context of half a year's fine to two years' fine).

26. *APS*, vi, 503-505.

27. Balfour, *Historical Works*, III, 346.

28. *Ibid*, 347; *APS*, vi, i, 503-505.

29. Balfour, *Historical Works*, III, 347.

30. *Ibid*, 353-354.

31. *Ibid*, 354.

32. *Ibid*, 358-362; *APS*, vi, i, 521-532; Stevenson, *Revolution and Counter-Revolution in Scotland*, 47; *The Memoirs of Henry Guthry*, 211.

33. Balfour, *Historical Works*, III, 358-362.

34. *Ibid*, 331, lists the noble and gentry representatives as being elected on 12th December; *APS*, vi, i, 490.

35. *APS*, vi, i, 380-383, 460-461, 490, 546. Marischal and Yester formed the remaining two nobles on the committee. Beaton of Creich (Fife), Scott of Harden (Selkirk), MacDowall of Garthland (Wigtown) and Forbes of Craigievar (Aberdeen) formed the remaining four gentry on the committee. Sir Alexander Wedderburne (Dundee), John Kennedy (Ayr), Robert Cunningham (Kinghorn), Robert Barclay (Irvine) and William Glendoning (Kirkcudbright) formed the five burgesses on the committee. Three gentry were from the east and two from the Borders, whilst two burgesses were from the west and east each and one burgess was from the Borders. See appendices 27, 32 and 33.

36. *Ibid*, 380-383, 484-485, 572-573. Falconer of Halkerton (Kincardine), Forbes of Craigievar (Aberdeen), Scott of Harden (Selkirk), Ramsay of Balmaine (Kincardine) and Maxwell of Tailing (Forfar) formed the five gentry on the Committee anent the Losses. Robert Arnot (Perth), Sir Alexander Wedderburne (Dundee), Robert Farquhar (Aberdeen), David Alexander (Anstruther Easter), John Johnstone (Dumfries) and William Lyon (Brechin) formed the six burgesses on the Committee anent the Losses. Gentry and burghal membership was dominated by eastern representatives. Five gentry and five burgesses were from the east and one gentry and one burgess from the Borders respectively. Haddington, Ramsay of Balmaine, Maxwell of Tailing, David Alexander and John Johnstone were not members of the Committee of Estates of 8th March 1645. See appendices 27 and 33. Sir James Balfour lists Sir James Lockhart of Lee (Lanark) and Patrick Maxwell of Newark as being included in this committee and omits Sir William Forbes of Craigievar (Aberdeen) and Patrick Maxwell of Tailing (Forfar) (*Historical Works*, III, 329). Patrick Maxwell of Newark was not a member of Parliament as per 26th November 1645 (see appendix 12).

37. *APS*, vi, i, 288, 491-492, 494, 517, 564.

38. *Ibid*, 602, 611-612; Balfour, *Historical Works*, III, 372.

39. *APS*, vi, i, 475-583. See appendices 33 and 34.

40. *Ibid*, 475-579. See appendix 33.

41. *Ibid*.

42. *Ibid*, 474-475, 475-579. See appendices 12 and 33.

43. *Ibid*.

44. *Ibid*, 567-583. Stevenson, *Revolution and Counter-Revolution in Scotland*, 47. The three nobles included on the Committee for the Losses also included on the Committee of Estates were Eglinton, Buccleuch and Kirkcudbright. The one noble included on the Committee for Losses not included on the Committee for Estates was Haddington. The three nobles included on both the Committee for Clearing the Accounts with England and the Committee of Estates were Dunfermline, Lothian and Balcarras. No nobles were included on the Committee anent the Losses of the Sherrifdom of Aberdeen. See appendix 34.

45. *Ibid*, 474-475, 567-583. The four gentry included on the Committee for Clearing the Accounts with England and the Committee of Estates were Kerr of Cavers (Roxburgh), Ruthven of Frieland (Perth), Hepburne of Humble (Haddington) and Home of Wedderburne (Berwick). The three gentry on the Committee for Losses that were not included on the Committee of Estates were Forbes of Craigievar (Aberdeen), Falconer of Halkerton (Kincardine) and Scott of Harden (Selkirk). Geographically gentry common membership was concentrated in the east in a



ratio of 3:1 compared to the Borders. The remaining 40 gentry analysed served on one interval committee only and were concentrated primarily on the Committee anent the Losses of the Sherriffdom of Aberdeen. No common membership exists for the gentry between the Committee for the Losses of the Sherriffdom of Aberdeen and the Committee of Estates. See appendices 12 and 34.

46. *Ibid*, 474-475, 567-583. Burghal common membership was concentrated on eastern representation, but also included a presence from the Borders. One burgess, Alexander Jaffray (Aberdeen) was included on both the Committee for Monies, Processes and Excise and the Committee anent the Losses of the Sherriffdom of Aberdeen. Only one out of the five burgesses included on the Committee anent the Losses of the Sherriffdom of Aberdeen was also included on the Committee of Estates. The four burgesses included on both the Committee for Losses and the Committee of Estates were Robert Arnot (Perth), Sir Alexander Wedderburne (Dundee), Robert Farquhar (Aberdeen) and John Johnstone (Dumfries). David Alexander (Anstruther Easter) and William Lyon (Breachin) were the two burgess members of the Committee for Losses who were not included on the Committee of Estates. The one burgess included on both the Committee anent the Losses of the Sherriffdom of Aberdeen and the Committee of Estates was Robert Farquhar (Aberdeen). The three burgesses included on the Committee for Clearing the Accounts with England and the Committee of Estates were John Johnstone (Dumfries), William Glendonning (Kirkcudbright) and John Auchterlony (Arbroath). The one burgess member of the Committee for Clearing the Accounts with England not included on the Committee of Estates was James Sword (St. Andrews). See appendices 12 and 34.

47. *Ibid*, 567-570, 570-572, 572-573, 573-574, 583. See appendix 33.

48. *Ibid*, 203, 470, 474-475, 572-573, 573-574. In line with the concept of a localised committee the vast majority of the membership of the Committee anent the Losses of the Sherriffdom of Aberdeen were non-parliamentary members. Out of a total membership of 32, 17 (13 gentry and four burgesses) had been included on the Committee of War for the Sherriffdom of Aberdeen of 24th July 1644. No nobles were included on the commission of 3rd February and of the 23 gentry on the committee none were members of Parliament as per 26th November 1645 (see appendices 12 and 34). Forbes of Craigievar (Aberdeen) and Forbes of Echt (Aberdeen) were not included on the committee (see appendices 12 and 34). Forbes of Craigivar was included on the Committee anent the Losses, however, which had been recommissioned on 3rd February to sit after the dissolution of Parliament (see appendix 34). Of the five burgesses included on the Committee anent the Losses of the Sherriffdom of Aberdeen, only one was a member of Parliament as per 26th November 1645; Robert Farquhar (Aberdeen) (see appendices 12 and 34). Two further burgesses included, Patrick Leslie and Alexander Jaffray had represented the burgh of Aberdeen in earlier Parliaments and were influential radical

burgesses. See appendix 34. The 13 gentry who had been included on the Committee of War for the Sherrifdom of Aberdeen of 24th July 1644 were as follows; James Skene of that ilk, Gilbert Skene of Dyce, Thomas Forbes of Watertoun, John Kennedy of Kermuckie, John Forbes of Asloune, Thomas Erskine of Pittodrie, Alexander Strachan of Glenkindie, Alexander Fraser of Phillorth, William Forbes, younger, of Leslie, George Leslie, younger, of Kincaig, John Leyth of Wythauche, Alexander Forbes, tutor of Pitsligo, and Thomas Fraser of Streichen. The four burgesses who had been included on the Committee of War for the Sherrifdom of Aberdeen of 24th July 1644 were as follows; Patrick Leslie, Robert Farquhar, Alexander Jaffray and William More.

49. *Ibid*, 546, 563, 567-570, 580; Balfour, *Historical Works*, III, 365, 366; MacInnes, "The Scottish Constitution, 1638-51: The Rise and Fall of Oligarchic Centralism" 125; Stevenson, *SHR*, 51, (1972), 107-108.

50. *APS*, vi, i, 474-475, 567-570. Marischal, Findlater and Arbuthnot represented the nobility on the northern section of the Committee for Monies. Gentry membership was exclusively north eastern, whilst burghal representation was exclusively eastern and was north eastern in the ratio of 2:1. Forbes of Craigievar (Aberdeen), Forbes of Echt (Aberdeen) and Robert Arbuthnot of Findowrie represented the gentry on the northern section of the Committee for Monies. Robert Arbuthnot of Findowrie was not a member of Parliament as per 26th November 1645 (see appendix 12). James Pedie (Montrose), Robert Lockhart (Edinburgh) and Alexander Jaffray (Aberdeen) represented the burgesses on the northern section of the Committee for Monies. Both Robert Lockhart and Alexander Jaffray were not members of Parliament as per 26th November 1645. See appendices 12 and 34.

51. *Ibid*, 474-475, 567-570. Cassillis, Tullibardine, Burleigh and Coupar formed the grouping of four nobles on the southern section of the Committee for Monies. Weymes of Bogie (Fife), Cochrane of Cowdoun (Ayr), Dundas of Maner (Linlithgow) and Sir John Hope of Craighall formed the grouping of four gentry on the southern section of the Committee for Monies. Hope of Craighall was not a member of Parliament as per 26th November 1645 (see appendix 12). George Garden (Burntisland), George Jamieson (Coupar), James Campbell (Dumbarton) and James Stewart (Edinburgh) formed the grouping of four burgesses on the southern section of the Committee for Monies. James Stewart was not a member of Parliament as per 26th November 1645 (see appendix 12). Gentry membership was dominated by eastern representatives and only one western laird gained membership of the southern section. One of the eastern lairds was not a member of Parliament as per 26th November 1645 (see appendices 12 and 34). Burghal membership was also orientated towards the east and only one western burgess was included. One of the eastern burgesses was not a member of Parliament as per 26th November 1645 (see appendices 12 and 34). Only Cochrane of Cowdoun (Ayr) for the gentry and James Campbell (Dumbarton) for the burgesses did not have their geographic

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domain on the east coast.

52. *Ibid*, 567-570.

53. *Ibid*, 485, 583. See appendix 34.

54. *Ibid*, 485, 583. Dalhousie, Kellie and Yester represented the nobility on the session committee. Lockhart of Lee (Lanark), Cochrane of Cowdoun (Ayr) and MacDowall of Garthland (Wigtown) represented the gentry on the session committee. Robert Farquhar (Aberdeen), John Kennedy (Ayr) and George Garden (Burntisland) represented the burgesses on the session committee. Gentry membership of the session committee was based on representation from the west and the Borders. Burghal membership was eastern in the ratio of 2:1 to the west (see appendix 33). Dunfermline, Lothian and Balcarras represented the nobility on the interval committee. Home of Wedderburne (Berwick), Ruthven of Frieland (Perth) and Kerr of Cavers (Roxburgh) represented the gentry on the interval committee. William Glendoning (Kirkcudbright), John Johnstone (Dumfries), John Auchterlony (Arbroath) and James Sword (St. Andrews) represented the burgesses on the interval committee. James Sword was not a member of Parliament as per 26th November 1645 (see appendix 12). Gentry membership on the interval committee was centred on the Borders and also included one eastern laird. Burghal membership on the interval committee was based on eastern representation and also included one burgess from the Borders (see appendix 34). Hepburne of Humble, Treasurer of the Army, William Thompson, Treasurer Depute of the Army, General Major Hepburn, Sir James Lumsden, Governor of Newcastle and Alexander Hamilton, General of the Artillery formed the five military officials. See appendices 12, 33 and 34.

55. *Ibid*, 380-383, 570.

56. *Ibid*, 380-383, 457, 460, 460-461, 570. Sir James Balfour asserts that the membership of the Committee of Estates, excluding the diplomatic contingent, was agreed on 31st January 1646. The membership of 31st January adheres to that of 3rd February 1646 except that no supernumeraries are listed for the nobility and the burgesses and that the Earl of Loudoun is included in the list of 3rd February but not that of 31st January, whilst Lord Barganie is included in the list of 31st January but not that of 3rd February (*Historical Works*, III, 368-369).

57. *APS*, vi, i, 570. Dunfermline, Lothian and Balcarras formed the grouping of nobility on the section of the Committee of Estates to accompany the Scottish army in England. Home of Wedderburne (Berwick), Ruthven of Frieland (Perth) and Kerr of Cavers (Roxburgh) formed the grouping of gentry on this section. William Glendoning (Kirkcudbright), John Johnstone (Dumfries) and John Auchterlony (Arbroath) formed the grouping of burgesses on this section. Both gentry and burghal representation on the section of the Committee of Estates to

accompany the Scottish army in England was concentrated on the Borders with the residue membership based on the east coast. Two out of three gentry and two out of three burgesses were from the Borders. The one remaining gentry and one remaining burgesses were both from the east coast.

58. *Ibid*, 570. Glencairn and Kirkcudbright represented the nobility on the section of the Committee of Estates to accompany the Scottish army in Ireland. MacDowall of Garthland (Wigtown) and Maxwell of Tailing (Forfar) represented the gentry on this section. George Porterfield (Glasgow) and John Kennedy (Ayr) represented the burgesses on this section. Gentry representation on the Irish section was thus balanced between the Borders and the east, while burghal representation was exclusively western in nature. General Major Monro was included as a military official.

59. *Ibid*, 474-475, 570. Eglinton, Buccleuch, Weymes, Dalhousie, Lanark, Loudoun and Yester formed the seven nobles on the section of the Committee of Estates to reside in Scotland. Beaton of Creich (Fife), Foullis of Colington (Edinburgh), Hamilton of Beill (Haddington), Lockhart of Lee (Lanark), Campbell of Cessnock (Ayr), Belshes of Toftis (Berwick) and Ramsay of Balmaine (Kincardine) formed the seven gentry on this section. Sir William Dick (Edinburgh), Archibald Sydserf (Edinburgh), Robert Arnot (Perth), Sir Alexander Wedderburne (Dundee), Robert Farquhar (Aberdeen), Thomas Bruce (Stirling) and Robert Cunningham (Kinghorn) formed the seven burgesses on this section. Sir William Dick and Archibald Sydserf were not members of Parliament as per 26th November 1645 (see appendix 12). Eastern gentry and burgesses dominated the representation of their respective estates on this section. Four gentry and six burgesses were from the east, two gentry was from the west, one gentry was from the Borders and one burgess was from the central belt.

60. *Ibid*, 380-383, 457, 474-475, 570. Loudoun was thus included on two sections. Erskine of Cambuskenneth (Clackmannan) and Dundas of Maner (Linlithgow) were the two remaining gentry who had been included on the original commission of 8th March. Erskine of Cambuskenneth was not a member of Parliament as per 26th November 1645 (see appendix 12). Sir John Smith (Edinburgh), Hugh Kennedy (Ayr) and Robert Barclay (Irvine) represented the three burgesses who had been included on the original commission of 8th March. Sir John Smith and Hugh Kennedy were not members of Parliament as per 26th November 1645 (see appendix 12). Gentry membership of the diplomatic grouping was particularly eastern, whilst burghal membership was notably western. Crawford-Lindsay, Marischal and Lanark had been added for the nobility on 6th August 1645. Hamilton of Orbiston (Renfrew), Justice Clerk, Cochrane of

Cowdoun (Ayr) and Meldrum of Burghlie (Fife) had been added for the gentry. Hamilton of Orbiston and Burghlie of Meldrum were not members of Parliament as per 26th November 1645 (see appendix 12). Sir Alexander Wedderburne (Dundee), John Kennedy (Ayr) and William Glendoning (Kirkcudbright) had been added for the burgesses. Loudoun was included as supernumerary. Those individuals listed for the diplomatic commission of 6th August have been included in the analysis of the total membership of the Committee of Estates as per 3rd February 1646.

61. Balfour, *Historical Works*, III, 371.

62. *Ibid.*

63. *Ibid*, 371; APS, vi, i, 579. Glencairn, Cassillis and Lanark represented the nobility on the session committee to deal with Crawford-Lindsay. Johnston of Wariston (Edinburgh), MacDowall of Garthland (Wigtown) and Ruthven of Frieland (Perth) represented the gentry on that committee. Sir Alexander Wedderburne (Dundee), George Porterfield (Glasgow) and John Kennedy (Ayr) represented the burgesses on that committee. See appendix 33.

64. APS, vi, i, 474-475, 570, 579. Leven, General, Callander, Lieutenant General, and Crawford-Lindsay, President of Parliament formed the supernumeraries for the nobility. Gibson of Durie, Clerk Register, and Hepburne of Humble, Treasurer of the Army, formed the supernumeraries for the gentry. Neither Durie nor Humble were members of Parliament as per 26th November 1645 (see appendix 12). John Lepar (St. Andrews) was included as supernumerary for the burgesses.

65. *Ibid*, 550, 567-570, 570.

66. SRO PA. 11/4, folios 180+. SRO PA. 7/4/6 records six diets of the Committee of Estates separately from those in SRO PA. 11/4. Whilst the general trends remain the same, the diets of PA. 11/4 with corresponding details are recorded in Appendix 35.

67. APS, vi, i, 570; SRO PA. 11/4, folios 180+. See appendix 30. At the remaining diets where Crawford-Lindsay was present but not recorded as President, no other noble was listed as President. Glencairn was present at five out of seven diets (71%) he attended of the Committee of Estates (Scotland).

68. APS, vi, i, 474-475, 570; SRO PA. 11/4, folios 180+. See appendix 30.

69. *Ibid.*

70. See appendix 30.

71. SRO PA. 14/3, folios 25-375. The three nobles on the

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Committee for Monies (North) who attended diets of the Committee for Monies (South) were Findlater, Arbuthnot and Marischal. Findlater attended 30 diets (32%), Arbuthnot nine diets (10%) and Marischal 26 diets (27%). See appendix 36.

72. *Ibid*, 25-375; *APS*, vi, i, 474-475. See appendices 12 and 36.

73. *Ibid*.

74. SRO PA. 11/3, folios 25-375. See appendix 36.

75. *Ibid*, 399-423; Stevenson, *SHR*, 51, (1972) 109.

76. SRO PA. 14/3, foillios 501-507. Patrick Gordon of Innerbubell was fined 5000 merks (circa £3333 Scots) on 20th July 1646 for compliance with the rebels (no details of which class this came under are given). A discharge was later given to Patrick Gordon on 29th July. The remaining cases were considered on 29th July. Robert Maxwell of Chainehallack was fined £2890 13s 4d Scots for compliance and assistance with the rebels. Robert Gordon of Tullfroslic, James Cruickshank of Tullimorgar, James Ferguson of Tulloch, and Alexander Gordon, younger, of Kirrostine were each fined 6000 merks (£4000 Scots) (no details of which class these came under are given). George Gordon of Tullihadie was fined 10,000 merks (circa £6667 Scots), James Duffus of Bads 8000 merks (£5333 Scots) and John Gordon of Blelay 3000 merks (£2000 Scots). William Gordon of Terousie was fined 8550 merks (£5700 Scots). John Anderson of Milton was fined 2500 merks (circa £1667 Scots) under the first class of the Act of Classes. George Gordon of Knockaspick was fined 2160 merks (£1440 Scots) under the first class of the Act of Classes. Robert Gordon was not fined but cautioned on having good behaviour in time coming. The case of Alexander Gordon of Merdoun was discharged with no fine imposed. Unless stated above no details of the classes of the fined individuals have been listed in the original register. However, on the basis of the financial values of the fines imposed where the class is stated, all 12 cases fall within the first class.

77. Stevenson, *SHR*, 51, (1972), 109.

78. *APS*, vi, i, 567-570; SRO PA. 11/4, folios 24-324. Burleigh is listed as preses at five diets (Marischal and Findlater were present at these diets). Therefore Marischal was in effect the President of the Committee for Monies (North), although Burleigh was President when present. See appendix 37.

79. *APS*, vi, i, 474-475; SRO PA. 11/4, folios 24-324. See appendices 12 and 37.

80. *APS*, vi, i, 474-475, 567-570; SRO PA. 14/4, folios 24-324. The three burgesses on the Committee for Monies (South) who attended diets of the Committee for Monies (North) were George Jamieson (Coupar), James Stewart (Edinburgh) and James Campbell (Dumbarton). George Jamieson (Coupar) attended four

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diets (7%). James Stewart (Edinburgh) and James Campbell (Dumbarton) attended one diet each only. James Stewart was not a member of Parliament as per 26th November 1645 (see appendix 12). See appendices 12 and 37.

81. SRO PA. 14/4, folios 24-324. Following the dissolution of the Fifth Session of the First Triennial Parliament on 4th February 1646 the Privy Council convened on 19 occasions before the commencement of the sixth session of the First Triennial Parliament on 3rd November 1646. Six nobles attended 50% or greater of the Council's diets. Burleigh attended 13 diets (68%), Dalhousie 12 diets (63%), Glencairn 11 diets (58%) and Marischal, Cassillis and Crawford-Lindsay 10 diets (53%) each. Cassillis was listed as President at six diets and Glencairn and Lanark were listed as President at one diet each. Glencairn and Lanark were listed as President when Cassillis was absent. At three diets Cassillis was present but not listed as President and no other noble was listed as President. At four diets Glencairn was present and not listed as President, whilst Cassillis was absent and no other noble was listed as President. Four gentry attended 50% or greater of the Council's diets. Sir Thomas Hope of Craighall attended 13 diets (68%), Gibson of Durie and Hepburne of Wauchton 11 diets (58%) and Carmichael of that ilk 10 diets (53%). Sir John Smith, Provost of Edinburgh, attended 12 diets (63%). On 16th July 1646 the Council intimated its desire to Charles I that he should sign the National Covenant. See appendix 39.

82. SRO PA. 14/4, folios 302-317, 318-324.

## VII THE DISPOSAL OF CHARLES I AND THE RISE OF CONSERVATISM, NOVEMBER 1646 TO MARCH 1647.

" The traitor Scot  
Sold his King for a groat ".<sup>1</sup>

### *(1) The Sixth Session of the First Triennial Parliament, 3rd November 1646 to 27th March 1647.*

By the time the Sixth Session of the First Triennial Parliament convened on 3rd November 1646 such a serious breach had emerged in the relationship between the Scottish and English Parliaments concerning the king that the parliamentary alliance was becoming increasingly strained. Under the jurisdiction and protection of the Scottish army in England, Charles I had consistently refused to reach an accommodation with Scottish negotiating demands (primarily the subscription of the National Covenant and the imposition of presbyterianism within England). In attempting to employ a balancing act with the Scottish Parliament and the rival power groups within the English Parliament Charles only succeeded in alienating Scottish protection for himself as the price for maintaining the Anglo-Scottish parliamentary alliance. The Houses of Parliament had also claimed sole jurisdiction relating to the disposal of the king as per the crucial vote of 24th September 1646. In September 1646 the English Parliament also agreed to pay £400,000 sterling to the Scottish army to leave England (half to be paid before the Scottish army left). The interim period of such a large sum being raised by the English Parliament and then being paid to the Scottish army allowed for a negotiating period concerning the disposal of Charles I. On 16th September the Committee of Estates, currently under the control of Hamilton and Lanark due to the absence of Argyll in Ireland and Loudoun and Johnston and Wariston in England, had decided to suspend the issue of the king until the Sixth Session of the First Triennial Parliament. Such a decision raised doubts that a private deal had been struck between Hamilton and Argyll relating to the king. Throughout October 1646 the Scottish diplomatic commissioners emphasised that the king was to be disposed of by joint advice of and joint consultation with the Scottish and English Parliaments. It was against this background of events that the Scottish Parliament assembled on 3rd November 1646.<sup>2</sup>



*(i) The Composition of the Sixth Session of the First Triennial Parliament, 3rd November 1646 to 27th March 1647.*

*Table 11. The composition of the Fifth and Sixth Sessions of the First Triennial Parliament.<sup>3</sup>*

	Nobles	Gentry	Burgesses	Total
3rd November 1646	48	50	56	154
26th November 1645	33	37	32	102

30 nobles, 23 gentry representing 15 shires and 20 burgesses representing 20 burghs (73 individuals in total) who were present in Parliament, 26th November 1645, were also present in Parliament, 3rd November 1646 (see appendix 12). 15 more nobles, 13 more gentry (representing eight more shires) and 24 more burgesses (representing 16 more burghs) were present in Parliament, 3rd November 1646, in comparison to 26th November 1645. Such analysis constitutes a total rise of 52 (see appendix 11). In terms of total membership the attendance level of 3rd November 1646 was the highest figure of any of the sessions of the Triennial Parliament and was equal to that of the First Session of the Convention of Estates commencing on 22nd June 1643 (see appendix 10). In terms of attendance figures for each of the Three Estates the memberships for 3rd November 1646 were likewise the highest for all the sessions of the Triennial Parliament (see appendix 10).<sup>4</sup> Of the 28 shires represented on 3rd November 1646, 22 sent two commissioners whilst the remaining six sent only one commissioner each.<sup>5</sup> Of the 48 burghs represented on 3rd November 1646, eight sent two commissioners of the burghs each. Allowing for the fact that the burgh of Edinburgh was legally entitled to be represented by two commissioners, seven burghs were clearly in breach of parliamentary regulations relating to burghal representation in Parliament. The burghs of Dundee, Linlithgow, St. Andrews, Haddington, Anstruther Easter, Dunbar and Crail formed the relevant grouping of seven burghs. All were east coast burghs. However, the parliamentary minutes of 3rd November 1646 contain no evidence of any action being taken by the other two parliamentary estates against the burghal estate, such as ordering the removal of each one of the excess seven burgesses representing those

seven burghs. This phenomenon may not only be interpreted as an attempt by the burghal estate to strengthen its parliamentary position vis-a-vis the other two estates, but also as an attempt by either the radical and/or conservative factions to bolster their parliamentary numbers. The Duke of Hamilton writing to Sir Robert Moray on 3rd November 1646 describing that day's proceedings in Parliament also made no observation on this breach of parliamentary regulations. Fletcher of Innerpeffer (Forfar) appears to have been working as a parliamentary whip/political manager for the Hamiltonians throughout November and December 1646 and was manoeuvring to galvanise parliamentary support among the gentry and burgesses to defend the king. Combined with Hamilton's lack of commentary on the breach in regulations by the burghal estate, it may have been the case that the breach was initiated by the conservatives to bolster their numbers. On the other hand, the radicals may have secured the sending of dual commissioners for these burghs in order to gain increased numbers to fend off a conservative parliamentary revival.<sup>6</sup>

The only controversy which occurred was that relating to the stewartry of Kirkcudbright (as had been the case in earlier sessions of Parliament). On 6th November Edward Edgar (Edinburgh) acting in the capacity as spokesman of the burgesses protested against the commissioner for the stewartry sitting in Parliament. No commission had been received by Parliament from the stewartry allowing for representation during the Sixth Session of the First Triennial Parliament. William Grierson of Bargattoun (Kirkcudbright) had nevertheless represented the stewartry as a commissioner of the shire and had been included in the parliamentary rolls of 3rd November 1646. The Estates ordered that they would take the matter to their consideration and in the interim Grierson of Bargattoun was to be allowed to sit and vote in Parliament. It would appear that the commissioner for the stewartry of Kirkcudbright continued to sit throughout the session.<sup>7</sup>

Taken together with the burghal estate breaching parliamentary rules concerning representation, the stewartry of Kirkcudbright controversy indicates growing tension between the gentry and the burgesses. Indeed it marks a transition in the strength of the burghal estate against the other two estates. On the one hand, the burgesses had violated parliamentary rules which had provoked no adverse reaction from the nobility and the gentry. On the other hand, the burgesses were quick off the mark to complain against the gentry when that estate had attempted (successfully) to bolster its numbers. These developments must be placed within the context of the noted emergence of a Scottish Commons and indicate the flexing of political muscle of the burghal estate against the parliamentary power of the gentry.

*(ii) The Proceedings of the Sixth Session of the First Triennial Parliament, 3rd November 1646 to 27th March 1647.*

By the time the Sixth Session of the First Triennial Parliament commenced on 3rd November 1646 the Scottish diplomatic commissioners at London had already been pressing for a prorogation of Parliament.<sup>8</sup> However, the Sixth Session was to endure until 27th March 1647. This may possibly have been in order to finalise negotiations with the English Parliament before presentation to the Scottish Parliament on the one hand, and the desire to find appropriate financial and fiscal remedies to improve the state of the country on the other. According to Hamilton, the Estates "were all unanimous that this Parliament should not be prorogued, till some remedie were found for ye easing of this Kingdome of the heavy burdens they now lye under".<sup>9</sup> The interpretation of the discreet language and syntax employed by Hamilton therefore incorporates the above two scenarios. Nevertheless, the crucial issues of the disposal of the king and the removal of the Scottish army from England were not discussed by the full Parliament for over a month. Instead the attention of the Estates was concentrated on the administration of the country.<sup>10</sup>

After the calling of the parliamentary rolls and the subscription of the parliamentary oath, 11 parliamentary members who were sitting in the First Triennial Parliament for the first time were required to subscribe that oath. One noble, six gentry and four burgesses comprised the relevant 11 parliamentary members. 10 further new parliamentary members were required to subscribe the parliamentary oath on 10th November, presumably because they had not attended any of the diets between 3rd November and 10th November. All were included in the rolls of Parliament as per 3rd November 1646. One noble, three gentry and six burgesses comprised the 10 new parliamentary members as per 10th November 1646. In total, two nobles, nine gentry and ten burgesses (21 new parliamentary members in all) were required to subscribe the parliamentary oath for the first time on 3rd and 10th November 1646. Parliamentary discipline was thus being enforced.<sup>11</sup>

On 7th November Parliament ratified changes in membership to the judicial structure according to the 1641 Act relating to the appointment of Officers of State, Privy Councillors and Lords of Session. On 30th October Charles I had nominated Johnston of Wariston to the office of Lord Advocate to replace Sir Thomas Hope of Craighall who had died. Similarly, since the close of the Fifth Session of the First Triennial Parliament Charles I had made several other judicial nominations. Gibson of Durie, Clerk Register, had been nominated as an Ordinary Lord of Session in place of Erskine of Innerteill. Lockhart of Lee was nominated as a Lord of Session in place of Gibson of Durie. Belshes of Toftis had been nominated as Lord of Session in place of Hope of Kerse and Weymes of Bogie had been

nominated as a Privy Councillor. All such nominations were considered by the Estates separately and were then approved of by the House as a whole. Of these appointments Johnston of Wariston and Weymes of Bogie were noted radicals.<sup>12</sup>

Several batches of parliamentary session committees were appointed in the period before Parliament was to turn its attention to the King. The first batch were appointed on 10th November 1646 to activate the process of parliamentary business. Four parliamentary session committees were established on 10th November, three of which were essentially dealing with matters of a retrospective nature. The Committee for the Common Burdens, the Committee for Revising the Acts of the Committees of Estates, Processes and Monies (the ~~legislation~~ of two interval committees being delegated to the consideration of one session committee) and the Committee for the Accounts of Hepburne of Humble.<sup>13</sup>

The Committee for the Common Burdens was essentially the successor to earlier parliamentary session committees known as the Committee for Dispatches which operated in previous sessions of the First Triennial Parliament and was not a financial committee in the sense that previous Committees for the Common Burdens had been.<sup>14</sup> The Committee was to consider the "burdens and pressures"<sup>15</sup> given in by all three parliamentary estates relating not only to the condition of Scotland but also to England and Ireland. Given the current state of Anglo-Scottish relations it is clear that the main emphasis of the Committee for the Common Burdens would be concerned with the crucial issues of the disposal of the king with the English Parliament and the withdrawal of the Scottish army from England. Powers were granted from the Estates to the Committee for the Common Burdens allowing it to answer letters remitted to it and to make dispatches without making report to the full Parliament. Therefore the Committee for the Common Burdens and not the full Parliament was deemed the appropriate forum for discussing Anglo-Scottish relations on British basis.<sup>16</sup>

10 per parliamentary estate formed the membership of the Committee for Common Burdens (see appendix 40). The quorum was set at 14 with four of each estate required to be present. Six of the 10 nobles were conservatives (Hamilton, Glencairn, Tullibardine, Roxburgh, Findlater and Lanark), whilst the remaining four were radicals (Argyll, Marischal, Cassillis and Balmerino). Conservative nobles enjoyed a small majority over the radicals. Johnston of Wariston (Edinburgh) recently appointed as Lord Advocate, was the noted radical gentry representative. George Porterfield (Glasgow) and John Semple (Dumbarton) were among the noted radical burgess members.

Chancellor Loudoun and Crawford-Lindsay, President of Parliament, were included as supernumeraries as were all general officers of the army who were members of Parliament. Hence the addition of Loudoun and Crawford-Lindsay did not alter the political balance between conservative and radical nobles. In addition, the Estates ordained that any member of Parliament was entitled to attend the proceedings of the Committee for the Common

Burdens and had " liberty to represent any overture that is sitting ".<sup>17</sup> Throughout the parliamentary session the Committee for the Common Burdens was referred to as the "grand Comitte".<sup>18</sup> The Committee for the Common Burdens may therefore be interpreted as the adoption of the institution of the Committee of Estates to sit during the parliamentary session with a closely defined remit. Four nobles, eight gentry and five burgesses included on the Committee for the Common Burdens of 10th November had also been included on the Committee of Estates of 4th February 1646 (see appendices 34 and 40). Noble common membership was split equally between radicals (Argyll and Balmerino) and conservatives (Glencairn and Lanark). Johnston of Wariston (Edinburgh) was one of the eight gentry common members. George Porterfield (Glasgow) was one of the five burgess common members.<sup>19</sup>

Five nobles, three gentry and two burgesses included on the Committee for the Common Burdens a per 10th November 1646 had also been included on the Committee for the Dispatches of 1st December 1645 (see appendices 33 and 40). Of these five nobles, Loudoun and Crawford-Lindsay were included as supernumeraries in the capacity of Chancellor and President of Parliament respectively. Of the other three nobles included on both committees, two were conservatives (Tullibardine and Lanark) and one was a radical (Argyll).<sup>20</sup>

The Committee for Revising the Acts of the Committee of Estates and the Committee for Monies marked the second retrospective session committee established on 10th November 1646. The Committee was furnished with three policy remits. Firstly, it was to scrutinise all acts of these committees and was then to report to Parliament. Secondly, consideration was to be given to any overtures for ~~initiating~~ new legislation as thought expedient by the session committee. Thirdly, the committee was to co-operate with the Lord Advocate, Johnston of Wariston, and other legal officials, in determining whether or not any such overtures or acts considered by the Committee for Monies should be rejected before presentation to Parliament.<sup>21</sup>

Four per parliamentary estate constituted the membership of the Committee for Revising the Acts of the Committee of Estates and the Committee for Monies (see appendix 40). In addition, two supernumeraries were included. The quorum was set at seven with two per estate required to be present. Three of the four nobles were conservatives (Buchan, Haddington and Southesk) whilst only one was a radical (Sutherland). Chancellor Loudoun and Crawford-Lindsay, President of Parliament, were included as supernumeraries. Furthermore, not only was any member of Parliament entitled to attend the proceedings of the Committee, but he was also allowed " access and liberty to represent any overture that is sitting ".<sup>22</sup> No noble, gentry or burgess included on the Committee for the Common Burdens was also included on the Committee for Revising the Acts of the Committee of Estates and the Committee for Monies, apart from the two

supernumeraries (see appendix 40).<sup>23</sup>

The Committee for the Accounts of Hepburne of Humble marked the third session committee of a retrospective nature established on 10th November 1646. It was issued with the remit of examining the financial statements and accounts of Hepburne of Humble in his capacity as Treasurer of the Army. Three per parliamentary estate formed the membership of the committee (see appendix 40). Two supernumeraries were also included. The quorum was set at five, with one of each estate required to be present. Noble representation was conservative. Chancellor Loudoun and Crawford-Lindsay, President of Parliament, were included as supernumeraries. No common membership exists amongst the nobility and the gentry included on the Committee for the Accounts of Hepburne of Humble of 12th December 1645 and that of 10th November 1646 (see appendices 33 and 40). However, two burgesses were included on both committees; John Kennedy (Ayr) and George Garden (Burntisland) (see appendices 33 and 40). The committee had reported to the full House by 9th December 1646 who then proceeded to approve Humble's preparation and auditing of accounts.<sup>24</sup>

The fourth parliamentary session committee established on 10th November 1646, however, was concerned with the administration and organisation of bills and ratifications presented to Parliament. This adhered to the trend established throughout the sessions of the Triennial Parliament. The Sixth Session of the First Triennial Parliament passed 332 acts (193 of which were public acts and 139 of which were private acts), as well as 45 ratifications. However, the full title of this committee was the Committee for Bills, Ratifications and Losses. As well as receiving and considering all bills and ratifications, the committee was also ordained to revise and consider all reports of commissions granted for trial of losses. During the Fifth Session of the First Triennial Parliament these two specific remits had been allocated to two separate parliamentary session committees; the Committee for Bills and Ratifications of 1st December 1645 and the Committee anent the Losses of 12th December 1645 (see appendix 33). The latter committee had had its commission renewed on 3rd February 1646 and had therefore sat as a parliamentary interval committee between the Fifth and Sixth sessions of the First Triennial Parliament (see appendix 34). That the division of such remits was not followed during the sixth session may well be due to the fact that the interval committee, the Committee anent the Losses of 3rd February 1646, had operated efficiently in the implementation of its remit.<sup>25</sup>

Four per parliamentary estate formed the membership of the Committee for Bills, Ratifications and Losses (see appendix 40). The quorum was set at seven with two of each estate required to be present. No common membership exists between the Committee for Bills, Ratifications and Losses of 10th November 1646 and the Committee for Bills and Ratifications of 1st December 1645 (appointed by the fifth session of the First Triennial Parliament) (see appendices 33 and 40). Two nobles included on the Committee for Bills,

Ratifications and Losses of 10th November 1646 had also been included on the Committee anent the Losses of 12th December 1645 (appointed by the fifth session of the First Triennial Parliament) (see appendices 33 and 40). One such noble was a radical (Eglinton) and the other a conservative (Buccleuch).<sup>26</sup> Of the two remaining nobles included on the Committee for Bills, Ratifications and Losses of 10th November 1646, one was a radical (Coupar) and the other a conservative (Dalhousie). Hence there was a balance between radical and conservative nobles. In addition, Loudoun, Chancellor, and Crawford-Lindsay, President of Parliament, were included as supernumeraries.<sup>27</sup>

Procedural innovation was also employed by the Estates in respect of the committee structure of Parliament. Two items of parliamentary procedure were introduced on 10th November. Firstly, Loudoun, Chancellor, and Crawford-Lindsay, President of Parliament, were to sit as supernumeraries on all committees appointed by Parliament. This may be interpreted as a form of parliamentary executive control. Secondly, all members of Parliament were granted access to the proceedings of any parliamentary committee and were free to represent any relevant overture.<sup>28</sup> This may be interpreted as a means of disrupting factional management of parliamentary committee proceedings. The conservatives may have initiated and secured this manoeuvre in order to disrupt the organisation of the radicals on parliamentary committees by " storming " committee proceedings with an organised body of conservative personnel. On the other hand, such an option would also be open to the radicals to disrupt the proceedings of committees which were being controlled by the conservatives. On 25th November 1646 Parliament amended the various quorums relevant to the session committees established on 10th November. The original quorum of the Committee for Common Burdens on 10th November had been set at 16 with four of each estate required to be present. This was modified on 25th November to two of each estate required to be present, although the total figure of 16 was to remain intact. This indicates that actual attendance per estate at the proceedings of the Committee for Common Burdens was not adhering to the rules laid down on 10th November. In particular, it indicates that there was a deficiency in attendance by one specific estate or all three estates. The quorums of the Committee for Revising the Acts of the Committee of Estates, Processes and Monies and the Committee for Bills, Ratifications and Losses had been set at seven with two of each estate required to be present. The quorum of the Committee for the Accounts of Hepburne of Humble had been set at five with one of each estate required to be present. The quorums of all these three committees were modified on 25th November to one of each estate required to be present (no totals were given on 25th November). Once more, this indicates a lack of attendance at the diets of these committees.<sup>29</sup>

Following the close of the day's proceedings on 10th November 1646 the Duke of Hamilton wrote to Sir Robert Moray that the Parliament " is now fully consisted, our Committees named, and well chosen ".<sup>30</sup> Hamilton's commentary indicates that the radicals

had failed to secure overall control of those committees named and that the conservatives had been represented well. Radical nobles were concentrated on the Committee for the Common Burdens, but did not have exclusive membership within the noble estate. On the other session committees appointed the radical nobles were marginalised. Given that the parliamentary experience from 1639 had revealed the voting strength of the gentry and burgesses led by radical nobles, it was perhaps this phenomenon that Hamilton was referring to. It would also appear, however, that the conservatives had also been securing support (however limited) within the other two parliamentary estates.

Four days later on 14th November the Estates continued the Committees for War in the shires and ordered that " the meetings and exercise of the committees of war should not be interrupted by the sitting of this session of parliament".<sup>31</sup>

The Committees for War were ordered to keep regular diets. For those gentry members of Parliament who were also members of the Committees of War in their respective shires, however, parliamentary attendance would take priority over attendance at the shire level as they had been elected by their shires to represent them in Parliament. This may well have been a manoeuvre initiated by the conservatives to prevent radicals from lobbying Parliament and the capital.

The second batch of parliamentary session committees was established on 28th November 1646. Two session committees were appointed; the Committee for Processes, Monies and Excise and the Committee for the Irish business. Three per parliamentary estate formed the membership of the Committee for Processes, Monies and Excise (see appendix 40). The quorum was set at five with one of each estate required to be present. This compares with a membership of seven per estate in the interval committee established on 3rd February 1646, the Committee for Monies, Processes and Excise (see appendix 34). Two of the three nobles and all three gentry included on the Committee for Processes, Monies and Excise of 28th November 1646 had also been included on the former committee of 3rd February 1646 (see appendices 34 and 40). Noble common membership was split between radicals (Cassillis) and conservatives (Tullibardine). No burgesses were included on both committees. One burgess, however, John Kennedy (Ayr) had been included on the parliamentary session committee of 1st December 1645, the Committee for Processes, and was also included on the Committee for Processes, Monies and Excise of 28th November 1646 ( see appendices 33 and 40 ). In addition, on 9th December 1646 Parliament issued a warrant ordaining that John Kennedy was to receive in and give out relevant public money for the public use and also those appointed by the Committee for Processes, Monies and Excise. This warrant was only to be valid until the end of the current parliamentary session. The third noble and two burgesses who made up the remaining membership of the Committee for Processes, Monies and Excise of 28th November 1646 were the conservative Southesk, Edward Edgar (Edinburgh) and John Semple (Dumbarton). Hence there was a large degree of continuity of



personnel.<sup>32</sup>

The Committee for Processes, Monies and Excise was issued with three remits. Firstly, it was to call before them individuals who had not lent money for the public use or who had previously lent money and had since been repaid. Both classes of such individuals were to be asked for financial loans for the public use. Secondly, the committee was to call before them all delinquents who had not yet been tried for compliance with the rebels. Such delinquents were to be judged and censured to the Act of Classes. Thirdly, the Committee was to meet with the magistrates of Edinburgh to secure use of their excise to provide meal and maintenance for several regiments. An additional power was issued to the Committee on 2nd December 1646; namely to call for and secure an exact account of the previous excise.<sup>33</sup>

Three per parliamentary estate constituted the membership of the Committee for the Irish Business, initiated to report on Irish affairs (see appendix 40). Burleigh was the noted radical noble included, whilst Balcarras was the noted conservative noble included.<sup>34</sup>

The third batch of session committees established before the discussion of the disposal of the king was appointed on 3rd and 10th December 1646. The Committee anent the Excise was appointed on 3rd December 1646. Four per parliamentary estate constituted the membership (see appendix 40). One gentry and two burgesses included on the Committee anent the Excise had also been included on the Committee for Processes, Monies and Excise of 28th November 1646 (see appendix 40). Dundas of Maner (Linlithgow) was the one gentry and Edward Edgar (Edinburgh) and John Kennedy (Ayr) were the two burgesses. Of the four noble members, three were radicals (Marischal, Lothian and Balmerino) and only one was a conservative (Glencairn). Radical nobles were thus in the ascendancy. Both Marischal and Dundas of Maner had been included on the interval committee of 3rd February, the Committee for Monies, Processes and Excise (see appendices 34 and 40). Whilst the Committee for Processes, Monies and Excise had been ordered to account for the previous excise, the Committee anent the Excise was faced with the task of settling the current level of excise.<sup>35</sup>

Two further session committees were appointed on 10th December 1646; the Committee for Calling Subcollectors to Account and the Committee anent the Losses. Three per parliamentary estate formed the membership of the Committee for Calling Subcollectors to Account (see appendix 40). Noble representation was primarily conservative. Chancellor Loudoun and Crawford-Lindsay, President of Parliament, were specified as supernumeraries. The committee was to examine the subcollectors regarding money due to the public and was to act in liason with the Committees of War in the shires.<sup>36</sup>

The Committee anent the Losses was composed of four per parliamentary estate (see appendix 40). Chancellor Loudoun and Crawford-Lindsay, President of Parliament, were also specified as supernumeraries. The quorum was set at six, with one of each estate

required to be present. Only one member included on the Committee anent the Losses of 10th December 1646, had also been included on the Committee for Bills, Ratifications and Losses of 10th November 1646 (see appendix 40). That member, John Forbes (Inverness) represented the burghal estate. Including supernumeraries, two nobles and one gentry included on the Committee anent the Losses of 12th December 1645 (renewed as an interval commission on 3rd February 1646) were also included on the Committee anent the Losses of 10th December (see appendices 33, 34 and 40). Loudoun, Crawford-Lindsay and Falconer of Halkerton (Kincardine) constituted this grouping. Of the four noble members, two were noted radicals (Lothian and Burleigh) whilst one was a noted ~~conservative~~ (Balcarras). The Highlands and the Borders were represented in greater proportion than usual, reflecting the extent to which those areas had been affected by the civil war campaign.<sup>37</sup>

The Committee anent the Losses was to consider " the losses of the kingdom both by sea and land and receiving in, revising and considering of the supplications of parties given in thereanent ".<sup>38</sup> The initiation of this committee of 10th December 1646 raises several scenarios given the fact that its remit had previously been incorporated within that of the Committee for Bills, Ratifications and Losses of 10th November 1646. A separate session committee to deal with losses may have been established because of the amount of bills and ratifications which had been handed in and which required attention in the period between 10th November and 10th December. On the other hand the extent of supplications forwarded relating to losses may have been so great as to warrant the establishment of a separate session committee.<sup>39</sup>

Prior to the issue of the discussion of the king the only matter of controversy which manifested itself was that of the parliamentary ratification of the agreement which had allowed Montrose to go into exile. Parliament ratified this agreement by a majority of 20 votes on 27th November 1646, which included a list of pardons granted by Middleton. Hamilton observed that this ratification of this agreement by the Committee of Estates was secured only " after many houres dispute ".<sup>40</sup> This was in face of strong opposition from the Commission of the Kirk and illustrates an increasing position of marginalisation on the part of the General Assembly and the Commission of the Kirk, dominated by radicals. The parliamentary radicals led by Argyll also opposed the motion. On the other hand it also illustrates the strenghtened position of the conservative nobles, who had obviously secured the backing of adequate gentry and burgesses to secure the passage of the controversial legislation through the House (this ~~Argument~~ is dependent on the actual numbers present when the vote was taken, data which is not available). It would appear that tactics and methods of parliamentary management which had been employed by the radicals throughout the 1640s were now being effectively employed by the conservative faction. Gentry and burghal voting power was now being galvanised for conservative political ends.<sup>41</sup>

The controversial issue of the position of the king was finally to rear its head on 15th and 16th December 1646 when crucial decisions were made by the parliamentary session committee, the Committee for Common Burdens. Prior to the convening of the Sixth Session of the First Triennial Parliament the Committee of Estates had decided that the issue of the king should only be concluded when that parliamentary session met. Following the ratification of the agreement of 27th November 1646 which allowed Montrose to go into exile and the ratification of Middleton's pardons, tentative steps were made by conservatives and pragmatic royalists to encourage Hamilton to initiate parliamentary discussion of the king's position which was described by contemporaries as the "main business".<sup>42</sup> This move appears to have been initiated by gentry who were unhappy with the present negotiations with the king and who strove to safeguard his safety as a Scottish king. Fletcher of Innerpeffer (Kincardine) had sounded out the opinions of a large number (but not all) of the commissioners of the shires and burghs and found that the majority wanted to secure the king's safety. Such conclusions were reported to Hamilton. Fletcher of Innerpeffer stressed, however, that if the issue was raised immediately in the House then a majority of 30 could be secured in support of the king, but if the matter was delayed then such a majority would be severely reduced because the "Argilians and the commissioners of the church intrigued so bussily".<sup>43</sup> Contemporaries therefore commented on and were acutely aware of the organisational and parliamentary management skills of the radical leadership. Indeed, one week after Fletcher of Innerpeffer had conducted his original soundings, he reported that many commissioners he had consulted had now changed their minds and a maximum majority of 15 votes could now only be secured. In spite of advice from Hamilton of Orbiston (Renfrew), the Justice Clerk, the Duke of Hamilton refused to initiate discussion of the king at this time. Hamilton made no formal mention of the king's position until 15th December and this was only because correspondence had been received from the Scottish diplomatic commissioners at London stating that agreement had almost been reached on the payment of £200 000 sterling from the English Parliament in exchange for the withdrawal of the Scottish army from England and the surrender of the king to the English Parliament without any conditions. Hamilton's obvious reluctance to take the initiative on the issue, despite advice to the contrary, was now beginning to backfire on him.

On 15th December the Committee for Common Burdens determined that a declaration supporting monarchical government should be issued. Moreover, Charles II's title to the English crown was to be likewise supported. Charles I was also to be allowed to travel freely to London. Given the balance of power between radicals and conservatives amongst the nobility on the Committee for the Common Burdens, it would therefore appear that the radicals led by Argyll had been outmanoeuvred by Hamilton and the conservatives. The conservative nobles had thus secured the backing of sufficient gentry and burgesses on the Committee for the Common Burdens to secure a majority when the vote was taken on 15th

December. However, when the Committee for the Common Burdens reconvened on 16th December it was agreed that the king must consent to all the Newcastle Propositions, the crux of which (from the Scottish negotiating perspective) centred on the king's acknowledgement of presbyterian church government in both Scotland and England. Royal refusal of the Newcastle Propositions were to have three important repercussions. Firstly, the government of Scotland was to be settled without the king and his regal sanction would be suspended. Secondly, the king would not be allowed to come to Scotland. Thirdly, Scotland would not engage itself in England to protect the king even if he were deposed. In light of the decisions taken by the Committee for the Common Burdens on 15th December several scenarios present themselves regarding the votes on both 15th and 16th December.

Firstly, the diet of 15th December may have been poorly attended, particularly by gentry and burgess members. Hamilton may then have seized on this opportunity to secure and drive through the agreement of 15th December concerning monarchical government. Thus on 16th December Argyll may have galvanised the customary support of the gentry and burgesses for the radicals to obtain a high turnout on 16th December. Backed by the radical nobles Argyll may then have used the support of the gentry and burgesses to push through the stringent demands agreed on at the 16th December diet. In any event, the decision of 16th December was a close and bitter one. According to Lanark, the full Parliament attended the diet of 16th December and the debates were of an intense and heated nature. This points to a full turn out of the Committee for Common Burdens. A crucial factor in the swinging of the vote in favour of the radicals would appear to be a declaration from the Commission of the Kirk which was read to the Committee for the Common Burdens on 16th December. Seven out of the 12 nobles (including supernumeraries), two out of the 10 gentry and two out of the 10 burgesses on the Committee for the Common Burdens of 10th November 1646 had also been included on the current Commission of the Kirk of 13th February 1645. Of these seven nobles four were conservatives (Crawford-Lindsay, Glencairn, Tullibardine and Lanark) and three were radicals (Argyll, Cassillis and Balmerino). All four gentry and burgesses were radicals (Johnston of Wariston and MacDowall of Garthland for the gentry and William Glendoning and John Semple for the burgesses). The declaration of the Kirk stressed that the king must first subscribe the National Covenant before being allowed to return to Scotland and that the enemies of the Covenant (an obvious reference to Hamilton) were attempting to discredit the Covenant and the Anglo-Scottish alliance under the pretext of preserving the king. Given the alliance between the radicals and the Kirk, the latter's intervention may have had the desired effect of securing the combined voting power of the gentry and burgesses to outvote the conservatives.<sup>44</sup>

The decision of 16th December 1646 was ratified by Parliament on 24th December 1646, although a final attempt was to be made to gain royal sanction for the Newcastle Propositions. Seven Scottish parliamentary diplomatic commissioners were named on 24th

December for this purpose. If the king still refused to budge, ~~however~~, then the commissioners were authorised to arrange the subsequent disposal of the king with the English Parliament. This diplomatic grouping was distinct from the main contingent which was based in London and its commission was only to endure until the army was withdrawn from England. Two per parliamentary estate, plus one supernumerary, formed the membership of the Scottish diplomatic contingent (see appendix 40). Noble membership was balanced between radicals (Lothian) and conservatives (Balcarras). MacDowall of Garthland (Wigtown) and Ruthven of Frieland (Perth) represented the gentry, whilst the burgesses were represented by Edward Edgar (Edinburgh) and William Glendoning (Kirkcudbright). Hepburne of Humbie was included as supernumerary and was not a member of Parliament as per 3rd November 1646 (see appendix 12). The quorum of the residue of Scottish commissioners at London was set at two due to the fact that several of the commissioners named were at the Scottish Parliament and others were to be sent to Newcastle. Although named on 24th December, the parliamentary commission was not actually issued until 31st December 1646.<sup>45</sup>

The culmination of events concerning the disposal of the king centred on three dates; 16th January, 30th January and 3rd February 1647. In the interim period between 24th December 1646 and 16th January 1647 negotiations with the king continued. Whilst this was taking place Parliament took to its consideration the election of the burgh council of Glasgow and Aberdeen (although Parliament did not legislate on Aberdeen until 6th February 1647). The annual election of Glasgow Burgh Council was due to take place in October 1646. This had been delayed by warrant of the Committee of Estates until such time as Parliament could consider the issue. In the meantime the council was to be continued by George Porterfield and his faction. George Porterfield was the current parliamentary representative for Glasgow. The continuance of the Porterfield faction in power, backed by the Committee of Estates, threatened to marginalise the conservative opposition on Glasgow Burgh Council. The conservatives then rushed through the election in which Porterfield was maintained in power but all other offices were filled by conservatives (26 movements in office took place). Throughout November and December 1646 the Porterfield faction supported by Glasgow Presbytery and the Commission of the Kirk petitioned the Parliament against this coup by the conservatives. Thus on 26th December 1646 Parliament overturned the election of conservatives and ruled that there should be a return to the membership of Glasgow Burgh Council according to the act of the Committee of Estates of 19th September 1646. The ousting of the conservatives was confirmed by an official election of January 1647 whereby 25 offices changed hands from that of the conservatives and the Porterfield faction was secured in office.<sup>46</sup>

Parliament also intervened in the election of Aberdeen Burgh Council. A process had been submitted to the Committee of Estates and then on to Parliament relating to the last election

of Aberdeen Burgh Council. Parliament declared on 6th February 1647 that the election had been influenced by the presence of rebels at the time of election. Thus the election had been illegal and Parliament itself elected the Aberdeen Burgh Council for the present year. Radicals such as Patrick Leslie, Robert Farquhar and Alexander Jaffray were elected. Therefore in both cases of Glasgow and Aberdeen Parliament intervened to secure the ascendancy of the radical cliques within both councils.<sup>47</sup>

The desire to suppress conservatism as well as malignancy can be interpreted as a counter-attack by the radicals against the growing power of the conservative nobles in Parliament. As well as by parliamentary interference in burgh elections, it was reflected by the establishment of a session committee concerning malignancy. The Committee for Drawing up of the Proclamation against Malignants was formed on 26th December 1646. The committee was to revise all proclamations issued in 1641 in order to draw up a proclamation for parliamentary presentation concerning the rebels or those under censure from both Church and State. This did not apply to those currently under parliamentary citation. Two per parliamentary estate formed the membership of the committee (see appendix 40). The quorum was set at four and one of each estate was required to be present. Both noble representatives were conservatives (Glencairn and Southesk). Johnston of Wariston (Edinburgh) was the noted radical gentry representative although the remaining gentry and burghess members were primarily radicals. Whilst the gentry and burghal nominees reflected the accustomed radicalism prevalent within these two estates, the inclusion of the conservative Southesk and the absence of leading radical nobles indicates the delicate power struggle underway between radical and conservative nobles. The conservatives could not claim to have been excluded from the committee, while at the same time the combined voting strength of the gentry and burghal representatives could veto proposals which were not to the radicals' liking.<sup>48</sup>

The extent of fines owed by malignants for public use was delegated to a session committee established at a later date in the session; the Committee for Revising the Collectors' Books. The books and accounts of Hepburne of Humble and Robert Farquhar were to be examined for this purpose. Two per parliamentary estate formed its membership (see appendix 40). The quorum was set at four and one per parliamentary estate was required to attend. Noble membership was balanced between radicals (Arbuthnot) and conservatives (Barganerie).<sup>49</sup>

By 16th January it had become clear that Charles I would not budge from his position and a vote was taken in the House to ascertain if the king should be left at Newcastle. News had already reached Edinburgh during the first week of January that agreement had been reached between the Scottish diplomatic commissioners and the English Parliament to withdraw the Scottish armed forces and leave the king in the custody of the English Parliament. On 16th January, Crawford-Lindsay, President of Parliament, attempted to have

the clause on which the vote was to be taken altered to

" Whither or not his Majetie who wes our Native King and had done so great things for the good of Scotland and thrown himselff upon ws for shelter should be delivered up to the Sectaries avowed enemies to his liffe and Government ".<sup>50</sup>

Nevertheless, the vote was taken on the original motion and the Scottish Parliament voted in favour of leaving the king at Newcastle. Hamilton and Lanark recorded their disapproval and Crawford-Lindsay only agreed to sign the act in the capacity of President of Parliament and made clear that he did not approve of the act. Contemporary sources state that six nobles, four gentry and three burgesses voted against the motion. Hamilton, Lanark, Kinghorn, Tullibardine, Elibank and Spynie constituted the voting block of six nobles. Falconer of Halkerton (Kincardine), Fletcher of Innerpeffer (Forfar), James Graham of Monorgrund (Forfar) and Sir Archibald Stirling of Carden (Stirling) formed the voting block of three gentry. The commissioners of the burghs of Forfar, Brechin and Tain all voted against the motion. As per 3rd November 1646 no commissioners of the burghs of Forfar and Tain were present in Parliament. George Steill (Brechin) was the identifiable burgess who voted against the motion. Particular opposition to the motion was therefore concentrated in Angus and the Mearns. In terms of voting patterns concerning this crucial vote, it has been estimated that one third of the whole Scottish nobility was absent from Parliament when the vote was taken. The absence of such a <sup>large</sup> chunk of the noble estate has been attributed to several reasons. Firstly, some were barred (presumably under the Act of Classes and other legislation) because they were Royalists and had not subscribed the National Covenant and/or the Solemn League and Covenant. Secondly, many nobles who would have been admitted to the House withdrew. Of this latter category, many nobles knew that they were not going to vote to leave the king anyway and interpreting the cause as being lost withdrew in fear of their fortunes and estates if they were seen to be antagonising the parliamentary radicals and the Commission of the Kirk. The fact that Crawford-Lindsay had now obviously aligned himself to the Hamilton faction was emphasised by correspondence between Charles I and himself in the post-16th January period. Charles I persuaded Crawford-Lindsay to attempt to reopen negotiations. The Committee for Common Burdens ruled that the relevant correspondence between Crawford-Lindsay and Charles I was a private one and not addressed to Parliament. Thus the Committee for Common Burdens refused to acknowledge the legality of the king's letter. The final details concerning the disposal of the king were settled on 30th January and 3rd February 1647. On 30th January the Scottish army received the initial batch of £100,000 sterling (£1.2 million Scots) and on 3rd February the second batch of £100,000 sterling (£1.2 million Scots) was handed over by

the English Parliament. Hence the difficult tripartite political and diplomatic situation revolving around the king and the Scottish and English Parliaments had for the present been resolved. A close relationship with the English Parliament had been deemed more important than that with the king.<sup>51</sup>

The withdrawal of the Scottish army from England raised controversy within the House as various factions argued over exactly what should be done with it. Hamilton as head of the conservatives argued that the army should not be disbanded. Hamilton's argument rested on the fact that it was required to assist the reformation in England, although under this guise probably rested a desire to help the king militarily at some point in the future. Argyll, on the other hand, as head of the radicals and backed by the Commission of the Kirk argued for the disbanding of the army as he was all too aware of the dangers of it being misused. The disbanding of the army was only advocated by the radicals in order to purge malignant officers and soldiers and replace them with those who had been approved by the radical leadership. Paradoxically, this may well explain the intense opposition of Hamilton and the conservatives to the disbanding of the army. Argyll's argument won the day and on 29th and 30th January 1647 Parliament ordered the army to be slimmed down to 1200 horse, 6000 foot and two companies of dragoons. Although overall command rested with Leven effective overall control was exercised by Lieutenant General David Leslie assisted by General Majors John Middleton and John Holburne. Royalist sympathisers, as interpreted by the radicals, were excluded from the armed forces. Therefore Argyll had succeeded in securing the implementation of his policy concerning the armed forces.<sup>52</sup>

By 27th February 1647 the Estates had settled the details concerning the disbandment of the army. These decisions had been taken by the Committee for Common Burdens. On 27th February a session committee was formed to consider the accounts of the £200 000 sterling (£2.4 million Scots) transferred from the English to the Scottish Parliament. The remit of the Committee for the Accounts of the £200 000 sterling (£2.4 million Scots) was extended to consider complaints of officers and also the complaints of soldiers against their commanding officers. Apart from illustrating discontent among the rank and file Scottish soldier, the most important facet is that Parliament in session was exercising discipline and control over the armed forces (throughout the 1640s Parliament had shown that the army was accountable to Parliament). Three per parliamentary estate formed its membership (see appendix 40). Of the three noble members, two were conservatives (Callander and Balcarras) and one was a radical (Eglinton). Callander was not included in a military capacity. No member included on the interval committee of 4th February 1646, the Committee for Clearing the Accounts with England was also included on the session committee of 27th February (see appendices 34 and 40).<sup>53</sup>

Despite the fact that the disbanding of the army was not finally settled until 27th February 1647, parliamentary events post-30th January 1647 were concentrated on four areas; the



extent of debt and burdens of the kingdom, financial remuneration to those who had lent money for public use or who were to be compensated, procedural developments and the renewal of parliamentary interval commissions.

A revision of the state of the nation's finances had been requested by Hamilton in Parliament. On 30th January 1647 the Estates, acting on Hamilton's initiative, therefore formed a new session Committee for Common Burdens. This was distinct, however, from the Committee for Common Burdens established on 10th November 1646 and both enjoyed separate remits. Indeed the full name of the committee established on 30th January was the Committee for Considering and Clearing the Common Burdens of the Kingdom. Moreover the remit of that committee was specifically financial, in keeping with the accustomed nature of previous Committees for the Common Burdens. It was to examine the level of debts and burdens either owing by or to the public in the form of loaned money, loan and tax or precepts or in any other form. The financial nature of the committee was emphasised by the fact that its membership was that of a parliamentary interval committee established by the Fifth Session of the First Triennial Parliament on 3rd February 1646; the Committee for Monies, Processes and Excise (see appendices 34 and 40). The commission of 3rd February was renewed on 30th January and three additions in membership were made. Two gentry and one burgess were added none of whom were members of Parliament as per 3rd November 1646. The most noted addition was that of Balfour of Denmilne (Fife). Three nobles, two gentry and one burgess included on the Committee for Common Burdens of 10th November 1646 were also included on the Committee for Considering and Clearing the Common Burdens of the Kingdom (see appendix 40). Of the three nobles, two were conservatives (Tullibardine and Findlater) and one was a radical (Cassillis). In addition, two of the nobles and two gentry had also been included on the Committee for Processes, Monies and Excise of 28th November 1646 (see appendix 40).<sup>54</sup>

Repayments of loans and compensation for destroyed land and/or loss of rents were a particular feature of the parliamentary session throughout March 1647 up to the close of the session on 27th March. This was clearly the work of three parliamentary session committees; the Committee for Bills, Ratifications and Losses (established 10th November 1646), the Committee for Processes, Monies and Excise (established 28th November 1646) and the Committee anent the Losses (established 10th December 1646). Two session committees were also formed in January 1647 but to deal with the specific cases of two individuals; General Major Middleton and the Duke of Hamilton.<sup>55</sup>

Two per parliamentary estate formed the membership of the Committee for General Major Middleton's Recompense (see appendix 40). The quorum was set at two and one per estate was required to attend. Noble membership was balanced between radicals (Cassillis) and conservatives (Glencairn). Johnston of Wariston (Edinburgh) was the noted radical gentry member.

Consideration was to be given to two issues; remuneration for his loyal service and payment of money owing to him for past arrears.<sup>56</sup>

In the case of Hamilton a separate session committee was not established to examine his case. Instead an earlier commission granted by the Committee for Monies and Processes relating to Hamilton's losses was renewed. The commission to the Committee for Processes and Monies was also renewed. The Committee for Processes, Monies and Excise (established on 28th November 1646) was to examine Hamilton's financial claim. Robert Hamilton of Torrens was added to the committee, although he had not been a member of Parliament as per 3rd November 1646 (see appendix 12). The quorum was to remain unchanged with a figure of five and one per estate required to be present.<sup>57</sup>

However, the claims of Argyll to losses sustained at the hands of the rebels, warranted the establishment of a separate parliamentary session committee on 1st December 1646. Three per estate formed the membership of the Committee for the Business of Argyll (see appendix 40). Noble membership consisted of two conservatives (Roxburgh and Southesk) and one radical (Cassillis). Gentry and burghal representation was primarily radical and included Johnston of Wariston (Edinburgh) for the gentry and George Porterfield (Glasgow) for the burgesses.<sup>58</sup>

On 31st December 1646 a further session committee pertaining to losses and financial problems, but of a regional <sup>nature</sup> was established; the Committee for Aberdeen, Stirling, Glasgow and other distressed Shires and Burghs. Two per estate formed the membership of that committee (see appendix 40). Noble representation was balanced between radicals (Burleigh) and conservatives (Southesk).<sup>59</sup>

Analysis of 47 enactments passed between 12th March and 27th March provides a revealing breakdown of three forms of legislation relating to financial remuneration; firstly, relating to individuals who were to be remunerated for money they had lent for public use, secondly relating to those who had suffered losses due to the civil war campaign and thirdly, relating to the reduction of fines. 23 of the 47 enactments related to the reparation of losses. The largest reparation figure awarded was that of £20 000 sterling (£240 000 Scots) awarded to the free royal burghs for losses suffered by land and sea. This figure excluded a further £15 000 sterling (£180 000 Scots) awarded by an act of Parliament of 27th July 1644. Therefore this legislation would appear to be based on the conclusions of the session committee appointed on 31st December 1646. Of the remaining 22 enactments relating to losses the range of compensation stretched from 1000 merks (£667 Scots) to £5000 sterling (£60 000 Scots). 11 enactments concerned nobles (although two enactments concerned the one noble), eight concerned the gentry, two concerned the burgesses and one related to a sherriffdom. Hamilton was awarded £5000 sterling (£60 000 Scots) Tullibardine, Dunfermline and Murray £2500 sterling (£30 000 Scots) each. As per legislation of 26th and 27th March 1647 no exact sum is given for the level of reparations to be paid to Argyll in consideration of

losses sustained on his estates at the hands of the rebels. However, it has been calculated by one observer that £180 000 Scots was paid to Argyll and £360 000 Scots to other Campbell chiefs. According to Guthry, however, Argyll was to receive £30 000 sterling (£360 000 Scots) and his adherents £15 000 sterling (£180 000 Scots). Indeed, Johnston of Wariston, Lord Advocate, received £3000 sterling (£36 000 Scots) as a reward for his commitment to the public service. Guthry also states that radical ministers of the Kirk were financially rewarded but that this and the amounts they received remained secret.<sup>60</sup> Marischal and James Campbell of Lawers each received £1500 sterling (£18 000 Scots).<sup>61</sup>

In addition 14 further enactments related to money paid back which had either been lent for public use and/or money that was due to those involved. Five enactments related to nobles, five enactments related to the gentry and four related to the burgesses. James Stewart, burgess of Edinburgh, and James Hamilton of Boigs were awarded £8000 sterling (£96 000 Scots) which was to be spilt equally between them, for money which they had advanced for use of the kingdom. George Jamieson (Coupar) received £32 830 Scots for money which was owed to him. Lauderdale was awarded £22 920 Scots which was due to him as money he had lent for the public use. Crawford-Lindsay received £23 799 14 shillings Scots as public money due to him and Yester received £20 000 Scots under the same criterion.<sup>62</sup>


Acting on reports from the Committee for Processes and Monies nine enactments related to the reduction of fines concerning three nobles and six gentry. The Marquis of Douglas (having been imprisoned) had paid 25 000 merks (£16 667 Scots) of his fine. The committee recommended that he should pay a further 10 500 merks (£7000 Scots) and the remaining surplus fine should be discharged. Queensberry had been fined for delinquency by the Committee for Processes and Monies and had already paid 60 000 merks (£40 000 Scots). He was due to pay a further 60 000 merks (£40 000 Scots); it was recommended that this should be discharged. Lord Seaton had paid £20 000 Scots of his £40 000 Scots fine; it was recommended that he should only be liable for 12 000 merks (£8000 Scots) of the remaining £20 000 Scots. The surplus of fines to be paid by the six gentry were similarly to be discharged. Parliament accepted all such recommendations. Hence there was a general move to accommodate conservative nobles and gentry in their individual cases relating to the reduction of previous fines. This indicates a desire not to alienate the conservatives.<sup>63</sup>

Of the 46 enactments relating to financial remuneration, 19 related to the nobility (although two related to the same noble), 20 related to the gentry and six related to the burgesses (of the remaining two enactments one related to a sheriffdom and one to a collection of the royal burghs). Greatest financial remuneration was concentrated on the noble estate and within that estate was focused on conservatives. Remuneration was also concentrated geographically in the north and the north-east; those areas which had been devastated most.

Parliament enacted on 22nd March that reparation of losses would not be paid to any who had complied with the rebels. This is in line with the Act of Classes and pointed to financial

ruin for those who failed to comply with compulsory Covenanting oaths and obligations.<sup>64</sup>

The fact that the Committee for Monies and Processes was not singularly concerned with claims for losses is highlighted in two specific items of legislation enacted on 15th March. Indeed much of that committee's work focused on the processing of delinquents' cases. By 15th March the committee had reported to the House that it was experiencing difficulties in processing the trials of delinquents. It was finding difficulty in having cases proven by witnesses. The Act of Classes stipulated that it was left arbitrary to process to death all found under the first class for delinquency and that before exact trial it cannot be found who shall fall under the first class. The Estates clarified the issue by declaring that none of the delinquents under question who falls or should happen to fall under the first class for delinquency shall thereafter be processed to death. Furthermore, the Estates declared that delinquents could be examined and tried upon their own oaths " which will be the readiest mean to try the carriage of such as have not yet been called in question and whose delinquency will be hardly known otherwise ".<sup>65</sup> Despite the abolition of the death penalty under the first class, legislation passed on 24th March still excluded those found guilty under the first class from all places of public trust. Hence this applied to the Committees of War in the shires (established on 26th March) and all those under the first class were barred from being nominated, elected or admitted to any of the Committees of War.<sup>66</sup>

Procedural developments also took place between late January 1647 and the close of the parliamentary session on 27th March 1647. Five specific items of legislation were enacted. Firstly, on 19th January the Parliament allowed the gentry and the burgesses to modify the membership of parliamentary session committees which had been chosen to date. The gentry and burgesses were ordained to choose alternative members at the meetings of their separate estates to be on all parliamentary session committees to compensate for those original members who were failing to attend the respective committee diets. Those alternative members were to enjoy the same places and powers on committees as the original members had. In reality, this allowed for increased parliamentary management of gentry and burghal membership of session committees. Secondly, on 21st January the Estates ordained that at the close of each day's proceedings the minutes of that day's proceedings were to be read to the House. Whether this was a result of demand from the Estates for increased parliamentary accountability or merely to improve efficiency in the legislative process by reminding members of each day's <sup>work</sup>  cannot be ascertained. Thirdly, on 3rd February the Estates issued an ordinance concerning the commissioners of the shires and the commissioners of the burghs. It was ordered that from that date no commissioner of the shire or commissioner of the burgh could be changed, elected, called by the Clerk Register or admitted in Parliament until a general parliamentary rule relating to this was established. The issue was to be considered by the Estates separately at their first possible convenience. This ordinance may have been a reaction against a possible abuse of the

committee membership details of 19th January 1647 and is possibly related to the issue of the breach of parliamentary regulations on the opening day of the session. The gentry and burgesses may have been putting forward alternative committee personnel who were not members of Parliament. Despite the ordinance of 3rd February the Estates also allowed that same day Archibald Sydserf, burgess of Edinburgh, to replace Edward Edgar (Edinburgh) on all the parliamentary session committees that Edgar had been elected on. Archibald Sydserf had been elected to take Edward Edgar's place in Parliament. No reason is given for this but one interpretation may suggest that the ordinance issued on the same day had clearly been breached to allow special treatment for Edinburgh. Alternatively, it might be argued that the ordinance did not technically apply to Edinburgh as that burgh was entitled to send two commissioners of the burgh and Edward Edgar may have been in non-attendance. Favour may also have been given to Edinburgh's case as it was the most powerful burgh and the capital city. Earlier in the session, on 17th December 1646, the Estates had allowed William Purves (Dunbar) to replace James Lauder (Dunbar) and allowed William Purves to sit on all committees where James Lauder was nominated. James Lauder had been elected as the first commissioner of the burghs for Dunbar ahead of William Purves, but both are included in the rolls of Parliament of 3rd November 1646. The fourth procedural development was enacted on 6th February 1647 concerning the office of President of Parliament. Due to the absence of Crawford-Lindsay, current President of Parliament, the Estates nominated and elected Cassillis as President in his place. The office of Vice-President as employed in earlier sessions of the First Triennial Parliament was thus avoided. That Crawford-Lindsay had recently been appointed Treasurer as well may also have given rise to unease at concentrating too many offices under the influence of one noble. That Crawford-Lindsay had presided in Sessions Three to Six of the First Triennial Parliament and a new President had been elected during the Sixth session may account for the fifth enactment relating to procedural development. Doubt clearly existed among the House concerning the exact format to be followed in the election of a new President. It had been stipulated that the House should make choice of the Lord Chancellor or any other the King and the Estates should appoint as President and that that individual should remain President throughout the Parliament in which he was chosen and in the subsequent Parliament until the parliamentary oath had been taken and another President chosen. According to the legislators, however, this rule did not specify whether or not President could be changed during the course of several sessions of a current Parliament until the inditement of a new Parliament. Therefore the legislation of 27th March clarified the situation. The first act of all future sessions of Parliament after the taking of the parliamentary oath was to be the choice of a President for those sessions. That President would then preside in that session and would be President in the next session of Parliament until the parliamentary oath was taken and a new President chosen. This clarification was probably required because Crawford-

Lindsay had presided for so long and Cassillis had been chosen during a parliamentary session. Hence all current parliamentary members would be fully aware of the proper procedure regarding the election of the President of Parliament.<sup>67</sup>

Prior to the close of the parliamentary session, the Estates ordained that supplications which had been handed in to Parliament and had been considered by the appropriate committee, but had not resulted in an enactment, were to be remitted to the Committee of Estates. Supplications which were the remit of the Privy Council or the Court of Session were to be dealt with by those bodies and not by the Committee of Estates. Hence there was an attempt, perhaps by the conservatives, to restore the traditional authority and standing of the Privy Council and the Court of Session.<sup>68</sup>

The Sixth Session of the First Triennial Parliament concluded its deliberations on 27th March 1647. The Second Triennial Parliament was appointed to be held on the first Thursday of March 1648. The holding of a seventh parliamentary session had been discussed but had been decided against in favour of calling the Second Triennial Parliament. Both the radicals and the conservatives were more in favour of the Second Triennial Parliament, but for different reasons. Argyll and the radicals wanted a new Parliament in order to remove Crawford-Lindsay (who had gone over to Hamilton and the conservatives) from the office of President of Parliament. The radicals were clearly worried by having a conservative President of Parliament who was also the Treasurer. If a seventh session had been called, then Crawford-Lindsay would have presided. Hamilton and the conservatives favoured a new Parliament as new elections would have to be held for it. The conservatives were confident that they would have " a larger number of knights and burgesses of their faction in a new Parliament than they have in the present one ".<sup>69</sup> Therefore, Hamilton and the conservatives were still clearly worried by the remaining extent of radical support within the House.

### *(iii) The Committee Structure of the Sixth Session of the First Triennial Parliament.*

18 session committees and five interval committees have been analysed (see appendices 40 and 41). 30 nobles form the total field of nobles included on the 18 session committees (see appendix 40). Of the 18 session committees, eight had financial remits, five had remits relating to losses and two had executive remits. The remaining three session committees were issued with military, judicial and procedural remits respectively.<sup>70</sup>

Crawford-Lindsay, President of Parliament, and Loudoun, Chancellor were included on all 18 session committees as supernumeraries. This was due to the fact that they were included

as supernumeraries on the relevant 14 committees. Southesk served on a total of six session committees (33%), while Cassillis and Glencairn were included on five session committees (28%) each. Burleigh and Lanark served on four session committees (22%) each. The remaining 23 nobles were included on three or less session committees. In terms of the total number of committees any noble was included on, influence was therefore balanced between radicals (Cassillis and Burleigh) and conservatives (Southesk and Glencairn).<sup>71</sup>

Limited noble common membership of the eight financial parliamentary session committees exists (see appendix 40). Both Winton and Loure were included on identical financial session committees (the Committee for Lord Humble's Accounts and the Committee for the Subcollectors). In addition, Barganie was included on both such committees as well as the Committee for the Collectors' Books. Cassillis and Tullibardine also secured membership of identical financial session committees (the Committee for Processes, Monies and Excise and the Committee for Considering and Clearing the Common Burdens). Glencairn was included on the Committee anent the Excise and the Committee for Middleton's Recompense, whilst Marischal secured nomination to the Committee anent the Excise and the Committee for Considering and Clearing the Common Burdens. Therefore noble common membership was primarily conservative with Cassillis and Marischal being the only noted radical nobles.<sup>72</sup>

Noble common membership of the five session committees concerned with losses was even more limited (see appendix 40). Only one noble included on the Committee anent the Losses was also included on any of the four other committees concerned with losses. Burleigh secured membership of both the Committee anent the Losses and the Committee for Aberdeen, Stirling, Glasgow and other distressed Burghs and Shires. However, Southesk was included on three out of four of the other losses committees. No nobles included on the Committee anent the Losses was also included on the Committee for Bills, Ratifications and Losses. Where noble common membership of session committees concerned with losses actually existed, it was therefore split between radicals (Burleigh) and conservatives (Southesk). With regard to the two executive session committees (the Committee for the Common Burdens of 10th November 1646 and the Committee for revising the Acts of the Committees of Estates, Processes and Monies), no noble common membership exists, apart from the two supernumeraries (see appendix 40). Restricted noble common membership also existed between the judicial session committee, the Committee for drawing up of the Proclamation against Malignants, and the Committee for Processes, Monies and Excise. Only Southesk was included on both committees, apart from the two supernumeraries (see appendix 40).<sup>73</sup>

31 gentry form the total field of gentry included on the 18 session committees (see appendix 40). Cochrane of Cowdoun (Ayr) served on a total of six session committees (33%), while Johnston of Wariston (Edinburgh), Weymes of Bogie (Fife), and Dundas of

Maner (Linlithgow) were included on a total of five session committees each (28%). Brodie of that ilk (Elgin) served on four session committees (22%). The remaining 26 gentry were included on three or less session committees.<sup>74</sup>

Common membership of financial session committees was more marked amongst the gentry compared to the noble estate (see appendix 40). Dundas of Maner (Linlithgow) gained membership of four such committees, whilst Weymes of Bogie (Fife), Brodie of that ilk (Elgin) and Cochrane of Cowdoun (Ayr) were each included on three financial session committees. Three of the above gentry were included on the Committee for considering and clearing of the Common Burdens, two were included on the Committee for Processes, Monies and Excise, two on the Committee for Lord Humble's Accounts, two on the Committee for the Accounts of the £200 000 sterling and two on the Committee for the Subcollectors (see appendix 40).<sup>75</sup>

In common with the noble estate, gentry common membership of the five session committees relating to losses was restricted (see appendix 40). No laird included on the Committee anent the Losses secured membership of any of the four other such committees (see appendix 40). Of these four such committees, only one laird was included on more than one of the four losses' committees. Johnston of Wariston (Edinburgh), the noted radical laird, was included on the Committee for Sir William Dick's Bill and the Committee for the Business of Argyll (see appendix 40). No gentry common membership exists with regard to the two executive session committees. Furthermore, no laird included on either of the two executive session committees, was included on the procedural session committee, the Committee for Bills, Ratifications and Losses (see appendix 40 ). No gentry common membership exists between the judicial session committee, the Committee for drawing up of the Proclamation against Malignants, and the Committee for Processes, Monies and Excise (see appendix 40).<sup>76</sup>

32 burgesses form the total field of burgesses included on the 18 session committees (see appendix 40). John Kennedy (Ayr) served on a total of six session committees (28%). John Semple (Dumbarton), Edward Edgar (Edinburgh) and John Hay (Elgin) each served on a total of four session committees (22%). Robert Farquhar (Aberdeen), William Glendoning (Kirkcudbright), George Jamieson (Coupar), John Forbes (Inverness), George Garden (Burntisland) and Robert Cunningham (Kingshorn) were included on three session committees each (17%). The remaining 22 burgesses were included on two or less session committees (see appendix 40).<sup>77</sup>

In line with the noted trend evident from noble and gentry common membership of financial session committees, burghal common membership of such committees was also limited (see appendix 40). John Kennedy (Ayr) was included on three financial session committees, whilst Edward Edgar (Edinburgh), James Pedie (Montrose) and George Garden (Burntisland) were included on two financial session committees. Three of these burgesses



were members of the Committee for Lord Humble's Accounts, two were members of the Committee anent the Excise and two were members of the Committee for Processes, Monies and Excise (see appendix 40).<sup>78</sup>

As with gentry common membership vis-a-vis the five session committees concerned with losses, no burgess included on the Committee anent the Losses secured membership of any of the other four losses' committees (see appendix 40). Indeed, only one burgess gained membership of more than one of the remaining four losses' committees. John Kennedy (Ayr) was included on the Committee for Sir William Dick's Bill and the Committee for Aberdeen, Stirling, Glasgow and other distressed Burghs and Shires (see appendix 40). Hence the western burgess who was to the fore regarding burghal common membership of financial committees, was also the only burgess nominated to more than one losses' committee. No burghal common membership exists with regard to the two executive session committees (see appendix 40). Moreover, no burgess included on either of the executive session committees gained membership to the one procedural session committee, the Committee for Bills, Ratifications and Losses (see appendix 40). Only one burgess included on the one judicial session committee, the Committee for drawing up of the Proclamation against Malignants, was also included on the Committee for Processes, Monies and Excise (see appendix 40). John Semple (Dumbarton) was the one such burgess.<sup>79</sup>

30 nobles form the total field of nobles included on the five interval committees (see appendix 41). Lothian and Loudoun served on three interval committees (60%). 18 further nobles served on two interval committees (33%) and 10 served on one interval committee (17%). Therefore it was radical nobles that were included in the largest number of interval committees. 17 out of the 22 nobles (77%) who were included on the Committee for Plantation of Kirks and Valuation of Teinds were also included on the Committee of Estates. All nobles included on the Committee for the Exchequer were also included on the Committee of Estates. On the other hand, none of the nobles included on the Committee anent the Excise gained membership of the Committee of Estates (see appendix 41).<sup>80</sup>

43 gentry form the total field of gentry included on the five interval committees (see appendix 41). Five gentry served on a total of three interval committees each; Johnston of Wariston (Edinburgh), Weymes of Bogie (Fife), Lockhart of Lee (Lanark), MacDowall of Garthland (Wigtown) and Fletcher of Innerpeffer (Forfar). 14 further gentry were included on two interval committees each and 24 served on one interval committee each only (see appendix 41). 17 of the 42 gentry analysed (40%) were not members of Parliament as per 3rd November 1646 (see appendices 12 and 41). 16 of the 28 gentry (57%) included on the Committee for Plantation of Kirks and Valuation of Teinds were also included on the Committee of Estates of 20th March 1647. Furthermore, four out of the 10 gentry included on the Committee for the Exchequer were also members of the Committee of Estates. Two of the three gentry included on the Committee anent the Excise were also members of the

Committee of Estates (see appendix 41).<sup>81</sup>

36 burgesses form the total field of burgesses included on the five interval committees (see appendix 41). William Glendoning (Kirkcudbright) was included on three interval committees (60%). Eight further burgesses were included on two interval committees and 27 were included on one interval committee only (see appendix 41). 15 of the 36 burgesses analysed (42%) were not members of Parliament as per 3rd November 1646 (see appendices 12 and 41). 10 of the 21 burgesses (48%) included on the Committee for Plantation of Kirks and Valuation of Teinds were also included on the Committee of Estates. None of the burgesses included on the Committee anent the Excise were included on the Committee of Estates and no burgesses were included on the Committee for the Exchequer (see appendix 41).<sup>82</sup>

Almost equal numbers per estate were therefore employed on the session committees (30 for the nobility, 31 for the gentry and 32 for the burgesses). Within each estate the total number of session committees that any one noble, gentry or burgess was included on was six. Although 30 nobles were also employed on the interval committees, 38 burgesses and 43 gentry were employed on the interval committees. Therefore, the parity of nobles, gentry and burgesses employed on session committees was not matched by those employed on interval committees, where the gentry and the burgesses outstripped the noble estate. The bulk of the gentry were primarily concentrated on the Committee of Estates and the Committee for Plantation of Kirks and Valuation of Teinds. Individual analysis of session committees has shown the growing strength of conservative nobles within Parliament. Furthermore, consideration of all such conservative nobles individual total figures provides further evidence of the growing power of that grouping.<sup>83</sup>

In geographic terms session committees were primarily staffed by eastern gentry and burgesses. Representatives from the west and the Borders were concentrated mainly on financial committees and committees dealing with Ireland. Highland representatives were to be particularly found on session committees relating to losses. Gentry and burghal membership of interval committees was mainly eastern.

### *(iii) The Appointment of Parliamentary Interval Committees.*

Two parliamentary interval commissions were renewed and two new parliamentary interval commissions were issued. The Commission for Plantation for Kirks and Valuation

of Teinds was renewed on 24th March 1647 and the Commission of the Exchequer was renewed on 25th March 1647. A new Commission anent the Excise was issued on 10th March and a new Committee of Estates was constituted on 20th March (see appendix 41).<sup>84</sup>

Five direct changes in membership took place in the Commission for Plantation of Kirks and Valuation of Teinds. Douglas of Bonjedburgh, Sir Thomas Hope of Craighall and Campbell of Auchinbreck were now dead and Cunningham of Capringtoun was barred due to being charged with compliance with the rebels. John Maitland, 1st Earl of Lauderdale was also now deceased. Direct replacements were provided for all these individuals. Beaton of Creich (Fife) replaced Douglas of Bonjedburgh, Brodie of that ilk (Elgin) replaced Campbell of Auchinbreck, Johnston of Wariston (Edinburgh) replaced Hope of Kerse and John Maitland, 2nd Earl of Lauderdale replaced his father.<sup>85</sup> In addition, four further members per estate were adjoined to the commission. All nobles added were conservatives (Hamilton, Buccleuch, Callander and Barganie). Gentry additions were primarily eastern but also included western and Borders' representation. Burghal additions were all eastern bar one burgess from the central belt who was not a member of Parliament as per 3rd November 1646.<sup>86</sup>

The Commission to the Exchequer of 1st February 1645 was renewed on 25th March 1647. Only one change in membership took place. Johnston of Wariston, Lord Advocate, replaced Sir Thomas Hope of Craighall, previous Lord Advocate, who was now deceased.<sup>87</sup>

The Committee anent the Excise was instituted on 10th March. Two per estate formed its membership (see appendix 41). Noble representation was balanced between radicals (Burleigh) and conservatives (Southesk). One noble (Burleigh), one gentry (Dundas of Maner) and both burgesses (George Jamieson and George Garden) had also been included on the parliamentary interval committee, the Committee for Monies, Processes and Excise of 3rd February 1646 (see appendices 34 and 41). Therefore there was a strong degree of continuity of personnel between the two committees. Despite the inclusion of Southesk, ~~the~~ political orientation of the Committee anent the Excise was radical.<sup>88</sup>

A new commission to the Committee of Estates was issued on 20th March 1647. The membership of this committee must be viewed in light of the growing tensions between the conservatives, led by Hamilton, and the radicals led by Argyll. On 11th March the diplomatic section of the Committee of Estates (constituted on 8th March 1645) to negotiate with the English Parliament was renewed. This contingent of the Committee of Estates was dominated by radicals. However, four of the commissioners were to be sent to England ahead of the remaining commissioners; Lauderdale, Erskine of Cambuskenneth (Clackmannan), Hugh Kennedy (Ayr) and Robert Barclay (Irvine) formed this grouping. It was significant that Lauderdale was to be sent ahead of the influential radicals Argyll and Balmerino. Following the earlier parliamentary decision to hand Charles I over to the English Parliament, Lauderdale had aligned himself more closely to Hamilton and Lanark;

at the same time Lanark had terminated his working relationship with Argyll.<sup>89</sup> Jean de Montereul, the contemporary French diplomatic representative in Scotland, observed that a "middle course " had been adopted in dispatching Lauderdale to England before the other nobles. It had been adopted to placate Hamilton and the conservatives who had failed to have the membership of the diplomatic section altered. According to this analysis Lauderdale was the one noble on the diplomatic section " least mistrusted " by Hamilton.<sup>90</sup> Nevertheless, although the strength of the conservatives was on an upward spiral throughout the parliamentary session, the radicals still had enough power to retain their control of the diplomatic section and indicates that they were still a powerful parliamentary grouping over all three estates. To counter this, however, new diplomatic instructions issued to be followed by the commissioners were of a more flexible nature. Presbyterian government and reformation were to be along the lines of the Covenant in England. If Charles finally accepted the Newcastle Propositions the English Parliament was to restore him to his throne and if he refused the Scottish diplomatic commissioners were to prevent anything to his disadvantage. The tenor of these instructions was clearly that of the conservatives.<sup>91</sup>

*Table 12. The numerical composition of the Committee of Estates, 3rd February 1646, and the Committee of Estates, 20th March 1647 (including supernumeraries).<sup>92</sup>*

	Nobles	Gentry	Burgesses	Total
20th March 1647	26	25	25	76
3rd February 1646	19	17	16	52

The Committee of Estates of 20th March 1647 witnessed a rise of seven nobles, eight gentry and nine burgesses (24 individuals in total, see table 3). The Committee of Estates of 20th March 1647 also had near parity of membership per estate.<sup>93</sup>

15 out of the 26 nobles (58%), 12 out of the 25 gentry (48%) and 12 out of the 25 burgesses (48%) included on the Committee of Estates of 20th March 1647 had also been included on the Committee of Estates of 3rd February 1646 (see appendices 34 and 41). In order to put this data within a proper perspective, it should be stated that any legislation of

the fifth parliamentary session had stipulated that those members of the Committee for Monies and Processes and Excise of 3rd February 1646 could not be included on the Committee of Estates (or any other interval commission).<sup>94</sup>

Excluding the Scottish diplomatic grouping to be sent to England, the Committee of Estates was not split into sections. Thus the structure of the 1647 Committee of Estates did not maintain the accustomed form apparent from the 1640 Committee of Estates throughout the 1640s. The membership of the 1647 Committee of Estates was also strongly based on parliamentary membership. Only one gentry and six burgesses were not members of Parliament as per 3rd November 1646 (see appendices 12 and 41). Gibson of Durie, Clerk Register, was the relevant gentry. Three of the burgesses were on the diplomatic section and had probably been in London at the opening of the sixth parliamentary session; Sir John Smith (Edinburgh), Hugh Kennedy (Ayr) and Robert Barclay (Irvine). The remaining three burgesses were John Scott (Edinburgh), Archibald Todd (Edinburgh) and James Stewart, General Collector of the Excise.<sup>95</sup>

The membership of the Committee of Estates of 20th March 1647 altered the political balance between the radicals and conservatives in favour of the latter grouping. The conservatives, led by Hamilton, claimed that the majority of the Committee of Estates aligned themselves to Hamilton. Even the radicals, led by Argyll, conceded that they were outnumbered within the noble representation. The radicals strongly argued that they nevertheless had the backing of half of the gentry and three quarters of the burgesses on the Committee of Estates.<sup>96</sup> The most telling indication that power had swung to the conservatives within the noble representation was provided by the notorious Traquair, one of the leading Incendaries of 1637-41. The rehabilitation of Traquair had commenced on 26th December 1646 when Parliament admitted him to sit and vote in Parliament, after approval by the Kirk and the Committee of Estates and his subscription of the parliamentary oath. Moreover Wariston had moved on 26th December 1646 that Traquair should be allowed to proceed to Newcastle to persuade Charles I to sign the National Covenant. Parliament left it to Traquair whether he went or not. It would therefore appear that the radicals had allowed Traquair back into Parliament as they believed or had been persuaded that he could get Charles to sign the National Covenant. Traquair's inclusion on the 1647 Committee of Estates had proved that the radicals had made a major policy blunder.<sup>97</sup>

The strong grouping of conservative nobles (as per March 1647) on the Committee of Estates included at least Hamilton, Morton, Tullibardine, Roxburgh, Buccleuch, Traquair, Lanark, Callander, Lauderdale, Balcarras, Barganie, Crawford-Lindsay and Glencairn (see appendix 41). Radical nobles were clearly outnumbered. Accepting Montereul's analysis, the gentry were split between the radicals and conservatives and a greater majority of the burgesses were aligned to the radicals.<sup>98</sup>

## (2) Conclusion.

Tensions and changes in Anglo-Scottish relations vis-a-vis the disposal of Charles I had therefore produced profound consequences in the political balance of power between conservatives and radicals. Previous parliamentary sessions of the First Triennial Parliament had witnessed the trend of a working relationship between conservatives and radicals, with conservative nobles gaining increasing access to session and interval committees. The return of the influential Hamilton to Scotland and his return to parliamentary business provided a figure which the conservatives could rally round and challenge Argyll and the radicals. Nevertheless, Hamilton clearly blundered in his political judgement by refusing to take up the cause of the king during late November and early December 1646 when he was being advised to do so. By the time he decided to move on the issue a deal had already been struck between the Scottish diplomatic commissioners and the English Parliament. The refusal of Charles I to accept the Newcastle Propositions had resulted in the crucial vote of 16th January (sanctioning the Scottish army to leave England and leave the king under the control of the English Parliament) and the payment of the arrears due to the Scots on 30th January and 3rd February 1647. This destroyed any possible radical-conservative rapprochement and indicated the still prevalent parliamentary strength of the radicals. By the close of the Sixth Session of the First Triennial Parliament conservative nobles were in the driving seat and had succeeded in marginalising the radical nobles on the Committee of Estates. Some gentry and burgesses, albeit a minority, had also swung over to Hamilton and the conservatives, although the majority of these two estates still adhered to Argyll. The scene was now set for a bitter power struggle between Argyll and Hamilton in the Committee of Estates; a battle that would be resolved in favour of the conservatives and would result in the Engagement of 1647-48.

1. J.K Hewison, *The Covenanters. A History of the Church in Scotland from the Reformation to the Restoration*, volume 1, (Glasgow, 1913), 441.

2. Stevenson, *Revolution and Counter-Revolution in Scotland*, 72-75; CSPV, 1643-1647, 292; *The Memoirs of Henry Guthry*, 231-234; Menteith of Salmonet, *The History of the Troubles of Great Britain*, 247; Burnet, *Memoirs of the Dukes of Hamilton*, 293; Clarendon, *History of the Rebellion*, volume IV, 212; GUL Ogilvie Collection 446B, *Some Papers Given in by the Commissioners of the Parliament of Scotland, To the Honourable Houses of the Parliament of England. In Answer to their votes of the 24 of September 1646. Concerning The disposing of His Majesties Person. To which is added, The Speeches of the Lord Chancellour of Scotland (Edinburgh, 1646), 1-4; Severall Speeches, Spoken by the Right Honourable The Earle of Loudoun,*

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*Lord high Chancellour of the Kingdome of Scotland: At a Conference with a Committee of the Honourable Houses in the Painted Chamber, October 1646 (Edinburgh, 1646), 33-45.*

3. APS, vi, i, 474-475, 612-613. See appendix 10.
4. *Ibid.* See appendices 10 and 11. Despite the high attendance levels of 3rd November 1646 Hamilton commented that the Estates had assembled on 3rd November " but in no frequent number in regard of the extraordinarie bade wedder "- SRO Hamilton Papers, GD 406/1/2098. Hamilton's comments must be taken in light of the fact that he had not attended the parliamentary sessions of the First Triennial Parliament due to his imprisonment in England and had only been released in April 1646.
5. APS, vi, i, 612-613; see appendices 10, 11 and 12. The 22 shires which were represented by two commissioners of the shires each were as follows: Edinburgh, Fife, Linlithgow, Lanark, Dumfries, Dumbarton, Stirling, Haddington, Berwick, Elgin, Nairn, Ayr, Kincardine, Roxburgh, Perth, Wigtown, Aberdeen, Renfrew, Forfar, Selkirk, Inverness and Argyll. The six shires which were represented by one commissioner of the shire each were as follows: Caithness, Banff, Kirkcudbright, Clackmannan, Sutherland and Peebles.
6. *Ibid*, 612-613. See appendices 10, 11 and 12; SRO Hamilton Papers GD 406/1/2098. *The Memoirs of Henry Guthry*, 234.
7. APS, vi, i, 614.
8. SRO Hamilton Papers, GD 406/1/2098.
9. SRO Hamilton Papers, GD 406/1/2099.
10. APS, vi, i, 612-856; Stevenson, *Revolution and Counter-Revolution in Scotland*, 76.
11. APS, vi, i, 612-613, 617. The Earl of Winton was the one new noble required to subscribe the parliamentary oath on 3rd November 1646. Sir Alexander Sutherland of Duffus (Sutherland), John Home of Blackadder (Berwick), Sir Alexander Morrison of Prestongrange (Peebles), James Skene of that ilk (Aberdeen) and John Kennedy of Kermukes (Aberdeen), and Sir Archibald Stirling of Carden (Stirling) constituted the six new gentry required to subscribe the parliamentary oath on 3rd November 1646. Edward Edgar (Edinburgh), David Douglas (Edinburgh), John Hay (Elgin) and Thomas Cranston (Lawder) constituted the four new burgesses required to subscribe the parliamentary oath. The Earl of Dumfries was the one new noble required to subscribe the parliamentary oath on 10th November 1646. Ninian Dunbar of Grangehill (Elgin), Walter Scott of Hartwoodburne (Selkirk) and Hugh Rose of Kilravock (Nairn) constituted the three new gentry required to subscribe the parliamentary oath on 10th November 1646. William Dunbar (Forres), William Lowes (Peebles), George Lawtie (Cullen), John Forbes (Inverness), Gilbert More (Banff) and James

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Moncrieff (Crail) constituted the six new burgesses required to subscribe the parliamentary oath on 10th November 1646.

12. *Ibid*, 615; *The Memoirs of Henry Guthry*, 233.

13. *APS*, vi, i, 616-617. See appendix 40.

14. Stevenson, *Revolution and Counter-Revolution in Scotland*, 76; Stevenson, *Government Under the Covenanters*, 177.

15. *APS*, vi, i, 616.

16. *Ibid*, 616; Stevenson, *Revolution and Counter-Revolution in Scotland*, 76.

17. *APS*, vi, i, 616-617. Lockhart of Lee (Lanark), Belshes of Toftis (Berwick), Cochrane of Cowdoun (Ayr), Hamilton of Beill (Haddington), Beaton of Creich (Fife), MacDowall of Garthland (Wigtown), Campbell of Cessnock (Ayr), Foullis of Collinton (Edinburgh) and Dundas of Maner (Linlithgow) were the nine remaining gentry representatives. Edward Edgar (Edinburgh), Sir Alexander Wedderburne (Dundee), Robert Farquhar (Aberdeen), James Lenton (St. Andrews), George Jamieson (Coupar), John Johnstone (Dumfries), John Rutherford (Jedburgh) and William Glendonning (Kirkcudbright) formed the remaining eight burgesses included on the Committee for the Common Burdens. See appendix 40. Both gentry and burghal representation on the Committee for the Common Burdens was primarily eastern, but also included a western presence and representation from the Borders. In terms of geographical representation five gentry and five burgesses represented eastern shires and burghs, three gentry and two burgesses represented western shires and burghs, and two gentry and three burgesses represented shires and burghs from the Borders.

18. SRO Hamilton Papers, GD 406/1/2147.

19. *APS*, vi, i, 570, 616. See appendices 34 and 40. Lockhart of Lee (Lanark), Belshes of Toftis (Berwick), Hamilton of Beill (Haddington), Beaton of Creich (Fife), MacDowall of Garthland (Wigtown), Campbell of Cessnock (Ayr) and Dundas of Maner (Linlithgow) were the seven remaining gentry included on the Committee for the Common Burdens of 10th November 1646 who had also been included on the Committee of Estates of 4th February 1646. Sir Alexander Wedderburne (Dundee), Robert Farquhar (Aberdeen), John Johnstone (Dumfries) and William Glendonning (Kirkcudbright) were the remaining four burgesses included on both committees. Of the eight gentry common members included on both the Committee for the Common Burdens of 10th November and the Committee of Estates of 4th February, four represented eastern shires, whilst two represented western shires and two represented shires from the Borders. Of the five burghal common members, two represented eastern burghs,



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two represented Borders' burghs and one represented a western burgh. It should be noted that this analysis must be viewed in light of the fact that in the Fifth Session of the First Triennial Parliament members of the parliamentary interval committee the Committee for Monies were not to serve on any other interval committee.

20. *Ibid*, 477-478, 616. Beaton of Creich (Fife), Lockhart of Lee (Lanark) and Hamilton of Beill (Haddington) were the three gentry included on both the Committee for the Dispatches of 1st December 1645 and the Committee for the Common Burdens of 10th November 1646. Sir Alexander Wedderburne (Dundee) and George Jamieson (Coupar) were the two burgesses included on both such committees. Of the three gentry included on both the Committee for the Dispatches of 1st December 1645 and the Committee for the Common Burdens of 10th November 1646, two represented eastern shires and one represented a western shire. Both burgesses included on both such committees represented eastern burghs. See appendices 33 and 40.

21. *Ibid*, 616.

22. *Ibid*. Falconer of Halkerton (Kincardine), Mercer of Adie (Perth), Grierson of Lag (Dumfries) and John Home of Blackadder (Berwick) formed the gentry representation. David Douglas (Edinburgh), Robert Bell (Linlithgow), David Simpson (Dysart) and David Spence (Rutherglen) formed the burghal representation. Gentry representation was spilt equally between the east and the Borders. Burghal representation was eastern in the ratio of 3:1 compared with the west. See appendix 40.

23. *Ibid*.

24. *Ibid*, 617. Winton, Loure and Barganie constituted the noble representation on the Committee for the Accounts of Hepburne of Humble. Wymes of Bogie (Fife), Carnegie of Pittarrow (Kincardine) and Brodie of that ilk (Elgin) constituted the gentry representation. John Kennedy (Ayr), James Pedie (Montrose) and George Garden (Burntisland) constituted the burghal representation. Gentry representation was concentrated on the east and the north east. Burghal representation was eastern in the ratio of 2:1 compared to the west. See appendices 33 and 40.

25. *Ibid*, 478, 484-485, 612-856, 616-617.

26. *Ibid*, 478, 484-485, 616-617. See appendices 33 and 40.

27. *Ibid*, 478, 616-617. Fletcher of Innerpeffer (Forfar), Cockburn of Clerkington (Haddington), Duffus of Sutherland (Sutherland) and Agnew of Lochnaw (Wigtown) constituted the four gentry included on the Committee for Bills, Ratifications and Losses. John Short (Stirling), John Forbes (Inverness), John Hay (Elgin) and Robert Cunningham (Kinghorn) constituted the four burgesses on that committee. The geographical format of gentry representation was centred on the east coast with

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two representatives, but also included representation from the Highlands and the Borders. Burghal representation included two representatives from the Highlands and the far north east, as well as one representative each from the east and the central belt. See appendices 33 and 40.

28. *Ibid*, 616.

29. *Ibid*, 616-617, 623.

30. SRO Hamilton Papers, GD 406/1/2099.

31. APS, vi, i, 619.

32. *Ibid*, 476-477, 567-570, 624, 631-632. Dundas of Maner (Linlithgow), Cochrane of Cowdoun (Ayr) and Weymes of Bogie (Fife) were the gentry included on both the interval committee of 3rd February 1646 and the session committee of 28th November 1646. Gentry common membership on the committees of 3rd February and 28th November was eastern in the ratio of 2:1 compared to the west. Of the three gentry representatives on the committee of 28th November 1646, membership was eastern in the ratio of 2:1 compared to the west. Burghal representation, on the other hand, was western in the ratio of 2:1 compared to the east. Of the three gentry representatives on the committee of 28th November 1646, membership was eastern in the ratio of 2:1 compared to the west. Burghal representation, on the other hand, was western in the ratio of 2:1 compared to the east. See appendices 33, 34 and 40.

33. *Ibid*, 624, 627.

34. *Ibid*, 624. Yester was the remaining noble member on the committee. Agnew of Lochnaw (Wigtown), MacDowall of Garthland (Wigtown) and Cochrane of Cowdoun (Ayr) represented the gentry. John Kennedy (Ayr), William Glendoning (Kirkcudbright) and Robert Brown (Irvine) represented the burgesses. Gentry membership was based exclusively on the western Borders and burghal representation on the Committee for the Irish Business was concentrated on the west coast of the country and the western Borders. See appendix 40.

35. *Ibid*, 567-570, 624, 627-628. Fletcher of Innerpeffer (Forfar), Foullis of Colinton (Edinburgh) and Ruthven of Frieland (Perth) formed the grouping of remaining gentry. Robert Farquhar (Aberdeen) and John Forbes (Inverness) formed the grouping of remaining burgesses. Gentry representation on the Committee anent the Excise was exclusively eastern. Burghal membership was centred on the east but also included representatives from the west and the Highlands. See appendices 34 and 40.

36. *Ibid*, 632. Winton, Loure and Barganie represented the nobility on the committee. Baillie of Lamington (Lanark), Cochrane of Cowdoun (Ayr) and Brodie of that ilk (Elgin) represented the gentry. John Johnstone (Dumfries), George Garden (Burntisland) and Gideon Jack (Lanark) represented the

burgesses. Gentry membership was particularly western, but also included north eastern representation. Burghal membership was balanced between the west, the Borders and the east. For once western representation of the outstripped that of the east. See appendix 40.

37. *Ibid*, 484-485, 572-573, 616-617, 632. Elphinstone was the remaining noble member on the Committee anent the Losses of 10th December 1646. Belshes of Toftis (Berwick), Weymes of Bogie (Fife) and Brodie of that ilk (Elgin) formed the three remaining gentry representatives. John Hay (Elgin), David Simpson (Dysart) and Thomas Brown (Irvine) formed the remaining three burgess representatives. The geographical formation of gentry membership was focused on the east and the north east, but also included Borders' representation. Burghal membership was focused on the Highlands and the north east, but also contained representation from the Borders. See appendices 33, 34 and 40.

38. *Ibid*, 632.

39. *Ibid*, 616-617, 632.

40. SRO Hamilton Papers, GD 406/1/2104; APS, vi,i, 623-624, 669-671; Stevenson, *Revolution and Counter-Revolution in Scotland*, 76; Burnet, *Memoirs of the Dukes of Hamilton*, 294.

41. Stevenson, *Revolution and Counter-Revolution in Scotland; The Memoirs of Henry Guthry*, 234.

42. *The Memoirs of Henry Guthry*, 234.

43. *Ibid*.

44. SRO Hamilton Papers, GD 406/1/2147; APS, vi, i, 616, 634; Burnet, *Memoirs of the Dukes of Hamilton*, 306; *The Memoirs of Henry Guthry*, 234; Baillie, *Letters and Journals*, iii, 4-5; Peterkin, *Records of the Kirk*, 427-428; Stevenson, *Revolution and Counter-Revolution in Scotland*, 77-78; Brown, *Kingdom or Province*, 130.

45. APS, vi, i, 635, 636-637, 638, 641-642, 645-646. See appendices 12 and 41. Stevenson, *Revolution and Counter-Revolution in Scotland*, 78; *The Memoirs of Henry Guthry*, 234; Burnet, *Memoirs of the Dukes of Hamilton*; CSPV, 1643-1647, 299-301.

46. W.S Shepherd, *The Politics and Society of Glasgow, 1648-74*, (University of Glasgow, Ph.D thesis, 1978), 36-37; APS, vi, i, 639.

47. APS, vi, i, 688; *Aberdeen Council Letters*, ed. L.B. Taylor, volume three, (Oxford, 1952), 76-77.

48. APS, vi, i, 639-640. Grierson of Lag (Dumfries) was the remaining gentry representative. John Semple (Dumbarton) and John Hay (Elgin) represented the burgesses. Gentry membership

based on Borders and eastern representation whilst burghal representation based on the west and the north east. See appendix 40.

49. *Ibid*, 679. Grierson of Bargattoun (Kirkcudbright) and Brodie of that ilk (Elgin) represented the gentry. John Hay (Elgin) and Gilbert More (Banff) represented the burgesses. Gentry representation was spilt between the Borders and the north east, whilst burghal membership was exclusively north eastern. The dominance of north eastern representatives may well be a reflection of the continuance of malignancy in that part of the country. See appendix 40.

50. *Ibid*, 659-660; Stevenson, *Revolution and Counter-Revolution in Scotland*, 79; Burnet, *Memoirs of the Dukes of Hamilton*, 311.

51. APS, vi, i, 669; *The Memoirs of Henry Guthry*, 237-238; Stevenson, *Revolution and Counter-Revolution in Scotland*, 80; Lynch, *Scotland, A New History*, 275; Sir James Turner, *Memoirs of His Own Life and Times*, T. Thomson, ed. (Bannatyne Club, 1829), 43.

52. APS, vi, i, 672-674, 676; *The Memoirs of Henry Guthry*, 240; Stevenson, *Revolution and Counter-Revolution in Scotland*, 82; Baillie, *Letters and Journals*, ii, 511. A plethora of legislation relating to the minutae relating to the disbanding of the army and the forwarding of the maintainance for its disbandment was passed on 5th February, 6th February, 10th February, 20th February and 25th February 1647 (APS, vi, i, 684, 684-685, 686-688, 689-691, 700-703, 708-710).

53. APS, vi, i, 669, 712. Lockhart of Lee (Lanark), Dundas of Maner (Linlithgow) and Cochrane of Cowdoun (Ayr) represented the gentry. James Robertson (St. Andrews), George Jamieson (Coupar) and George Garden (Burntisland) represented the burgesses. Whilst gentry representation was western in the ratio of 2:1 compared to the east, burghal membership was exclusively eastern. See appendices 34 and 40.

54. *Ibid*, 567-570, 612-613, 616, 624, 675, 677. Balfour of Denmilne (Fife) and Robert Hamilton of Torrens ( ) were added for the gentry and John Binnie (Edinburgh) was added for the burgesses to the Committee for Considering and Clearing the Common Burdens on 30th January 1647. Neither Balfour of Denmilne, Hamilton of Torrens nor John Binnie were members of Parliament as per 3rd November 1646. All gentry and burghal additions were primarily eastern. Indeed, the additions of 30th January tilted the geographic balance of gentry and burghal representation even further in favour of the east coast. Cochrane of Cowdoun (Ayr) and Dundas of Maner (Linlithgow) were the two gentry included on the Committee for the Common Burdens of 10th November 1646 and the Committee for Considering and Clearing the Common Burdens of the Kingdom. George Jamieson (Coupar) was the burgess included on both committees. Cassillis, Tullibardine were the two nobles and, Cochrane of Cowdoun and Dundas of Maner the two gentry who had

also been included on the Committee for Processes, Monies and Excise of 28th November 1646. See appendices 12, 34 and 40.

55. *Ibid*, 616-617, 624, 632, 642, 675, 732-827.

56. *Ibid*, 643. Lockhart of Lee (Lanark) was the remaining gentry representative on the committee. Robert Cunningham (Kinghorn) and John Auchterlony (Arbroath) represented the burgesses. Gentry membership was balanced between east and west, whilst burghal membership was exclusively eastern. See appendix 40.

57. *Ibid*, 612-613, 624, 675. See appendices 12 and 40.

58. *Ibid*, 625. Lockhart of Lee (Lanark) and Weymes of Bogie (Fife) were the two remaining gentry members on the committee. John Short (Stirling) and William Glendoning (Kirkcudbright) were the two remaining burgess members on the committee. Gentry membership was eastern in the ratio of 2:1 compared to the west, whilst burghal membership was balanced between the west, the central belt and the Borders. See appendix 40.

59. *Ibid*, 642. Grierson of Bargattoun (Kirkcudbright) and Walter Scott of Hartwoodburne (Selkirk) represented the gentry on this committee. John Kennedy (Ayr) and James Robertson (St. Andrews) represented the burgesses. Gentry representation consisted exclusively of Borders' lairds. Burghal representation was balanced between western and eastern burgesses. See appendix 40.

60. *Ibid*, 732-827; A.I MacInnes, "The Impact of the Civil Wars and Interregnum: Political Disruption and Social Change within Scottish Gaelicdom" in *Economy and Society in Scotland and Ireland, 1500-1939*, ed. R. Mitchison and P. Roebuck (Edinburgh, 1988), 58-59. MacInnes lists the figures paid to Argyll and the other Campbell chiefs. The legislation of 26th March 1647 was in favour of Argyll and John Campbell of Calder in response to the devastation of Campbell lands and estates in Lorne, Kintyre, mid-Argyll and Cowal by Alexander MacColla and royalist Highland clans in 1645. The legislation of 26th March also stated that the payment of Argyll's pension was to come before payment of pensions to any other individuals; this was in spite of opposition from Hamilton, Lanark and Crawford-Lindsay. The legislation of 27th March ratified that of 26th March and also ratified legislation of 1644 and 1645 relating to the payment of money to Argyll. *The Memoirs of Henry Guthry*, 242, states that Hamilton was to receive £30 000 sterling (£360 000 Scots) for his losses. This was clearly a mistake on the part of the scribe.

61. APS, vi, i, 732-827; Archives of the Duke of Atholl, Blair Castle, Blair Atholl, Box 42 42.I. (1)-22-67 Papers of Political, Historical and General Interest, 42.I (I) 22.

62. APS, vi, i, 732-827.

63. *Ibid*.

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64. *Ibid*, 771.
  65. *Ibid*, 742.
  66. *Ibid*, 780, 812-816.
  67. *Ibid*, 612-613, 662, 677, 680, 686, 827-828; Stevenson, *Government Under the Covenanters*, 174-175.
  68. APS, vi, i, 855.
  69. J.G. Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre, French Ambassadors in England and Scotland, 1645-1648*, (SHS, Edinburgh, 1898), volume 2, 80; APS, vi, i, 856.
  70. APS, vi, i, 612-856. See appendix 40.
  71. *Ibid*.
  72. *Ibid*.
  73. *Ibid*.
  74. *Ibid*.
  75. *Ibid*.
  76. *Ibid*.
  77. *Ibid*.
  78. *Ibid*.
  79. *Ibid*.
  80. *Ibid*. See appendix 41.
  81. *Ibid*. See appendices 12 and 41.
  82. *Ibid*.
  83. *Ibid*. See appendices 40 and 41.
  84. *Ibid*, 727-731, 766-768, 778-779, 780. Appendix 41 lists the Commissioners for the Newcastle Negotiations of 31st December 1646 as an interval. Its commission was only to endure until the withdrawal of the Scottish army from England. By the close of the sixth session the commission was no longer in operation.
  85. *Ibid*, 199, 778-779.
  86. *Ibid*, 612-613, 778-779. Lockhart of Lee (Lanark), Belshes of Toftis (Berwick), Weymes of Bogie (Fife) and Foullis of Colington (Edinburgh) were added for the gentry. Archibald

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Sydserf (Edinburgh), Sir Alexander Wedderburne (Dundee), Robert Farquhar (Aberdeen) and John Short (Stirling) were added for the burgesses. Archibald Sydserf was not a member of Parliament as per 3rd November 1646. See appendix 12.

87. *Ibid*, 303-305, 780. See appendix 41.

88. *Ibid*, 567-570, 727-731. Balfour of Denmine (Fife) and Dundas of Maner (Linlithgow) represented the gentry. Balfour of Denmilne was the one laird who was not included on the Committee of Estates of 20th March 1647. George Jamieson (Coupar) and George Garden (Burntisland) represented the burgesses. Gentry and burghal representation was exclusively east coast. See appendices 34 and 41.

89. *Ibid*, 731, 766-768; Stevenson, *Revolution and Counter-Revolution in Scotland*, 85; J.G. Fotheringham (ed.), *Montereul Correspondence* volume 2, 13; Burnet, *Memoirs of the Dukes of Hamilton*, 313.

90. J.G. Fotheringham (ed.), *Montereul Correspondence*, volume 2, 64.

91. Stevenson, *Revolution and Counter-Revolution in Scotland*, 85-86.

92. APS, vi, i, 570-571, 766-767. See appendices 34 and 41.

93. *Ibid*.

94. *Ibid*, 546, 570-571, 766-767. 11 out of the 26 nobles (42%), 13 out of the 25 gentry (52%) and 13 out of the 25 burgesses (52%) included on the Committee of Estates of 20th March 1647 had not been included on the Committee of Estates of 3rd February 1646. See appendices 34 and 41.

95. APS, v, 282-284; *Ibid*, 612-613, 766-767. Gentry and burghal representation was dominated by the east. 11 out of 25 gentry and 13 out of 25 burgesses were from the east coast. Three gentry and six burgesses represented western shires and burghs, while six gentry and two burgesses were from the Borders. Furthermore, three gentry and three burgesses represented northern shires and burghs, whilst only one gentry and one burgess was from the central belt. See appendices 5, 12 and 41.

96. Stevenson, *Revolution and Counter-Revolution in Scotland*, 87; J.G. Fotheringham (ed.), *Montereul Correspondence*, volume two, 70-81, 83. Montereul's breakdown of party allegiances is not entirely clear. Two points can be taken from his analysis. Firstly, the radicals only had the support of around eight nobles on the Committee of Estates. Secondly, the radicals also had the backing of the supernumeraries apart from one or two.

97. APS, vi, i, 638-639; Stevenson, *Revolution and Counter-Revolution in Scotland*, 87.

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98. Party alignments cannot be quantified at this stage for the gentry and burgesses. Certainly radicals such as Johnston of Wariston and Dundas of Maner were included for the gentry, but many of the other gentry had parliamentary experience. Therefore, if 50% of the gentry followed Hamilton, such gentry cannot be identified at this juncture from the available historical data. This can only be done with scrutiny of the Committee of Estates in operation and analysis of the Engagement Parliaments. The assertion that 75% of the burgesses supported Argyll has further credibility as the many of the burgesses were leading radicals, such as Robert Barclay, John Semple, Archibald Sydserf, John Kennedy, George Porterfield, Hugh Kennedy, Robert Cunningham and William Glendoning. What cannot be quantified, however, is how many nobles, gentry and burgesses " changed sides " as events developed.



## **VII THE ASCENDANCY OF THE CONSERVATIVES: THE ENGAGEMENT AND THE ENGAGEMENT PARLIAMENT OF 1648.**

From 1639 until 1647 it had been the Scottish Parliament and Scottish military intervention in England in alliance with the English Parliament which had been of primary importance in British terms in determining the political course of the English Civil War. Following the close of the Sixth Session of the First Triennial Parliament it became increasingly apparent that the British perspective of the English Civil War and the relationship between the Scottish Parliament, the English Parliament and Charles I was being determined by events in England and the Scots were being marginalised. The Independent faction, under Cromwell, was now the dominant power group in the English Parliament and had no intention of imposing the Solemn League and Covenant on the English kingdom. The kidnapping of Charles I in June 1647 by the New Model Army controlled by the Independents transformed Anglo-Scottish relations and was to result in The Engagement of December 1647, the agreement between the Scottish conservative faction and Charles I. Military invasion of England once more took place; this time, paradoxically, it was an invasion led by the Scottish conservative faction which had secured control of the Committee of Estates and was now the dominant force within the Scottish Parliament and it was an invasion on behalf of Charles I.<sup>1</sup>

### ***(1) The Operation of Parliamentary Interval Committees, March 1647 to February 1648.***

Sederunts of the Committee of Estates are recorded from 30th March 1647 until 28th February 1648. Four sub-committees of the Committee of Estates were established, three of which were set up at the first meeting of the committee on 30th March 1647. The Committee for Losses, the Committee for Accounts and the Committee for Farming the Excise were all established on 30th March 1647. The Committee for the Bills was formed on 6th July 1647.<sup>2</sup>

One noble, five gentry and one burgess constituted the membership of the Committee for Losses. Of this membership only two gentry had been included on the parliamentary session committee, the Committee anent the Losses, of 10th December 1646. Belshes of Toftis (Berwick) and Weymes of Bogie (Fife) were the two such gentry (see appendix 40). One further gentry, Fletcher of Innerpeffer (Forfar), had been included on the parliamentary

session committee, the Committee for Bills, Ratifications and Losses, of 10th November 1646 (see appendix 40).<sup>3</sup>

The composition of the Committee for Accounts of 30th March 1647 was identical to that of the Committee anent the Excise, which sat as a parliamentary interval committee. The Excise Commission was to examine all public accounts remitted to the Committee of Estates and was then to report its conclusions to that committee as a whole. The Committee of Estates also established a subcommittee on 30th March 1647 which was to liaise and co-operate with the Excise Commission. The Committee for Farming the Excise was formed to take over one specific function of the Excise Commission, thus allowing that commission to concentrate on examining public accounts. Two per parliamentary estate formed its membership. None of the members of the Committee for Farming the Excise were members of the Excise Commission. One radical noble (Balmerino) and one conservative gentry (Fletcher of Innerpeffer) had been included on the parliamentary session committee, the Committee anent the Excise, of 3rd December 1646. Of the remaining members of the Committee for Farming the Excise, Barganie and Lockhart of Lee (Lanark) were conservatives, whilst Sir John Smith (Edinburgh) was the only noted radical.<sup>4</sup>

Only one member per estate constituted the membership of the Committee for Bills of 6th July 1647. None of the members had been included on the parliamentary session committee, the Committee for Bills, Ratifications and Losses, of 10th November 1646. Both noble representation (Barganie) and gentry representation (Cochrane of Cowdoun) was conservative.<sup>5</sup>

In terms of common membership of all four committees established by the Committee of Estates, Barganie served on three committees and Balmerino on two committees respectively. Fletcher of Innerpeffer (Forfar) and James Stewart (Edinburgh) also served on two committees each. Despite the fact that the radicals were outnumbered numerically on the Committee of Estates, they were still strong enough to have Balmerino and Johnston of Wariston (Edinburgh) included on subcommittees. On the other hand, this may well have been a political ploy by Hamilton and the conservatives to avoid alienating the radicals.<sup>6</sup>

Although Charles I had been abducted by the New Model Army in June 1647 and although the Independents had gained control of the English Parliament, the Committee of Estates was remarkably slow in responding to that situation and in formulating an effective counter-policy. In May 1647 the Scottish diplomatic commissioners had announced that a coup by the New Model Army or the Independents would mean a Scottish invasion to secure the king. It was not until August 1647, several months later, that the Committee of Estates began to decide on the issue, despite the fact that they had called special diets to discuss the issue on 11th June. On 10th August the committee enacted that the institution of the Committee of Estates would continue to meet on a permanent basis in Edinburgh until the situation in England concerning the king was satisfactorily resolved. From 12th August

to 19th August all diets of the Committee of Estates centred on this issue. Argyll had returned to the capital having been in the west with the army since May and his return may have had the effect of ensuring that some sort of decision would have to be taken by the Committee of Estates. On 19th August instructions were issued to those Scottish diplomatic commissioners presently in London (Lauderdale, Erskine of Bandeth, Hugh Kennedy and Robert Barclay). The English Parliament was to be asked to take the king out of the control of the New Model Army to London and attempt to secure his assent to the Newcastle Propositions. Chancellor Loudoun and Lanark were to be sent to England to consult with the king; they were to inform him of the concern of the Committee of Estates for his safety and were to intimate the desire that he should be restored to the English throne. The additions of Lanark and Loudoun were in effect an exercise in realpolitik; Loudoun, Argyll's kinsman, representing the radicals, and Lanark, Hamilton's brother representing the conservatives. In contradiction of the Scottish diplomatic warning of May 1647 relating to a military invasion of England, the Committee of Estates enacted on 20th August that the instructions issued on 19th August were neither intended to infer a military engagement nor weaken the union between the two kingdoms. This enactment was passed primarily because Hamilton managed to outmanoeuvre Argyll. Argyll had interpreted the diplomatic instructions as too royalist and had protested that they should not be taken to imply a military engagement or a weakening of the union between the kingdoms. Hamilton counter-protested that the instructions should not be detrimental to the king's interest and it was this that secured the support of the majority of the committee, despite further attempts by Argyll to get it suppressed.<sup>7</sup>

The power struggle between Argyll and Hamilton on the Committee of Estates was intensified by the debate over whether or not the army should be disbanded, given the fact that the military campaign against the rebels had been concluded. Argyll argued in favour of retention of David Leslie's army principally because of the precarious situation of the king and the threat to the Solemn League and Covenant by the rise of Independency. On the other hand, Hamilton advocated that it should be disbanded as it was now an unnecessary burden on the country. Both arguments may well have been a disguise for more ulterior motives; Hamilton was probably wary of a military force which could be employed by Argyll in a future military takeover of the Committee of Estates.

Matters came to a head concerning the issue of the army on 8th September and 12th October respectively. At the diet of 8th September the Committee of Estates voted in favour of Hamilton's policy option and the army was to be disbanded on 20th October; this was enacted by the Committee of Estates on 11th September. Argyll was absent from the committee on both 8th and 11th September. Eight nobles, 11 gentry and six burgesses were present at the 8th September diet. The eight nobles were almost exclusively conservatives, but the radical Johnston of Wariston was one of the 11 gentry present as was the radical

burgess Sir John Smith. Given the number of conservative nobles present only a minority of gentry and burgess votes was required to push through Hamilton's motion.<sup>8</sup>

Seven nobles, eight gentry and four burgesses constituted the membership of the diet of the Committee of Estates of 11th September. All seven nobles had been present at the diet of 8th September (only Glencairn was not present on 11th September). Seven of the gentry had also been present at the diet of 8th September. All four burgesses had also been present on 8th September (Sir John Smith and James Robertson were the two burgesses who were not present on 11th September). It is highly likely that those who approved Hamilton's motion on 8th September also approved the Act for Disbanding the Army of 11th September.<sup>9</sup>

Despite the proceedings of 11th September a meeting of the Committee of Estates was called for 12th October to reconsider the vote. The trial of strength between Hamilton and Argyll was resolved in Argyll's favour, but only after three days of intense debate within the Committee of Estates. On 15th October it was determined that the army would not be disbanded until the Second Triennial Parliament met in March 1648. However, this motion was only passed by one vote and a reduction in pay was forced on the army.

*Table 13. Attendance data of the Committee of Estates, 12th to 15th October 1647.*<sup>10</sup>

	Nobles	Gentry	Burgesses	Total
12th Oct.	14	19	19	52
13th Oct.	17	22	20	59
14th Oct. a.m.	17	23	21	61
14th Oct. p.m.	17	23	21	61
15th Oct.	18	23	18	59

All gentry and burgesses who had been present at the diets of 8th and 11th September were

also present at the crucial diet of 15th October. All such gentry were also present at all diets of 12th, 13th and 14th October, except for Foullis of Collington who was absent on 13th October. All nobles present at the diets of 8th and 11th September were also present at the 15th October diet, except for Loudoun, Lanark and Callander. Therefore, Lanark and Loudouns' potential votes were cancelled out equally per faction. Callander's potential vote was vital and could have neutralised Argyll's slim majority of one. Loudoun, Lanark and Callander were also absent on the diets of 12th, 13th and both sessions of 14th October. All remaining nobles present on 8th and 11th September were also present at all diets from 1th to 15th October inclusive, except for Glencairn who was absent on 12th and 13th October. 14 nobles, 17 gentry and 16 burgesses (47 individuals in total) attended all diets from 12th to 15th October inclusive.<sup>11</sup>

Although Argyll had defeated Hamilton in the attempt to disband the army, the diplomatic negotiations with Charles I were coming increasingly under the control of the conservatives. Lauderdale, Lanark and Loudoun were now the three principal negotiators with the king, who had escaped to the Isle of Wight from the New Model Army. Lauderdale and Lanark were aligned to Hamilton and favoured an acceptable deal with the king. Although Loudoun was Argyll's ally and kinsman, he was still sufficiently concerned about the king's fate as to secure a deal that would guarantee his safety. On 11th October the Committee of Estates had nevertheless made it clear that Argyll was free to join the Scottish diplomatic team negotiating with the English Parliament whenever those commissioners requested his presence. Therefore while negotiations with the king were controlled by the conservatives, the Scottish diplomatic commissioners at London were desperately attempting to secure the ends of the Solemn League and Covenant.<sup>12</sup>

After several months of secret negotiations "The Engagement" was struck between the Lanark, Loudoun and Lauderdale and Charles I. In return for a Scottish guarantee to defend the rights and authority of Charles I from the New Model Army and the Independents and allow him to return to London from the Isle of Wight to reach an agreement with the English Parliament, the king agreed to move from his earlier consistent position of no compromise, although this was largely on his terms. Presbyterianism was to be imposed on England for a trial period of three years and free trade was to be established. The legislation of the First Triennial Parliament was to be ratified and debts owed to the Scottish Parliament by the English Parliament were to be settled. Charles 1st was also to strive to establish some form of closer union between the two kingdoms. In what amounts to a remarkable degree of power in British terms, Scots were to be employed in equal numbers as the English in foreign negotiations, Scots were to sit on the English Privy Council (Englishmen were also to sit on the Scottish Privy Council) and were to be employed in places of trust in the royal household. The king or the Prince of Wales were to reside in Scotland at intervals. Such executive terms are remarkably similar to Covenanting

negotiating demands of 1640 and constitute the attempt of the conservatives to redefine Anglo-Scottish relations in terms of what had happened in both Scotland and England throughout the 1640s. The Engagement agreement was to result in a full-scale military invasion of England in 1648.<sup>13</sup>

The Committee of Estates was not formally informed of the signing of The Engagement until 21st January 1648. It was intimated to the committee by Sir John Chiesly, formerly an adherent of Argyll, but now an ardent supporter of the Engagement (Chiesly was rewarded by the king with the office of Master of Requests). Loudoun and Lauderdale reported to the Committee of Estates on 10th February and 15th February 1648. Both the conduct of Loudoun and Lauderdale and the signing of the Engagement were approved of by a majority of the Committee of Estates. Approval was given despite strong opposition from the Commission of the Kirk and in particular from Argyll, Lothian, Balmerino and Balcarras on the Committee of Estates. Concerns were also expressed that no parliamentary committee should have the power to engage the nation in war without full parliamentary approval, and the Engagement settlement was viewed by its opponents as an abuse of the powers and privileges of Parliament. 18 nobles, 19 gentry and 19 burgesses (56 individuals in total) attended the diet of 10th February. 21 nobles, 19 gentry and 19 burgesses (59 individuals in total) attended the diet of 15th February. All nobles, gentry and burgesses who attended the diet of 10th February also attended the diet of 15th February. The securing of the vote in favour of the Engagement marked the ascendancy of the conservatives over the radicals in terms of faction and the victory of the policy of Hamilton against Argyll in terms of personal rivalry. Nevertheless, the treaty was not to be implemented until approved by the Second Triennial Parliament (due to meet in March 1648).<sup>14</sup>

107 sederunts of the Committee of Estates are recorded between 29th March 1647 and 28th February 1648. The quorum of the committee had been placed at nine and two per parliamentary estate were required to be present. These rules were adhered to in all 107 recorded sederunts. Attendance levels were very high indeed at those diets where matters of crucial importance were under discussion. Attendance levels from 5th August to 21st August range from 42 to 53. Attendance levels from 12th October to 15th August range from 52 to 69. Attendance levels from 10th February until 28th February range from 56 to 61 respectively.<sup>15</sup>

Individual attendance levels of the nobles, gentry and burgesses on the Committee of Estates were similarly relatively high. Five nobles attended 53 or more diets out of 107 (see appendix 42). This grouping was primarily conservative although Argyll attended 70 diets (65%). Six further nobles attended between 48 and 53 diets (see appendix 42). This grouping was also primarily conservative and Hamilton attended 48 diets (45%). Eight gentry attended 53 or more diets out of 107 (see appendix 42). The noted conservative Lockhart of Lee (Lanark) is recorded in 80 sederunts (75%), whilst the radical Johnston of

Wariston (Edinburgh) is recorded in 84 sederunts (79%). Six burgesses attended 53 or more diets out of 107 (see appendix 42). The noted radical Sir John Smith attended 73 diets (68%), whilst one further noted radical burgess John Semple (Dumbarton) attended 51 diets (48%). Gentry and burghal attendance was dominated by eastern representatives and especially burgesses of Edinburgh.<sup>16</sup>

Two nobles, two gentry and one burgess attended diets of the Committee of Estates even although they were not members of that commission. Lord Belhaven attended only one diet, that of 28th February 1648, which was the last recorded diet of the Committee of Estates of 1647-48. Tweeddale attended 34 diets (32%), including the crucial diets of 10th and 15th February 1648 when the Engagement was approved by the Committee of Estates. Sir Archibald Stirling of Carden (Stirling) attended only one diet, but this was the important diet of 12th October 1647. Hamilton of Orbiston also attended one diet only. George Garden (Burntisland) attended one diet only, that of 12th August when the position of the king was under discussion. It would appear that conservatives were being brought on to secure the passage of the Engagement settlement, although George Garden was a noted radical burgess. In the absence of Loudoun, Chancellor, Crawford-Lindsay was President of the Committee of Estates on 40 occasions (37%). Hamilton was never recorded as President. The fact that Crawford-Lindsay was favoured as President as opposed to Hamilton indicates the exercise of realpolitik. Hamilton as President of the Committee of Estates was probably too controversial a move to make at this stage; it only would be capitalised on by Argyll who could then pressure a sufficient number of gentry and burgesses to hesitate from withdrawing their support from the conservatives (however fragile that support may have been).<sup>17</sup>

***(2) The First Session (I) of the Second Triennial Parliament, 2nd March 1648 to 11th May 1648.***

When the First Engagement Parliament convened on 2nd March 1648 the Engagement leadership had interfered and/or managed the elections of the shire and burgh commissioners to a sufficient extent as to make supporters of the Engagement the numerically dominant faction in Parliament. Both Argyll and Hamilton had intervened in the election of the Provost of Edinburgh by this Edinburgh Burgh Council. The Provost would automatically be entitled to attend Parliament as one of the two commissioners of the burgh of Edinburgh and was extremely influential within the burghal parliamentary estate. Archibald Sydserf was re-elected as Provost, despite attempts by Argyll to have him removed. Archibald Sydserf had become a strong supporter of Hamilton and the Engagement settlement. Moreover, royalist nobles who had deliberately avoided sitting in

earlier Parliaments now took their places. By the time the Parliament met it has been observed that there were now three distinguishable factions in the country. The radical faction, allied with the Kirk, would countenance no support in favour of the Engagement as Charles II had not fully satisfied their religious terms, and wanted no army raised to rescue the king. The Kirk, several nobles and the western shires constituted this grouping. A second faction, led by Traquair and Callander favoured a direct military alignment with the king to restore him immediately to the English throne. A third faction favoured the raising of an army but only with the specific purpose of suppressing Independency in England. In spite of these different factions, contemporary observers nevertheless stressed that "the Hamilton faction is absolutely the most powerful in this Parliament."<sup>18</sup> This illustrates that in real political terms Hamilton and the Engagers had secured the election of a large majority of gentry and burgesses in favour of the Engagement.

*(i) The Composition of the First Session of the Second Triennial Parliament, 2nd March 1648 to 11th May 1648.*

Analysis of the total membership of this parliamentary session are hindered by deficiencies of the parliamentary rolls (see appendix 43).<sup>19</sup> 56 nobles were present in Parliament, 2nd March 1648. A maximum of 53 gentry representing 29 shires or a minimum of 47 gentry representing 26 shires were present in Parliament, 2nd March 1648 (see appendix 43).<sup>20</sup> A maximum of 57 burgesses representing 56 burghs or a minimum of 49 burgesses representing 48 burghs were present in Parliament, 2nd March 1648 (see appendix 43).<sup>21</sup> In terms of analysis of numbers per parliamentary estate, eight more nobles were present in Parliament, 2nd March 1648, compared to the last session of the First Triennial Parliament commencing on 3rd November. Based on maximum possible attendance figures for the gentry and the burgesses, three more gentry and one more burgess were present in Parliament, 2nd March 1648, compared to 3rd November 1646. Based on minimum possible attendance figures for the gentry and the burgesses, two less gentry and seven less burgesses were present in Parliament, 2nd March 1648, compared to 3rd November 1646. In terms of total parliamentary membership, 12 more nobles attended on 2nd March 1648 compared to 3rd November 1646 (based on maximum possible attendance figures) or two less nobles were in attendance on 2nd March 1648 compared to 3rd November 1646 (based on minimum possible attendance figures) (see appendices 10 and 43).<sup>22</sup>

In terms of individual attendance 37 nobles who were present in Parliament on 2nd March 1648 had also been present in Parliament on 3rd November 1646; this amounts to 66% of the noble estate as per 2nd March 1648. 19 nobles present in Parliament, 2nd March 1648,



had not been present in Parliament as per 3rd November 1646 (see appendices 12 and 45).<sup>23</sup>

22 of the specified 47 gentry listed in the parliamentary rolls of 2nd March 1648 had been present in Parliament as per 3rd November 1646 (this amounts to 47% of the gentry who were ~~definitely~~ present in Parliament on 2nd March 1648, see appendices 12 and 45). 25 gentry listed in the parliamentary rolls of 2nd March 1648 had *not* been present in Parliament on 3rd November 1646 (this amounts to 53% of the listed commissioners of the shires on 2nd March 1648, see appendices 12 and 45). 26 shires represented by 47 named commissioners of the shires are listed in the parliamentary rolls of 2nd March 1648. In eight of these 26 shires (31%), the two commissioners of the shires in each of these eight shires who had sat in the last session of the First Triennial Parliament were replaced by two new commissioners of the shires for 2nd March 1648. Five further shires (19%) had no changes in membership regarding both commissioners of the shires who had been present in Parliament, 3rd November 1646. Six shires (23%) exhibited a change of membership vis-a-vis one commissioner of the shire, whilst retaining the services of the other commissioner of the shire (see appendices 12 and 45).<sup>24</sup>

49 burgesses representing 48 burghs are listed in the parliamentary rolls of 2nd March 1648. 25 of these 49 burgesses (51%) present in Parliament, 2nd March 1648, had also been present in the last session of the First Triennial Parliament commencing 3rd November 1646 (see appendices 12 and 45). 24 of these 49 burgesses ( 49% ) present in Parliament, 2nd March 1648, had not been present in Parliament on 3rd November 1646 (see appendices 12 and 45). Excluding the burgh of Edinburgh which could send two commissioners of the burghs, 24 burghs retained the same commissioner of the burgh from 3rd November 1646 and 23 burghs elected a new commissioner of the burgh. In total 29 burgesses and 27 gentry who had sat in the parliamentary session commencing 3rd November 1646 were not in Parliament as per 2nd March 1648 (see appendices 12 and 45).<sup>25</sup>

Scrutiny of the above data raises several issues in light of the contemporary assertion that the First Session of the Second Triennial Parliament was dominated by the Hamilton faction. Firstly, the majority of the core of the nobles who had sat in both relevant sessions of Parliament were pro-Engagement and their ranks were supplemented by the bulk of the nobles who had not sat in the earlier parliamentary session. If the Hamilton faction had successfully controlled the election of the commissioners of the shires then two scenarios arise; not only did the Hamilton faction have the support of the majority of the grouping of 25 new gentry who had not sat in the previous parliamentary session, but it also had the support of a sizeable portion of the 22 gentry who had sat in the previous parliamentary session. Indeed, Johnston of Wariston managed only to get elected through the Marquis of Argyll who got him elected for Argyll by providing him with land that satisfied the necessary property qualification.<sup>26</sup> Data regarding the election of the commissioners of the burghs also suggest several scenarios. The fact that the burgesses were split almost equally

between the election of new burgesses who had not sat in the previous parliamentary session and the election of those who had was of crucial significance. Either the Hamilton faction could rely on the support of the majority of both groupings of burgesses or they had only been partially successful in the management of the burghal elections. The strength of the Hamilton faction over all three parliamentary estates would ultimately be put to the test throughout the parliamentary session.

*(ii) The Proceedings of the First Session of the Second Triennial Parliament, 2nd March 1648 to 11th May 1648.*

The legislation of this parliamentary session was composed of 64 enactments (47 relating to public legislation and 17 to private legislation) and 10 ratification. The proceedings of the First Session of the Second Triennial Parliament focused on three specific areas; disputed elections to the Parliament, the ratification of the Engagement Settlement and the preparation for a military invasion of England.<sup>27</sup>

Following the calling of the parliamentary rolls and the subscription of the parliamentary oath, Hamilton secured an immediate victory in the appointment of the new President of Parliament. Despite the opposition of Argyll, Chancellor Loudoun was installed as President instead of the three other radical candidates (Balmerino, Cassillis and Burleigh) approved of by Argyll. Thus the Chancellor was also the President of Parliament. However, Loudoun was elected to the latter office on a factional basis (to avoid having an ally of Argyll as President) and not on a constitutional basis of trying to merge the two offices.<sup>28</sup>

After the election of the President of Parliament, between 2nd March and 7th March attention was centred on the cases of seven disputed elections, all of which related to the election of the commissioners of the shires. Dispute centred on the shires of Inverness, Berwick, Perth, Clackmannan, Wigtown, Banff and Aberdeen. Only two disputed elections were actually approved by Parliament. MacDowall of Garthland and Agnew of Lochnaw had been originally been elected by the shire of Wigtown to represent that shire in Parliament. A rival commission had been produced by Adair of Kinhilt and James Ross of Balneill for that shire. MacDowall of Garthland and Agnew of Lochnaw were present in Parliament, 2nd March 1648. Parliament approved of the original commission. The commission granted to Sir Alexander Abercrombie of Birkinboig and John Lyon of Troupe to represent the shire of Banff was also approved of by the Estates. Both gentry were present in Parliament, 2nd March 1648. New elections were ordered to be held in the cases of three shires; Perth, Clackmannan and Inverness. Commission had been granted to Mercer of Adie

and Ruthven of Frieland to represent the shire of Perth. A supplication had been presented to Parliament disputing this election. The 1587 Act relating to the land qualification of 40 shillings allowing a vote in the election of commissioners of the shires had been abused. The House rejected the commission and ordered a new election to be held. As per the parliamentary rolls of 2nd March 1648, Sir Patrick Ogilvie of Inchmartin and Sir Thomas Blair of Balthyok represented the shire of Perth. The fact that new elections were ordered by Parliament on 6th March suggests that once the new elections had been held the names of the new commissioners may have been inserted in the parliamentary rolls. The commission of Erskine of Cambuskenneth and Meldrum of Tullibodie to represent the shire of Clackmannan was also rejected, because the 1587 Act had once more been abused, and new elections were ordered to be held. No commissioners for the shire of Clackmannan are recorded in the parliamentary rolls of 2nd March 1648. Two commissions had been produced for the shire of Inverness; one to Fraser of Brae and a Colonel Fraser and the other to Sir John MacKenzie of Tarbet and Hugh Rose of Kilravock. No commissioners for the shire of Inverness are recorded in the parliamentary rolls of 2nd March 1648. Both commissions were rejected and new elections were to be held. The gentry and freeholders of the shire were instructed to elect commissioners favourable to religion, crown and country. In the case of the shire of Berwick, the House approved the election of one of the commissioners, Sir Harry Home of Heidrig, but rejected the election of the other commissioner, Alexander Home of Plandergaist, on the grounds that he could not have been elected for the shire at the time of election as he did not possess the necessary qualifications. Both commissioners are present in the parliamentary rolls of 2nd March 1648. In only one case of disputed elections was the issue remitted to the consideration of a parliamentary session committee. Two commissions had been produced for the shire of Aberdeen; one had been issued to Fraser of Phillorth and Udnie of that ilk, and the other had been issued to Forbes of Craigievar and Forbes of Echt. Fraser of Phillorth and Udnie of that ilk are recorded in the parliamentary rolls of 2nd March 1648. Acting on a protestation from Skene of that ilk and Kennedy of Kermukes relating to the abuse of electoral regulations by the sheriff of the shire, Earl Marischal, a session committee was established to consider the sworn oaths of Marischal, Fraser of Phillorth and Udnie of that ilk. Skene of that ilk and Kennedy of Kermukes had represented the shire of Aberdeen in the last session of the First Triennial Parliament. One per parliamentary estate formed the membership of the session committee established on 7th March. All were leading figures of their respective parliamentary estates; Glencairn represented the nobility, Hepburne of Humbie represented the gentry and Sir Alexander Wedderburne represented the burgesses. On 8th March the commission granted to Fraser of Phillorth and Udnie of that ilk received parliamentary approval.<sup>29</sup>

Clear evidence therefore exists that the stipulations of the 1587 Act were being abused. On

4th March Parliament issued an ordinance relating to the election of commissioners. This legislation was constitutional and not initiated on a factional basis. No noble or any other individual with no voting rights regarding the election of commissioners of the shires was allowed to attend the actual meeting of the gentry and freeholders of the shires when election was actually made. In particular those without the necessary property qualification had been participating in the electoral process. If such instructions were not followed then any election contrary to them would be declared null and void. This suggests that several nobles were exerting pressure on the electors of the commissioners of the shires within their own geographic domain. The fact remains, however, that all disputed elections were settled in favour of the Hamilton faction. Paradoxically, this may suggest that it was the radicals that were abusing the terms of the 1587 Act.<sup>30</sup>

Following the settlement of all disputed elections, the conduct of the Scottish diplomatic commissioners in London was approved of on 9th March. In essence this constituted parliamentary approval (but not ratification) of the Engagement Settlement itself. On 10th March the quorum levels of all parliamentary session committees were settled. One per parliamentary estate and an attendance of a majority of the total membership of any committee constituted the quorum levels. Thereafter, five parliamentary session committees were established on 10th March; the Committee for Dangers, Remedies and Duties, the Committee for the General Commissioner and other Public Accounts, the Committee for Overtures and Laws, the Committee for Bills and Supplications and the Committee for Revising the Books and Acts of the Committees of Estates and Excise.<sup>31</sup>

The Committee for Dangers, Remedies and Duties was issued with three remits. It was to consider the imminent threats to religion, the Covenant, the king and monarchical government. These were to be considered on a British basis (Scotland, England and Ireland) and were not to be restricted to Scottish interests. Policy options were to be formulated by the committee for dealing with any such dangers. In essence the Committee for Dangers, Remedies and Duties was the descendant of parliamentary session committees from sessions of the First Triennial Parliament such as the Committee for Managing the War and the Committee for Dispatches. Six per parliamentary estate, plus one supernumerary, formed the membership of the committee (see appendix 46). The five leading conservative nobles were included, outnumbering the one radical (Argyll). Two of the gentry members were noted conservatives (Fletcher of Innerpeffer and Lockhart of Lee), whilst one was the leading radical gentry allied to Argyll (Johnston of Wariston). One of the burgh members, George Porterfield (Glasgow), was a leading radical within the burghal estate, whilst Archibald Sydserf (Edinburgh) was a conservative placeman for the Hamilton faction. Chancellor Loudoun, President of Parliament, was included as the supernumerary. All nobles on the committee had been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 46). Four out of six gentry on the committee had been included on

the Committee of Estates of 20th March 1647. Two of these gentry were noted conservatives (Fletcher of Innerpeffer and Lockhart of Lee), whilst one was a radical (Johnston of Wariston). Five of the six burgesses on the committee had been included on the Committee of Estates of 20th March 1647; only Patrick Leslie had not been included on the Committee of Estates (see appendices 41 and 46). The Hamilton faction dominated noble representation. Argyll would not have been included on the committee, but it was Hamilton himself who supported Argyll's membership. It has been estimated that only five out of the total 18 membership were of the Argyll faction. Argyll, Johnston of Wariston, George Porterfield and William Glendoning were identified as four of this grouping. The fifth member identified was not on the original committee.<sup>32</sup>

By 17th March the Committee for Dangers, Remedies and Duties had reported to the House and the session committee was renewed. The membership of the committee remained unaltered, except for three changes in the burghal membership and the supernumerary. All three burgesses who were removed from the initial committee of 10th March were adherents of Argyll. The purging of three of Argyll's supporters only increased the strength of the Hamilton faction on so important a committee. It was also ordained that the renewed committee was to meet behind closed doors in secret. It was also given power to have complete control over the manning of the garrisons of Berwick and Carlisle and only employ those who adhered to the Hamilton faction. This constituted a clear breach of Anglo-Scottish treaties of 1641 and 1643 by which neither country was authorised to garrison Berwick and Carlisle.<sup>33</sup>

The Committee for the General Commissioner and other Public Accounts was to consider the accounts of the General Commissioner, Weymes of Bogie, and all other accounts and monies not already accounted for. Three per parliamentary estate formed its membership (see appendix 46). Noble membership was conservative. With the exception of George Garden (Burntisland) no gentry or burghal adherents of Argyll were included. Two of the nobles (Barganie and Cochrane) had been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 46).<sup>34</sup>

The Committee for Overtures and Laws was to consider all overtures handed in to Parliament and where appropriate to draw up such overtures for enactment. Three per estate formed the membership of the committee (see appendix 46). Noble membership was primarily radical (Cassillis and Balmerino) but also included a conservative (Buccleuch). Chancellor Loudoun also President of Parliament, was included as supernumerary. All three nobles, one gentry and two burgesses had been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 46). The inclusion of Cassillis and Balmerino may have been included in order to provide a parliamentary role for radical nobles, as all bar Argyll had been excluded from the main session committee.<sup>35</sup>

The Committee for Bills and Ratifications was to consider all bills and supplications

presented to Parliament. Four nobles, four gentry and three burgesses formed the membership of the committee (see appendix 46). Noble membership was exclusively conservative. Chancellor Loudoun also President of Parliament, was included as supernumerary. Two nobles, one gentry and all three burgesses had been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 46). Only one burgess, John Forbes (Inverness) and Loudoun had been included on the Committee for Bills, Ratifications and Losses of 10th November 1646 (see appendices 40 and 46).<sup>36</sup>

The Committee for Revising the Books and Acts of the Committees of Estate and Excise was to revise all acts of the Committee of Estates and the Excise Commission since the close of the last session of the First Triennial Parliament. Three per parliamentary estate constituted the membership of the committee (see appendix 46). Noble membership was conservative. One of the gentry members, Fullarton of Corsbie was not a member of Parliament as per 2nd March 1648 (see appendices 45 and 46). No members had been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 46).<sup>37</sup>

Of all four session committees appointed on 10th March, the Committee for Dangers, Remedies and Duties was clearly the most important. The dominance of the Hamilton faction on the committee and the breach of Anglo-Scottish diplomatic agreements on the renewed commission of 17th March mark an attempt by one particular faction to invest powers in a parliamentary committee outwith the control of the full Parliament. Indeed, Argyll and his faction argued that the powers awarded to the Committee for Dangers, Remedies and Duties constituted a breach of the 1640 act which abolished the Lords of the Articles. After an official protest by Argyll to the House was ignored Argyll led more than 40 members of Parliament out of the House. This grouping was forced to return to the House on pain of losing their seats. Even Loudoun made it clear that he signed the renewed commission in an official and not a personal capacity. Nevertheless, it was estimated that the Hamilton faction had a parliamentary majority of between 30 and 36 votes over the Argyll faction. Despite moves to refuse Argyll and his followers to return to the House, Hamilton and Traquair succeeded in having the Argyll faction summoned to return to Parliament. Primarily Hamilton and Traquair instigated this move to avoid presenting their enemies with a picture of divided opinion in Scotland, but they were probably also wary of Argyll raising an extra-parliamentary force which could possibly align itself with the Independents in England.<sup>38</sup>

The Hamilton faction now in dominant control of parliamentary proceedings faced strong opposition from the Kirk to the Engagement and moves were initiated to placate the Kirk and secure its support. On 10th March following the appointment of the most important session committees, three per estate were appointed to meet with the Commission of the Kirk to establish a mutual working relationship with each other in light of recent events. This was initiated by the gentry and the burgesses. Burleigh, Innes of that ilk (Elgin) and Sir

Alexander Wedderburne (Dundee) were the three such commissioners. That a leading radical noble was included can partly be explained by the fact that the Commission of the Kirk would be more prepared to form a working relationship if initiated by one inclined to their own beliefs than by a leading noble member of the Hamilton faction. Indeed, shortly afterwards the original Committee for Dangers, Remedies and Duties issued a declaration stressing that a military invasion was necessary in order to secure religious reform in England as opposed to saving the King. This had<sup>been</sup> nullified by the terms of the renewal of the commission to the Committee for Dangers, Remedies and Duties on 17th March. On 22nd March a formal session committee was established to consider the oppositions of the Commission of the Kirk. The Committee concerning the Desires of the Commission of the General Assembly was composed of eight per parliamentary estate (see appendix 46). Apart from Argyll, noble membership was composed of the leading conservative nobles. Fletcher of Innerpeffer (Forfar) and Lockhart of Lee (Lanark) were noted conservative gentry members, whilst Johnston of Wariston (Argyll) was the only noted radical included. Archibald Syderf (Edinburgh) was the noted representative of the Hamilton faction included, whilst radical interests were served primarily by George Porterfield (Glasgow). Chancellor Loudoun also President of Parliament was included as the supernumerary. All six nobles, all six gentry and four out of the six burgesses on the Committee for Dangers, Remedies and Duties of 17th March were also included on the Committee concerning the Desires of the Commission of the General Assembly of 22nd March. Loudoun was also included on both committees as supernumerary (see appendix 46). Two of the burgesses removed from the original committee of 10th March, George Porterfield (Glasgow) and William Glendoning (Kirkcudbright), were also included on the committee of 22nd March and marks an increased role for the radicals. Nevertheless, the Hamilton faction dominated and controlled the agenda of the committee to negotiate with the Kirk. Two nobles, two gentry and three burgesses included on the Committee concerning the Desires of the Commission of the General Assembly were actually included on the Commission of the Kirk of 31st August 1647. This grouping may have been included as an attempt to accommodate Argyll and his faction under the control of a parliamentary session committee controlled by Hamilton, as opposed to driving that faction further into the hands of the Kirk opposition.<sup>39</sup>

The Commission of the Kirk and the Committee concerning the Desires of the Commission of the General Assembly convened between 22nd March and 27th March. The Parliament reported on 27th March and *emphasised* that invasion was necessary to secure Presbyterianism in England from the dangers of Independency, which in turn was necessary to free the king from the hands of the Independents. Indeed, the securing of religion was deemed the principal cause of engagement. The king would also be obliged to give royal sanction to acts relating to the Solemn League and Covenant. Arguments were thus being

subtly articulated to attempt to gain the support of the Kirk to work in tandem with the dominant faction in Parliament. Such propaganda was incorporated in legislation enacted on 11th April; the Act anent the Resolutions of Parliament concerning Breaches of the Covenant and Treaties between the Kingdoms of Scotland and England and Demands for Reparation thereof. Not only did it mark a formal constitutional attempt to satisfy the Kirk, but it also marked an attempt to provide a justification for military invasion by exerting demands which the English could not possibly accept. According to the legislation, the establishment of Presbyterianism in England had been deliberately hindered, the Solemn League and Covenant had not been implemented by the English Parliament and negotiation with the king had been carried out without Scottish agreement. The New Model Army under the control of the Independents was to be disbanded and the king was to come to London. Propaganda document though it was, it nevertheless succeeded in winning over the parliamentary opposition to war with England. There were only four votes recorded against the act, including Argyll, Cassillis and Johnston of Wariston. Therefore significant numbers of the Argyll faction had approved the act, primarily because of the clauses relating to religion. However, the concessions to the Kirk alienated the support of Callander and Traquair who abstained from the vote.<sup>40</sup>

Nevertheless, party discipline among the Argyll faction had been retained by 20th April. On 20th April Parliament issued a declaration which indicated that unless the demands of 11th April were met then a military invasion of England would be undertaken. This declaration was formulated and issued without the Kirk being consulted, which indicated that the Kirk was being marginalised after all and the desire to secure religion was only a ploy to secure the support of the Kirk. When the declaration was passed, Argyll led over 40 of his faction out of the House.<sup>41</sup>

Attention could now be concentrated on the actual preparations for invasion. On 14th April the Estates had ordained that the kingdom was now in a posture of defence, although the actual legislation was not formally enacted until 18th April. New shire committees of war and shire colonels were established on 18th April. On 10th May the Town Council of Edinburgh was appointed as committee of war in its own right. In attempt to secure the backing of the Kirk any individuals found guilty under the first or second class of the 1646 Act of Classes were barred from inclusion on the shire committees. Nevertheless, several shires would appear to have been under financial and economic strain. On 23rd March the Committee for the Overburdened Shires had been established to identify those shires which were finding difficulty in maintaining troops and companies of foot. The levying of a new army, composed of 27 750 foot and 2760 horse, was not ordered until 4th May. Maintenance levels for the army and orders for ammunition were issued on 9th May. Leven, who was hostile to the Engagement, was removed from his position of General of the armed forces and was replaced by Hamilton himself. Callander was appointed Lieutenant General.



Parliament was then adjourned to 11th May 1648 in order to enable members of Parliament to participate in the levying of troops.<sup>42</sup>

*(iii) The Committee Structure of the First Session of the Second Triennial Parliament, 2nd March 1648 to 11th May 1648.*

12 parliamentary session committees and five parliamentary interval committees have been analysed. 24 nobles constitute the total field of nobles included on the 12 session committees (see appendix 46). Loudoun was included on all 12 committees, primarily in the capacity of Chancellor and President of Parliament. Southesk was included on four session committees (see appendix 46). Seven further nobles were included on three session committees (see appendix 46); Hamilton, Argyll, Crawford-Lindsay, Cassillis, Lauderdale, Lanark and Callander. The remaining 15 nobles served on two or less session committees (see appendix 46). 25 gentry constitute the total field of gentry included on the 12 session committees (see appendix 46). Three gentry were included on four session committees; Foullis of Colington (Edinburgh), Dundas of Maner (Linlithgow) and Hepburne of Humble (Haddington). Five further gentry were included on three session committees. Two of the five gentry (Fletcher of Innerpeffer and Lockhart of Lee were noted conservatives) whilst Johnston of Wariston was a noted radical. The remaining 17 gentry served on two or less session committees (see appendix 46). Three gentry analysed were not members of Parliament as per 2nd March 1648 (see appendix 46). All three were only included on one session committee only. 23 burgesses were included on the 12 session committees (see appendix 46). Sir Alexander Wedderburne (Dundee) was included on four session committees. Six further burgesses were included on three session committees (see appendix 46). One of these burgesses was a noted conservative (Archibald Sydsenf), whilst another was a noted radical (George Porterfield). The remaining 16 burgesses were included on two or less session committees (see appendix 46). Two burgesses analysed were not members of Parliament as per 2nd March 1648; Sir James Stewart and Robert Barclay. Both were noted radicals and were included on only one session committee each. Therefore non-parliamentary radical burgesses were occasionally being brought on to bolster the radical ranks.<sup>43</sup>

Nine nobles constitute the total field of nobles included on the five interval committees (see appendix 47) Three of the interval committees were local committees. All nine nobles were included on only one interval committee each (see appendix 47). Seven of the nine nobles were included on the

Committee of Estates and the remaining two nobles were included on the Excise Commission (see appendix 47). 27 gentry constitute the total field of gentry included on the

five interval committees (see appendix 47). Weymes of Bogie was included on two interval committees. The remaining 26 gentry were included on only one interval committee each. 18 gentry analysed were not members of Parliament as per 2nd March 1648 (see appendices 45 and 47). 16 of these 18 gentry were not included on either the Committee of Estates or the Excise Commission (see appendix 47). 11 burgesses constitute the total field of burgesses included on the five interval committees (see appendix 47). The conservative Archibald Sydserf (Edinburgh) and Patrick Leslie (Aberdeen) were included on two interval committees. The remaining nine burgesses were included on only one interval committee each (see appendix 47). Two burgesses analysed were not members of Parliament as per 2nd March 1648; Robert Wilson and John Jossie (see appendices 45 and 47). The greater number of gentry employed on interval committees compared to the nobility and burgesses can be attributed to the employment of the majority of the gentry on three specific interval committees of a local nature.<sup>44</sup>

Both gentry and burghal membership of session and interval committees was dominated by eastern representation. Eastern dominance was more marked within the burghal estate. Gentry representation on two session committees exhibited a broader geographic spread (on the Committee for Dangers, Remedies and Duties and the Committee for the General Commissioner and other Public Accounts).

*(iv) The Appointment of Parliamentary Interval Committees.*

Five parliamentary committees were appointed on 11th May, the closing day of the session; the Committee of Estates, the Excise Commission, the Commission for the Burned and Wasted Lands in Nairn, the Commission for the Burned and Wasted Lands in the Shire of Elgin and Forres and the Commission for the Burned and Wasted Lands in Banffshire. The latter three interval committees had remits of a local nature.

Six per parliamentary estate and three supernumeraries (one noble and two gentry) formed the membership of the Committee of Estates of 11th May 1648. Hence the total membership of that committee was 21. This constitutes a drop of 19 nobles (including supernumeraries), a drop of 17 gentry (including supernumeraries) and a drop of 19 burgesses compared to the Committee of Estates of 20th March 1647. The total drop in membership between the Committee of Estates of 20th March 1647 and the Committee of Estates of 11th May 1648 was 55. The smallness of the Committee of Estates of 11th May 1648 in relative terms compared to previous Committees of Estates can be attributed to several factors. Firstly, the majority of parliamentary members were involved in the levying of troops in their localities. Secondly, the committee was only to convene for a few weeks and was to take no major policy decisions. Thirdly, there was limited conservative dominance over the radicals.<sup>45</sup>

All seven nobles (including the noble supernumerary), six out of the eight gentry (including the two gentry supernumeraries) and three out of the six burgesses included on the Committee of Estates of 11th May 1648 had also been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 47). Noble membership was exclusively conservative bar the exclusion of Argyll. Johnston of Wariston (Argyll) was the only noted radical gentry who secured inclusion. On 11th May, after the commission had been issued, Parliament stipulated that David Douglas (Edinburgh) was to replace the conservative Archibald Sydserf (Edinburgh) on the Committee of Estates. Given the political situation, it can be assumed that David Douglas was also a conservative. Two members of the Committee of Estates were to be sent to Ireland, although the names of such commissioners are not specified. The Committee of Estates of 11th May 1648 was under the complete control of supporters of the Engagement.<sup>46</sup>

Two per parliamentary estate formed the membership of the Excise Commission established on 11th May (see appendix 47).

Noble membership was balanced between conservatives (Southesk) and radicals (Burleigh). Burghal membership was also balanced between noted conservatives (Archibald Sydserf) and radicals (George Garden). In addition Weymes of Bogie, General Commissioner and Treasurer of the Army, was included as a supernumerary. John Jossie, burgess of Edinburgh, was appointed Treasurer of the Excise. The previous Excise Commission had been incorporated into the powers of the Committee of Estates of 20th March 1647. Only Dundas of Maner (Linlithgow), Cockburn of Clerkington (Haddington) Weymes of Bogie, General Commissioner, and Archibald Sydserf (Edinburgh) had been included on the Committee of Estates of 20th March 1647 (see appendices 41 and 47).<sup>47</sup>

The remaining three interval committees had identical remits but within different geographic domains. The extent of burned and wasted land was to be considered for the calculation of the monthly maintenance. Eight gentry formed the membership of the Commission for the Burned and Wasted Lands in Nairn. None were members of Parliament as per 2nd March 1648 (see appendices 45 and 47). Three gentry and three burgesses formed the membership of the Committee for Burned and Wasted Lands in the Shire of Elgin and Forres. None of the gentry were members of Parliament as per 2nd March 1648 (see appendices 45 and 47). Six gentry and one burgess constituted the membership of the Committee for the Burned and Wasted Lands in Banffshire. None of the gentry were members of Parliament as per 2nd March 1648 (see appendices 45 and 47).<sup>48</sup>

*(v) The Operation of Parliamentary Interval Committees, 12th May to 27th May 1648.*

Nine sederunts of the Committee of Estates are recorded between 12th May and 27th May 1648. Argyll and Johnston of Wariston refused to take their seats on the Committee of Estates. Lanark attended all nine diets, Callander attended seven diets and Loudoun, Hamilton, Crawford-Lindsay and Lauderdale all attended six diets. Two nobles who had not been included in the commission to the Committee of Estates of 11th May attended diets. Roxburgh attended two diets and Traquair attended three diets respectively. Thus nobles in support of the Engagement were being brought on to the Committee of Estates despite the fact that they had not been commissioned to sit. The noted conservative gentry, Lockhart of Lee, is recorded in seven sederunts. Innes of that ilk (Elgin) attended all nine diets although he was not commissioned to sit on the Committee of Estates of 11th May 1648. Archibald Sydserf (Edinburgh) attended eight diets, despite the fact that David Douglas (Edinburgh) had originally been appointed by Parliament on 11th May to replace Archibald Sydserf. On 23rd May, however, David Douglas was appointed to replace John Kennedy (Ayr). John Kennedy (Ayr) was not commissioned to sit on the Committee of Estates as per 11th May 1648. David Douglas (Edinburgh) only attended three diets. Excluding those burgesses who attended diets although they were not officially commissioned to, the remaining four burgesses on the Committee of Estates attended no diets. Therefore, the proceedings of the Committee of Estates were dominated by a small group of nobles, gentry and the Provost of Edinburgh, all of whom favoured the Engagement.<sup>49</sup>

Military affairs formed the principal focus of the attention of the Committee of Estates, 12th May to 27th May 1648. Issues such as the raising of levies and negotiations relating to the movement of forces between Scottish armed forces in Ireland to the Scottish mainland. By 16th May, however, problems had arisen relating to the manning of the shire committees of war. Several nominees to the committees were refusing to accept their charges and give their oaths. The Committee of Estates therefore barred any such individuals from admittance to shire committees of war. On 19th May the Committee of Estates was notified that Balmerino had been appointed one of the colonels of the shire committee of Edinburgh but despite continual requests had refused to take his place on that committee. Foulis of Colington (Edinburgh), one of the other colonels of the shire, was therefore instructed to proceed with the raising of levies without the co-operation of Balmerino. On 23rd May the Committee of Estates was also informed that the town of Glasgow had refused to carry out the levying of its quota of foot. Hence the town council of Glasgow was cited before the Committee of Estates. Two members of the council, William Lightbodie and Peter Johnston, appeared before the Committee of Estates on behalf of the town council of Glasgow on 27th

May. Both were to be committed to Edinburgh Tolbooth and the remainder of the council was to be committed by 31st May under the pain of 10 000 merks as the punishment for not only refusing to obey the levy orders but also attempting to create open hostility to the Engagement. By 2nd June over 50% of the members of the town council of Glasgow were imprisoned in Edinburgh Tolbooth. On 14th June a new election for the town council of Glasgow was held, controlled by the Committee of Estates, and the council which had been purged by the radicals in 1645 was reinstated.<sup>50</sup>

***(3) The First Session (II) of the Second Triennial Parliament, 1st June to 10th June 1648.***

***(i) The Composition of the First Session (II) of the Second Triennial Parliament, 1st June to 10th June 1648***

No parliamentary rolls are available for the parliamentary session, 1st June to 10th June 1648 (see appendix 45). Therefore no comparisons can be made in terms of total membership, movement per estate and individual membership per estate between 2nd March and 1st June 1648.

***(ii) The Proceedings of the First Session (II) of the Second Triennial Parliament, 1st June to 10th June 1648.***

26 enactments (23 of which related to public business) and 13 ratifications constituted the legislation of the session, 1st June to 10th June 1648. The parliamentary session concentrated on the final preparations for military invasion and the appointment of a new Committee of Estates.<sup>51</sup>

In technical terms the proceedings of 1st June to 10th June did not constitute a new parliamentary session. Thus there was no requirement to elect a new President of Parliament and Loudoun was continued as President on 1st June. It would also appear that the Committee of Estates which had sat during May was continuing to sit, regardless of whether or not this had been authorised by Parliament. This had a constitutional precedent of the Committee of Estates of 1643-1644 continuing to meet during the 1644 Convention of Estates. On 1st June a reference is included in the parliamentary records to the "committee

of 24" which was to receive and consider all supplications handed in to Parliament. In essence this committee was therefore operating along the same lines as the Lords of the Articles and followed the procedure of what had happened unofficially in 1641. Additions of three per estate were also made to this committee. Noble additions were primarily conservative (Dunfermline and Barganie) but also included the radical Balmerino.<sup>52</sup>

Furthermore Parliament authorised the Committee of Estates on 2nd June to appoint two of each estate to constitute a parliamentary session committee to assist the Commissioners of the Excise. It was also authorised to nominate such a committee to constitute a parliamentary interval committee. The personnel of this session committee is not given, however. By 10th June a dispute had arisen relating to the office of Clerkship of the Excise; Gibson of Durie, Clerk Register, and James Campbell, current Clerk of the Excise, both disputed the position. On 8th June two per estate had been appointed to hear the case, but it is unclear whether or not these individuals constituted the session committee which was to assist the Commissioners of the Excise. In any event, the commissions of 1644 and 1646 granted to James Campbell to be Clerk of the Excise were repealed and the Clerk Register was given the right to choose the replacement.<sup>53</sup>

The act of the Committee of Estates of 16th May which barred all those from membership of the shire committees of war who refused to accept their charges and administer the necessary oath received parliamentary ratification on 6th June. On 8th June an ordinance was issued relating to the garrisons and provisioning of the armed forces. On 7th June the House had refused to consider concessions issued by the English Parliament (in essence the Newcastle Propositions), a move which finally alienated Chancellor Loudoun from the conservatives and drove him over to the Argyll faction with which he had previously been aligned. The refusal of 7th June stimulated the initiation of legislation on 9th June which stipulated the preservation of the ends of the Covenant, the safety of the king and the continuance of the union between the two kingdoms as the principle reasons for invasion. This was directed primarily against the Kirk and was in response to petitions from presbyteries and synods. Hence the events of 7th June illustrated that concessions from the English Parliament would not prevent a military invasion. Moreover, the legislation of 9th June stressed that obedience was expected of the commands of Parliament and the Committee of Estates. Further legislation of 9th June was directed at the opposition of the Kirk to the Engagement. It was in direct response to legislation of the Commission of the Kirk of 5th June which instructed presbyteries to censure ministers who preached in favour of the Engagement that the parliamentary legislation of 9th June was formulated. According to legislation of 9th June, those ministers who openly supported the Engagement were promised the security of their stipends and glebes during their lifetimes. Therefore open bribery was being practised in attempting to divide the Kirk and secure further support for the Engagement.<sup>54</sup>

Legislation enacted on 10th June, the closing day of the session, required subscription from all members of Parliament and all other subjects in the shires and burghs which stated that the Parliament had been a "free and lawful parliament".<sup>55</sup> Hence the Hamilton faction employed earlier precedents from 1640-41 to attempt to secure national subscription of its political aims. At the close of the session all bills and supplications presented to Parliament, but not determined nor answered in Parliament, were remitted to the Committee of Estates. All acts of the Committee of Estates which had sat during May 1648 were also ratified on 10th June. The next parliamentary session was appointed to be held on the first Thursday in March 1650.<sup>56</sup>

*(iii) The Committee Structure of the First Session (II) of the Second Triennial Parliament, 1st June to 10th June 1648.*

No session committees were openly appointed, 1st June to 10th June 1648, possibly because the Committee of Estates was continuing to meet. One interval commission, the Committee for Plantation of Kirks and Valuation of Teinds, was renewed on 10th June. A new Committee of Estates was appointed on 9th June (see appendix 49).<sup>57</sup>

46 nobles constituted the total field of nobles included on the two interval committees (see appendix 49). 18 nobles were included on both interval committees, whilst 28 nobles were included on only one interval committee only (see appendix 49). 56 gentry constituted the total field of gentry included on the two interval committees. 18 gentry were included on both interval committees, whilst 38 gentry were included on only one interval committee (see appendix 49). Johnston of Wariston was the only noted radical gentry included on both committees. 56 burgesses constituted the total field of burgesses included on the two interval committees. Seven burgesses were included on both committees, whilst 49 burgesses were included on only one committee (see appendix 49). Two of the seven burgesses were noted radicals, George Garden (Burntisland) and Robert Cunningham (Kinghorn), whilst Archibald Sydserf (Edinburgh) was a noted conservative.

Therefore an identical number of nobles and gentry were included on both the Committee of Estates and the Committee for Plantation of Kirks and Valuation of Teinds, whilst only a small minority of burgesses were included on both committees. Gentry and burghal representation on interval committees was predominantly eastern, although there was a broad geographic spread on the Committee of Estates. Despite the spread on the Committee of Estates, eastern representation was still numerically dominant regarding both gentry and burghal membership.<sup>58</sup>

*(iv) The Appointment of Parliamentary Interval Committees.*

The Commission for Plantation of Kirks and Valuation of Teinds initiated in 1641 and renewed in 1644 and 1647 was further renewed on 10th June 1648 (see appendix 49). Six gentry and three burgesses were added to the committee. No addition of nobles was made. One of the burghal additions, George Porterfield (Glasgow), was a noted radical.<sup>59</sup>

A new Committee of Estates was established on 9th June 1648 (see appendix 49). 36 nobles, 35 gentry and 36 burgesses plus 13 supernumeraries constituted the membership of the Committee of Estates of 9th June 1648. The 13 supernumeraries were composed of four nobles, five gentry, one burgess and three military officials. Including supernumeraries, 40 nobles, 40 gentry, 37 burgesses and three military officials (120 members in total) formed the membership of the Committee of Estates of 9th June 1648. This constitutes a rise of 32 nobles (including supernumeraries), a rise of 33 gentry (including supernumeraries) and a rise of 31 burgesses (including supernumeraries) in comparison to the membership of the Committee of Estates of 11th May 1648. This constitutes a total rise of 99 members (including military officials who were included as supernumeraries on the commission of 9th June 1648).<sup>60</sup>

All nobles and gentry (including supernumeraries in both cases) included on the Committee of Estates of 11th May were also included on the Committee of Estates of 9th June. All burgesses, bar Thomas MacBirnie (Dumfries), included on the Committee of Estates of 11th May were also included on the Committee of Estates of 9th June.<sup>61</sup> Opponents of the Engagement such as Argyll, Balmerino, Cassillis and Johnston of Wariston were included on the Committee of Estates, but they were in a clear minority compared to the majority of members who supported the Engagement.

Contemporary sources indicate that the Committee of Estates of 9th June was invested with considerable powers. As well as being in control of levying forces, negotiations with the king and the English Parliament and having control over the collection of the excise, it also enjoyed full powers to suppress domestic hostility and/or insurrection against the invasion of England. Any individuals involved in an armed uprising against the authority and proceedings of Parliament and/or the Committee of Estates or involved in liaisons or correspondence with the enemies of the Engagement were to be punished in accordance with any such crimes. All public office-holders in the shires and burghs were required to adhere to the commands of Parliament relating to the Engagement; any public office-holder who either failed or refused to do so was to be removed from office. The Committee of Estates was also to divide itself into two sections (as per 1643); one was to reside at Edinburgh and the other to accompany the army.<sup>62</sup>



*(v) The Operation of Parliamentary Interval Committees, 12th June to 4th September 1648.*

69 sederunts of the Committee of Estates are recorded between 12th June and 4th September 1648 (see appendix 48). Four conservative nobles were in attendance at 35 or more diets of the Committee of Estates. Crawford-Lindsay attended 61 diets (88%), Cardross attended 56 diets (81%), Lanark attended 52 diets (75%) and Southesk attended 45 diets (65%). Seven further nobles attended between 20 and 28 diets (see appendix 48). The remaining 30 nobles attended 19 or less diets and 10 nobles did not attend at all (see appendix 48). This latter group included the radicals Argyll, Loudoun, Eglinton and Cassillis. One noble, Lord Banff, attended one diet, despite the fact that he had not been included in the commission to the Committee of Estates of 9th June 1648. Crawford-Lindsay was listed as President at 55 diets. Only three gentry are recorded in 35 or more sederunts (see appendix 48). Hamilton of Orbiston is recorded in 48 sederunts (70%), Sir Harry Gibb in 38 sederunts (55%) and Udnie of that ilk (Aberdeen) in 37 sederunts (54%). Four further gentry are recorded in between 22 and 25 sederunts (see appendix 48). The remaining 36 gentry are recorded in 19 or less sederunts and 11 gentry did not attend at all (see appendix 48). The latter group included the radical Johnston of Wariston (Argyll). Three gentry who were not included in the commission to the Committee of Estates of 9th June 1648 attended various diets (see appendix 48). Only two burgesses attended 35 or more diets; Archibald Sydserf (Edinburgh) and Edward Edgar each attended 38 diets (55%) (see appendix 48). Six further burgesses attended between 20 and 34 diets (see appendix 48). The remaining 29 burgesses attended 17 or less sederunts and 15 burgesses did not attend at all (see appendix 48). As per the commission of 9th June 1648 the quorum of the Edinburgh section was set at nine, with two of each estate required to be present. These parliamentary rules were adhered to at all diets.<sup>63</sup>

As per the commission to the Committee of Estates of 9th June, the committee was to divide itself into an Edinburgh section and an army section. Such a division took place on 3rd July. Only details of membership of the army section are given in the committee register. 15 nobles, 11 gentry, nine burgesses and three military officials constituted the membership of the army section. Hamilton and Callander were the leading nobles on the army section. There was a residue of 25 nobles, 32 gentry and 28 burgesses on the Edinburgh section.<sup>64</sup>

20 sederunts of the Committee of Estates are recorded prior to the division of the committee on 3rd July (see appendix 48). Of those nobles included on the army section,

Crawford-Lindsay attended 19 of these 20 diets, Lanark attended 17 diets, Barganie attended 12 diets and Lauderdale attended 10 diets. Crawford-Lindsay attended 42 diets of the Edinburgh section after 3rd July, whilst Lanark attended 35 diets. Barganie attended 10 diets after 3rd July and Lauderdale attended nine diets.

Of those gentry included on the army section, Sir Harry Gibb, Weymes of Bogie, Dundas of Arnieston, Foullis of Collington and Gibson of Durie all attended diets of the Edinburgh section (see appendix 48). Of those burgesses included on the army section, John Mylne, John Jossie, Alexander Crawford and John Auchterlony all attended diets of the Edinburgh section (see appendix 48). Considerable cross-over existed in attendance between the army section and the Edinburgh section. Crawford-Lindsay, Lanark, Barganie, Sir Harry Gibb, John Mylne and John Jossie formed the central core of army section members involved in this cross-over.<sup>65</sup>

#### *(4) Conclusion*

Following the close of the last session of the First Triennial Parliament on 27th March 1647 a power struggle ensued between the factions of Argyll and Hamilton. This power struggle was ultimately decided in favour of Hamilton. By December 1647 the Argyll faction, now a minority on the Committee of Estates, had been outmanoeuvred and the conservatives had secured the signing of the Engagement to rescue the king from the English Independents. This victory had been secured by winning over a majority of gentry and burgesses. By the time the Engagement had been approved by the Committee of Estates, the conservatives were already intervening in the electoral process in the elections to the Second Triennial Parliament. When the Second Triennial Parliament met in March 1648 the Hamilton faction was now the dominant force, having successfully managed the elections, although there was still a radical presence within the House. Parliamentary committee membership was dominated by the conservatives. In the parliamentary session from March to June 1648 preparations for a military invasion of England to secure the king, under the guise of protecting the Covenant, were undertaken despite strong opposition from the Kirk. The rout of the Engagement army by Cromwell at the Battle of Preston in August 1648

paved the way for the Whiggamore Raid, the coup d'etat by western radicals, and the installation of a regime of extreme radicals; a regime propped up by the protection of Cromwell and his armed forces. The conservatives had been crushed in military terms and ousted from political power. The Engagement had failed.

1. NLS MS.2263 History of Events 1635-1662, folio 196. Lynch, *Scotland, A New History*, 276; F.D. Dow, *Cromwellian Scotland 1651-1660*, (Edinburgh, 1979), 5; Ian Donnachie and George Hewitt (eds.), *A Companion to Scottish History*, (London, 1989), 67; A.I MacInnes, *The First Scottish Tories*, *SHR*, 67, (1988), 57.

2. SRO PA. 11/5, folios 3-218,6, 40. See appendix 42.

3. *Ibid*; APS, vi, i, 616-617, 632. Balmerino was the only noble and James Stewart (Edinburgh) the only burgess on the Committee for Losses of 30th March 1647. Johnston of Wariston (Edinburgh) and Foullis of Colington (Edinburgh) were the remaining gentry members. The Committee for Losses of 30th March 1647 was dominated by eastern representation. See appendix 40.

4. SRO PA. 11/5, folio 6; APS, vi, i, 627-628, 727-731. Archibald Todd (Edinburgh) was the remaining member of the Committee for Farming the Excise. Representation was once more centred on the east coast. See appendices 40 and 41.

5. SRO PA. 11/5, folio 40; APS, vi, i, 616-617. James Stewart (Edinburgh) was the burgess member of the committee. There was a geographic balance between west and east regarding gentry and burghal representation. See appendix 40.

6. SRO PA. 11/5, folios 6, 40.

7. *Ibid*, folios 31, 59-72, 72, 75; Stevenson, *Revolution and Counter-Revolution*, 91-92; Lynch, *Scotland, A New History*, 276; J.D Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 240.

8. SRO PA. 11/5 folios 77-78, 89; Loudoun, Hamilton, Crawford-Lindsay, Glencairn, Traquair, Lanark, Callander and Barganie formed the grouping of eight nobles at the diet of 8th September. Gibson of Durie, Clerk Register, Johnston of Wariston, Lord Advocate, Fletcher of Innerpeffer, Lockhart of Lee, Belshes of Toftis, Weymes of Bogie, Dundas of Maner, Foullis of Colington, Cockburn of Clerkington, Beaton of Creich and Morrison of Prestongrange formed the grouping of remaining 10 gentry. Archibald Todd, Archibald Syderf, John Kennedy, James Robertson and James Stewart formed the grouping of remaining five burgesses. Stevenson, *Revolution and Counter-Revolution in Scotland*, 92-93.

9. SRO PA. 11/5 folios 92-93. Dundas of Maner, Foullis of Colington, Beaton of Creich and Morrison of Prestongrange were the four gentry present on 8th September who were not present

on 11th September. In addition, Hamilton of Beill was present on 11th September but had not been present on 8th September.

10. SRO PA. 11/5, folios 92-93, 113-119.

11. *Ibid* folios 92-93, 113-119; Stevenson, *Revolution and Counter-Revolution in Scotland*, 93; J.D. Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 287-288, 294.

12. SRO PA. 11/5 folio 113; Stevenson, *Revolution and Counter-Revolution in Scotland*, 94.

13. Stevenson, *Revolution and Counter-Revolution in Scotland*, 94, 97-98; Donaldson, *Scotland, James V-James VII*, 336-337; Mitchison, *Scotland 1603-1745*, 58; Ian Donnachie and George Hewitt, *A Companion to Scottish History*, 67; Edward J. Cowan, *Montrose for Covenant and King*, (London, 1977), 259-260; Dow, *Cromwellian Scotland 1651-1660*, 5; Levack, *The Formation of the British State*, 201-202; Lynch, *Scotland, A New History*, 276; S.R Gardiner (ed.), *Constitutional Documents of the Puritan Revolution*, (3rd edition, Oxford, 1906 ), 347-352.

14. SRO PA. 11/5, folios 210-211; SRO Scott of Harden Papers, GD 157/1637; Stevenson, *Revolution and Counter-Revolution in Scotland*, 98-99; J.D. Fotheringham, *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 392, 399, 407.

15. SRO PA. 11/5, folios 3-218. See appendix 42; Stevenson, *Government Under the Covenanters*, xlii.

16. *Ibid*. Cassillis attended 63 diets (59%), Barganie attended 73 diets (68%), Crawford-Lindsay attended 99 diets (92%), Loudoun attended 64 diets (60%). Balcarras attended 48 diets (45%), Glencairn attended 49 diets (46%), Balmerino and Eglinton attended 50 diets (47%) and Traquair attended 51 diets (48%). Foulis of Colington (Edinburgh) and Gibson of Durie, Clerk Register, are recorded in 60 sederunts (56%). Belshes of Toftis (Berwick) is recorded in 83 sederunts (78%). Morrison of Prestongrange (Peebles) attended 56 diets (52%), Falconer of Halkerton (Kincardine) attended 63 diets (59%), and Fletcher of Innerpeffer (Forfar) attended 67 diets (63%). Three further gentry attended between 49 and 52 diets; Cockburn of Clerkington ( Haddington ) and Weymes of Bogie (Fife) attended 49 diets (46%), whilst Dundas of Maner (Linlithgow) attended 52 diets (49%). Archibald Sydserf is recorded in 78 diets (73%), John Short (Stirling) is recorded in 56 diets (52%) and John Kennedy is recorded in 67 sederunts (63%). Archibald Todd (Edinburgh) attended 64 diets (60%) and James Stewart (Edinburgh ) attended 74 diets ( 69%). See appendix 42.

17. APS, vi, i, 766-767; SRO PA. 11/5, folios 3-218. See appendix 42. Balmerino was President at one diet (when only one other noble, Argyll, was present) and Argyll was President at two diets (when Balmerino, Crawford-Lindsay and Hamilton were absent).

18. J.D Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, 288; Burnet, *The Memoirs of the Lives and Actions of James and William, dukes of Hamilton and Castleherald*, 336; Rushworth, *Historical Collections*, volume IV.(ii), 1032; Clarendon, *History of the Rebellion*, volume IV, 321; Stevenson, *Revolution and Counter-Revolution in Scotland*, 100.

19. APS, vi, ii, 3-4. Many shires and burghs are listed but no commissioners of shires or commissioners of burghs are given. This discussed in greater detail in appendix 43. All figures relating to the numbers of gentry and burgesses are based on maximum and minimum possible attendance levels; each shire was entitled to send two commissioners of the shire and each burgh one commissioner of the burgh, apart from Edinburgh which could send two commissioners of the burgh. See appendix 43.

20. *Ibid*, 3-4. 26 shires are listed with their commissioners of the shires. Of this 26, 21 shires sent two commissioners. Five shires sent only one commissioner each (Sutherland, Elgin, Nairn, Kirkcudbright and Caithness). Three shires (Clackmannan, Kincardine and Inverness) are listed, but no commissioners of the shires are given for them. 47 commissioners of the shires are actually listed in the parliamentary rolls. If the above three shires were actually represented by two commissioners each but for some reason were not recorded in the parliamentary rolls, then the maximum possible attendance for the gentry equals 47 plus (3 multiplied by 2) which equals 53. If the above three shires sent only one commissioner each, then the attendance level of the gentry equalled 47 plus (3 multiplied by 1) which is 50. If the three shires sent no commissioners each then the figure for the gentry is 47.

21. *Ibid*, 3-4. 48 burgesses are listed in the parliamentary rolls. Eight burghs are listed but no commissioners of the burghs are given (Anstruther Easter, Renfrew, Peebles, Annan, Sanquhar and New Galloway). If all eight burghs sent one commissioner each then the maximum possible number of burgesses equals 48 plus six, which is equal to 56. If they did not send any commissioners then the minimum figure is 48. See appendix 43.

22. APS, vi, i, 612-613; APS, vi, ii, 3-4. See appendices 10 and 43.

23. APS, vi, i, 612-613; APS, vi, ii, 3-4. See appendices 12

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and 45.

24. APS, vi, i, 612-613; APS, vi, ii, 3-4. See appendices 12 and 45. The eight shires where there was a change in both commissioners of the shires were as follows: Fife, Stirling, Berwick, Bute, Ayr, Roxburgh, Perth and Aberdeen. The five shires where there were no changes in membership of the commissioners of the shires were as follows: Linlithgow, Lanark, Dumfries, Wigtown and Forfar. The six shires where there was change in membership of one commissioner of the shire, but no change in the other commissioner, were as follows: Dumbarton, Haddington, Peebles, Renfrew, Selkirk and Banff.

25. APS, vi, i, 612-613; APS, vi, ii, 3-4. See appendices 12 and 45.

26. APS, vi, ii, 3-4. See appendix 45. Stevenson, *Revolution and Counter-Revolution in Scotland*, 100.

27. APS, vi, ii, 3-88.

28. *Ibid*, 5; Stevenson, *Revolution and Counter-Revolution in Scotland*, 100; Stevenson, *Government Under the Covenanters*, 175; CSPD, 1648-1649, 26.

29. APS, vi, i, 612-613; APS, vi, ii, 3-4, 5, 6, 6-7, 7, 7-8, 8, 9. See appendices 12, 45 and 46.

30. APS, vi, ii, 6; Stevenson, *Revolution and Counter-Revolution in Scotland*, 100; J.D Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 420.

31. APS, vi, ii, 9, 10, 10-11, 11; Stevenson, *Revolution and Counter-Revolution in Scotland*, 100. The conduct of Loudoun, Lauderdale, Lanark, Erskine of Cambuskenneth, Hugh Kennedy and Robert Barclay was approved of. NLS MS 8482, Minute Book of the Convention of Estates, folios 2-5, indicates that the committees were actually appointed on 9th March before being approved of by Parliament on 10th March.

32. APS, vi, i, 766-767; APS, vi, ii, 10. Hamilton, Crawford-Lindsay, Lanark, Lauderdale and Callander were the five conservative nobles on the Committee for Dangers, Remedies and Duties. Hepburne of Humble (Haddington), Foullis of Colington (Edinburgh) and Sir James Dundas of Arnieston (Edinburgh) were the remaining gentry on that committee. Sir Alexander Wedderburne (Dundee), John Short (Stirling) and William Glendoning (Kirkcudbright) were the remaining burgesses on that committee. See appendix 46. Four gentry represented eastern shires and two gentry represented western shires. Three burgesses were from the east coast, one was from the west coast, one from the central belt and one from the Borders. Foullis of Colington was the remaining gentry on the committee who had been included on the Committee of Estates of 20th March 1647. See appendices 41 and 46. Stevenson,

*Revolution and Counter-Revolution in Scotland*, 101. Thomas Kennedy was identified as the fifth member; this was obviously an error on the part of a foreign correspondent. The fifth member was probably John Short (Stirling) as he was removed from the original committee on 17th March along with George Porterfield and William Glendoning, J.D Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 426, APS , vi, ii, 13; Stevenson, *Government Under the Covenanters*, xxxv. NLS MS 8482, Minute Book of the Convention of Estates, 1648, folios 4-5, indicates that the Committee for Dangers, Remedies and Duties, was known as the " Committee for Dispatches ". Variations also exist in the membership details between this manuscript version and the official parliamentary record. Eight nobles are listed in the manuscript version, whereas only six are included in the parliamentary record. Cassillis and Mar are the two nobles not included in the parliamentary record. No details of gentry and burghal membership are given in the manuscript version.

33. APS, vi, ii, 10, 13; Stevenson, *Revolution and Counter-Revolution in Scotland*, 102. See appendix 46. Conflict in terms of noble membership of the renewed committee of 17th March exists between the official parliamentary record and manuscript minutes of Parliament listed in SRO RH2/8/15, Minutes of Parliament, 11th March to 8th April 1648. Hamilton is included in the parliamentary record but not the manuscript version, whereas Cassillis is listed in the manuscript version but not the parliamentary record. All other noble membership remains the same. Only five gentry are included in the manuscript version; Dundas of Arnieston is not included. Burghal membership is identical in both versions. John Short (Stirling), George Porterfield (Glasgow) and William Glendoning (Kirkcudbright) were the three burgesses removed from the initial committee of 10th March and not included on the renewed committee. They were replaced by George Bell (Linlithgow), James Robertson (St. Andrews) and Thomas MacBirnie (Dumfries). Loudoun was not included as a supernumerary on the renewed committee.

34. APS, vi, i, 766-767; APS, vi, ii, 10. NLS MS 8482 Minute Book of the Convention of Estates, folio 5. The Earl of Ethie, Lord Cochrane and Barganie represented the nobility. Sir William Baillie of Lamington (Lanark), William Veitch of Dawick (Peebles ) and Udnie of that ilk (Aberdeen) represented the gentry. George Bell (Linlithgow) and Thomas MacBirnie (Dumfries) were the remaining burghess representatives. Cochrane had been promoted to Lord Cochrane from the position of Sir William Cochrane of Cowdoun. One gentry and two burgesses were from the east coast, one gentry and one burghess were from the Borders and one gentry was from the west coast. See appendices 41 and 46.

35. APS, vi, i, 766-767; APS, vi, ii, 10-11. NLS MS 8482 Minute Book of the Convention of Estates, folio 5. Dundas of Maner (Linlithgow), Sir Archibald Stirling of Carden

(Stirling) and James Graham of Monorgrund (Forfar) represented the gentry on the Committee for Overtures and Laws. John Hay (Elgin), Robert Cunningham (Kinghorn) and Robert Brown (Irvine) represented the burgesses on that committee. Two gentry and one burgess were from the east coast, one gentry was from the central belt, one burgess was from the west coast and one burgess was from the north. See appendix 46. Dundas of Maner (Linlithgow), John Hay (Elgin) and Robert Cunningham (Kinghorn) had been included on the Committee of Estates of 20th March 1647. See appendices 41 and 46.

36. APS, vi, i, 766-767; APS, vi, i, 612-613; APS, vi, ii, 11. Tullibardine, Perth, Southesk and Traquair represented the nobility. Innes of that ilk (Elgin), Patrick Cockburn of Clerkington (Haddington), ( ) Murray of Polmais (Stirling) and David MacBrair of Almagill (Dumfries) represented the gentry. James Robertson (St. Andrews), John Forbes (Inverness) and Gilbert More represented the burghal estate. A geographic spread is evident among the gentry representatives. Representation was spread from the north to the east to the central belt to the Borders. The north dominated burghal representation. See appendix 46. Tullibardine and Traquair were the two such nobles and Cockburn of Clerkington (Haddington) was the one gentry who had been included on the Committee of Estates of 20th March 1647. See appendices 41 and 46.

37. APS, vi, ii, 766-767; APS, vi, ii, 3-4, 11. NLS MS 8482 Minute Book of the Convention of Estates, 1648, folio 5. Murray, Home and Dumfries represented the nobility. Fraser of Phillorth (Aberdeen), Scott of Ardross (Fife) and John Fullarton of Corsbie represented the gentry. John Mercer (Perth), Richard Chapland (Haddington) and James Campbell (Dumbarton) represented the burgesses. Gentry and burghal representation was dominated by the east coast. See appendices 41, 45 and 46.

38. Stevenson, *Government Under the Covenanters*, xxxv; Stevenson, *Revolution and Counter-Revolution in Scotland*, 102; Rushworth, *Historical Collections*, volume 4.2, 1049; J.D Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 426. NLS MS 2263 History of Events, 1635-1662, folio 197. The vote concerning Berwick and Carlisle had been taken on 16th March, SRO RH2/8/15 Minutes of Parliament, 11th March 1648 to 8th April 1648.

39. APS, vi, ii, 10, 13, 14-15; *Records of the Kirk of Scotland*, A. Peterkin (ed.), 477-478; Stevenson, *Revolution and Counter-Revolution in Scotland*, 101. NLS 8482 Minute Book of the Convention of Estates, 1648, folio 7. Hamilton, Crawford-Lindsay, Roxburgh, Lauderdale, Traquair, Lanark and Callander were the seven remaining nobles on the committee of 22nd March. Hepburne of Humble (Haddington), Foulis of Colington (Edinburgh), Dundas of Arnieston (Edinburgh), MacDowall of Garthland (Wigtown) and Innes of that ilk (Elgin) were the remaining gentry members. Sir Alexander Wedderburne



(Dundee), George Bell (Linlithgow), John Kennedy (Ayr), Thomas MacBirnie (Dumfries), William Glendoning (Kirkcudbright) and John Hay (Elgin) were the remaining burgess members. Geographical analysis reveals a dominance of east coast representation among the gentry. Four gentry represented eastern shires, two gentry represented western shires, while the Borders and the north were represented by one gentry each. There was a more even geographic spread among the burgesses. Three burgesses represented eastern burghs, two burgesses represented western burghs, two burgesses represented burghs from the Borders and one burgess represented the north. See appendix 46. Argyll and Crawford-Lindsay, Johnston of Wariston, MacDowall of Garthland, George Porterfield, John Kennedy and William Glendoning constituted the grouping who were also included on the Commission of the Kirk.

40. NLS MS 8482 Minute Book of the Convention of Estates, 1648, folio 23; SRO Hamilton Papers, GD 406/1/2378; APS, vi, ii, 17-18, 23-25; S.R Gardiner (ed.), *The Hamilton Papers*, (Camden Society, London, 1880) 29-30; J.G Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 451; Stevenson, *Revolution and Counter-Revolution in Scotland*, 103-104.

41. APS, vi, ii, 40-42; J.G Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the Brothers De Bellievre*, volume two, 459.

42. APS, vi, ii, 16, 29, 30-39, 53-56, 58, 59-62, 66, 72, 87. Six other minor army appointments were made on 11th May; John Middleton as Major General of the Horse, James Holburne as Major General of the Foot, David Leslie as Lieutenant General of the Horse, Alexander Hamilton as General of the Artillery, Robert Innes as Quartermaster General and Sir John Weymes of Bogie as General Commissioner, APS, vi, ii, 72-74, 86. Stevenson, *Revolution and Counter-Revolution in Scotland*, 105, 107.

43. APS, vi, ii, 3-87. Dundas of Arnieston (Edinburgh), Lockhart of Lee (Lanark), Innes of that ilk (Elgin), Fletcher of Innerpeffer (Forfar) and Johnston of Wariston (Argyll) were the five gentry included three session committees. Balfour of Denmilne, Weymes of Bogie and John Fullarton of Corsbie were the three gentry analysed who were not members of Parliament. Archibald Sydserf (Edinburgh), George Bell (Linlithgow), James Robertson (St. Andrews), George Porterfield (Glasgow), Thomas MacBirnie (Dumfries) and John Hay (Elgin) were the six burgesses included on three session committees. See appendices 45 and 46.

44. APS, vi, ii, 3-87. No nobles were included on the remaining three interval committees analysed the Committee for the Burned and Wasted Lands in Nairn, the Committee for the Burned and Wasted Lands in the Shire of Elgin and Forres and the Committee for the Burned and Wasted Lands in Banffshire. See appendices 45 and 47.

45. APS, vi, i, 766-767; APS, vi, ii, 69-71. Stevenson, *Government Under the Covenanters*, 61. See appendices 41 and 47.

46. APS, vi, i, 766-767; APS, vi, ii, 69-71. Hamilton, Argyll, Crawford-Lindsay, Lauderdale, Lanark, Callander and Loudoun formed the grouping of seven nobles. Fletcher of Innerpeffer (Forfar), Johnston of Wariston (Argyll), Lockhart of Lee (Lanark), Foulis of Colington (Edinburgh), Weymes of Bogie and Gibson of Durie formed the grouping of six gentry. Weymes of Bogie, General Commissioner, and Gibson of Durie, Clerk Register, were not members of Parliament as per 2nd March 1648 (see appendices 45 and 47). Archibald Sydserf (Edinburgh), Sir Alexander Wedderburne (Dundee) and James Robertson (St. Andrews) formed the grouping of three burgesses. Hepburne of Humble (Haddington) and Dundas of Arnieston (Edinburgh) were the two remaining gentry on the Committee of Estates of 11th May 1648. Patrick Leslie (Aberdeen), George Bell (Linlithgow) and Thomas MacBirnie (Dumfries) were the three remaining burgesses on the Committee of Estates of 11th May 1648. Gentry and burghal membership of the Committee of Estates of 11th May 1648 was dominated by east coast representatives. Six gentry and five burgesses represented eastern shires and burghs, two gentry represented western shires and one burgess represented a burgh from the Borders. See appendices 41 and 47.

47. APS, vi, i, 766-767; APS, vi, ii, 71. Dundas of Maner (Linlithgow) and Patrick Cockburn of Clerkington (Haddington) represented the gentry on the Excise Commission. Gentry and burghal membership of the Excise Commission was monopolised by eastern representation. See appendices 41 and 47.

48. APS, vi, ii, 3-4, 78. Ninian Dunbar of Grangehill, Robert Dunbar of Easterbin, Walter Kinnaird of Cowbin, David Stewart of Newton, John Dunbar of Whitemyre, Arthur Forbes of Thornhill, John Robertson of Insches and James Cuthbert of Draikies constituted the membership of the Commission for the Burned and Wasted Lands in Nairn. Alexander Ogilvie of Kincardine, Alexander Abercrombie of Birkinboig and Thomas Abercrombie of Skeath formed the gentry membership of the Commission for the Burned and Wasted Lands in the Shire of Elgin and Forres. Gilbert More (Banff) was a member of Parliament as per 2nd March 1648. Alexander Douglas and Robert Wilson were the two remaining burgess members. Thomas Forbes of Watertoune, Andrew Meldrum of Iden, John Forbes of Baythe, James Baird of Auchmedden, George Leslie of Kincraigie and John Forbes of Pitnacaddell formed the gentry membership of the Committee for the Burned and Wasted Lands in Banffshire. Patrick Leslie (Aberdeen) was the one burgess and was member of Parliament. See appendices 45 and 47.

49. Stevenson, *Government Under the Covenanters*, 82. Foulis of Colington (Edinburgh) and Dundas of Arnieston (Edinburgh) are recorded in eight sederunts. Hepburne of Humble (Haddington) is recorded in seven sederunts. MacDowall of Garthland (Wigtown) is recorded in the committee register but

not in the official parliamentary commission. Nevertheless, MacDowall of Garthland attended none of the nine diets. George Bell (Linlithgow) and John Hay (Elgin) each attended four diets. John Hay (Elgin) was not included in the Committee of Estates as per 11th May 1648. George Porterfield (Glasgow) and William Glendoning (Kirkcudbright) are recorded in the committee register but not in the official parliamentary commission. Neither burgess attended any of the nine diets. David Stevenson lists Archibald Sydserf (Edinburgh) as not being a member of the Committee of Estates as per the official parliamentary commission of 11th May. However, Archibald Sydserf (Edinburgh) was included in that commission (APS, vi, ii, 69-71).

50. Stevenson, *Government Under the Covenanters*, 61, 66-67, 69, 71, 79-80; W.S. Shepherd, "The Politics and Society of Glasgow, 1648-74" (University of Glasgow, PhD thesis, 1978), 40, 41.

51. APS, vi, ii, 89-124.

52. APS, vi, ii, 89; Cockburn of Clerkington (Haddington), Dundas of Maner (Linlithgow) and the laird of Tullibodie were added for the gentry. James Lenton (St. Andrews), Robert Cunningham (Kinghorn) and James Campbell (Linlithgow or Dumbarton) were added for the burgesses. Stevenson, *Government Under the Covenanters*, 62.

53. APS, vi, ii, 91, 109. Home and Halkerton represented the nobility, Fletcher of Innerpeffer (Forfar) and Lockhart of Lee (Lanark) represented the gentry, whilst Sir Alexander Wedderburne (Dundee) and Archibald Sydserf (Edinburgh) represented the burgesses. The committee appointed to consider the case of Gibson of Durie and James Campbell is not officially listed in the parliamentary records as a session committee.

54. APS, vi, ii, 93-94, 107-108, 108-109; Stevenson, *Revolution and Counter-Revolution in Scotland*, 109.

55. APS, vi, ii, 106-107. *The Differences in Scotland Still on Foot. Or, The late Proceedings between the Parliament and Kirk* (London, 1648), 1-2. GUL Ogilvie 658, *Some Few Observations By the Committee of Estates of Parliament, Upon The Declaration of the General Assembly of the last of July* (Edinburgh, 1648), 3.

56. APS, vi, ii, 122, 123-124.

57. *Ibid*, 102-105, 114. See appendix 49. On 6th June an interval commission, the Committee for Burned and Wasted Lands in the Shire of Inverness, was appointed to assess the extent of land which was not paying any duty in relation to the maintenance. Six gentry formed its membership; Thomas Kinnaird of Cowbin, Ninian Dunbar of Grangehill, John Grant of Moyne, Robert Dunbar of Easterbin, Alexander Brodie of Lethem, Thomas Dunbar of Grange and Alexander Dunbar of Both. This committee

has not been included in the analytical structure as it was not of central importance to contemporary events.

58. *Ibid.* Hamilton, Loudoun, Argyll, Crawford-Lindsay, Glencairn, Eglinton, Cassillis, Dunfermline, Buccleuch, Callander, Lanark, Lauderdale, Roxburgh, Southesk, Lothian, Findlater, Sinclair, Balmerino, Balcarras, Barganie and Cochrane formed the grouping of 18 nobles who were included on both committees. Foullis of Colington (Edinburgh), Dundas of Arnieston (Edinburgh), Weymes of Bogie (Fife), Dundas of Maner (Linlithgow), Lockhart of Lee (Lanark), Baillie of Lamington (Lanark), Stirling of Carden (Stirling), ( ) Murray of Polmais (Stirling), Hepburne of Humbie (Haddington), Cockburn of Clerkington (Haddington), Morrison of Prestongrange (Peebles), Innes of that ilk (Elgin), Blair of Balthayok (Perth), MacDowall of Garthland (Wigtown), Hamilton of Orbiston (Renfrew), Fletcher of Innerpeffer (Forfar), Johnston of Wariston (Argyll), Gibson of Durie, Clerk Register and Carmichael of that ilk, Treasuer Depute, formed the grouping of 18 gentry included on both committees. Archibald Sydserf (Edinburgh), Patrick Leslie (Aberdeen), Sir Alexander Wedderburne (Dundee), George Bell (Linlithgow), James Pedie (Montrose), George Garden (Burntisland) and Robert Cunningham (Kinghorn) formed the grouping of seven burgesses included on both committees. See appendix 49.

59. *Ibid*, 114. Sir William Baillie of Lamington (Lanark), Dundas of Arnieston (Edinburgh), ( ) Murray of Polmais (Stirling), Sir Thomas Blair of Balthayok (Perth), Sir Alexander Morrison of Prestongrange (Peebles) and Sir Archibald Stirling of Carden (Stirling) constituted the six gentry additions. George Porterfield (Glasgow), James Lenton (St. Andrews) and James Pedie (Montrose) constituted the three burghal additions. A geographical breakdown of the gentry additions reveals two gentry representing eastern shires, two gentry representing the central belt and one gentry each representing the west coast and the Borders. The burghal additions were primarily from eastern burghs.

60. *Ibid*, 69-71, 102-105. See appendices 47 and 49.

61. *Ibid.* Of the 40 gentry on the Committee of Estates of 9th June 1648, 19 (48%) represented eastern shires, six represented shires from the Borders, six represented shires from the extreme north, five represented western shires and four represented shires from the central belt. Of the 37 burgesses on the Committee of Estates of 9th June 1648, 26 (70%) represented eastern burghs, six represented burghs in the extreme north, three represented western burghs and two represented burghs from the central belt. Eastern representation was therefore dominant pertaining to gentry and burghal representation.

62. *Ibid*, 102-105; NLS MS 2263 History of Events 1635-1662, folio 200. The quorum of the Edinburgh section was set at nine, with two of each estate required to be present. The quorum of the army section was set at seven, with one of each estate required to be present. The membership of both sections was not issued as per 9th June 1648.

63. SRO PA. 11/6, folios 17-193; APS, vi, ii, 102-105. Rothes, Glencairn, Winton, Haddington, Barganie, Halkerton and Belhaven were the seven nobles who attended between 20 and 28 diets. See appendix 48. At a further three diets where Crawford-Lindsay was present but not listed as President, no other noble was listed as President. At one further diet where Crawford-Lindsay was present, Glencairn was listed as President. Glencairn was listed as President at a further two diets, whilst Lanark was President at seven diets. Lockhart of Lee (Lanark), Cockburn of Clerkington (Haddington), Weymes of Bogie, Commissary General and Treasurer of the Army, and the laird of Tullibodie were the four gentry recorded in between 22 and 25 sederunts. See appendix 48. The three gentry not included on the Committee of Estates of 9th June who attended diets were as follows; Meldrum of Burghlie attended six diets, Cochrane of Cowdoun attended two diets and Grierson of Lag (Dumfries) attended two diets. Only Grierson of Lag (Dumfries) was a member of Parliament as per 2nd March 1648 (see appendices 45 and 48). The six burgesses who attended between 20 and 34 diets were as follows; Robert McKean, John Mylne, Patrick Leslie (Aberdeen), John Cowan and Archibald Todd. All bar Patrick Leslie and John Cowan were burgesses of Edinburgh. See appendix 48.

64. SRO PA. 11/6, folio 64. Crawford-Lindsay, Erroll, Marischal, Murray, Home, Dunfermline, Lauderdale, Dumfries, Traquair, Lanark, Sinclair, Barganie, Balcarras, Hamilton and Callander were the 15 nobles on the army section. Hamilton was included in the capacity of General of the armed forces and Callander was included in the capacity of Lieutenant General. Foullis of Collington (Edinburgh), Dundas of Arnieston (Edinburgh), Grierson of Lag (Dumfries), MacBrair of Almagill (Dumfries), Home of Heidrig (Berwick), Home of Plandergaist (Berwick), MacDowall of Garthland (Wigtown), Innes of Sandside (Caithness), Gibson of Durie, Clerk Register, Weymes of Bogie, Treasurer of the Army, and Sir Harry Gibb were the 11 gentry on the army section. Sir Alexander Wedderburne (Dundee), James Pedie (Montrose), James MacCulloch (Tain), David Spence (Rutherglen), John Auchterlony (Arbroath), John Henderson (Lochmaben), Alexander Crawford, John Jossie and John Mylne were the nine burgesses on the army section. Stevenson, *Revolution and Counter-Revolution in Scotland*, 111.

65. SRO PA. 11/6, folios 17-193. Traquair attended one diet of

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the Edinburgh after 3rd July and Sinclair attended two diets. Sir Harry Gibb attended 24 diets of the Edinburgh section after 3rd July, Weymes of Bogie attended 17 diets, Dundas of Arnieston (Edinburgh) attended six diets, Foullis of Collington (Edinburgh) attended two diets and Gibson of Durie attended one diet of the Edinburgh section. John Mylne and John Jossie attended 20 diets of the Edinburgh section, Alexander Crawford attended nine diets and John Auchterlony (Arbroath) attended one diet. See appendix 48.

## **IX THE RULE OF THE RADICAL REGIME, SEPTEMBER 1648 TO AUGUST 1649.**

Following the debacle of military defeat of the Engagement army at the Battle of Preston in August 1648, the power base of the Engagers within Scotland collapsed. The Whiggamore raid of western radicals established a radical regime in Edinburgh, backed by Cromwell. The first political move of the regime was to establish firm control of the Committee of Estates.

### ***(1) The Operation of Parliamentary Interval Committees, September 1648-January 1649.***

14 sederunts of the Committee of Estates are recorded between 22nd September and 18th October (see appendix 50).<sup>1</sup> Of the 40 nobles included on the Committee of Estates as per 9th June 1648, only eight attended any of the 14 diets (see appendix 50). All eight nobles were leading radicals (Argyll, Loudoun, Cassillis, Balmerino, Leven, Lothian, Eglinton and Buccleuch). The remaining 32 nobles included on the Committee of Estates of 9th June 1648 did not attend any of the 14 diets (appendix 50). Five nobles who had not been included on the Committee of Estates of 9th June 1648 attended several diets (see appendix 49 and 50). Burleigh, Angus, Elcho, Torphichen and Kirkcudbright formed this grouping. This constitutes an influx of radical nobles who had failed to secure inclusion on the Engager dominated Committee of Estates of June 1648.

Of the 40 gentry included on the Committee of Estates of 9th June 1648, only two are recorded in any of the 14 sederunts (see appendix 50). Erskine of Scottiscraig (Fife) is recorded in 10 sederunts (71%) and Johnston of Wariston (Argyll) is recorded in nine diets (64%). Both were leading radical gentry. The remaining 32 gentry are not recorded in any of the 14 sederunts (see appendix 50). 11 further gentry who had not been included on the Committee of Estates of 9th June 1648 attended several diets. None of these 11 gentry had been members of Parliament as per 2nd March 1648 (see appendices 45, 49 and 50). This indicates an influx of radical gentry to bolster the radical regime. Of the 37 burgesses included on the Committee of Estates of 9th June 1648, only three are recorded in any of the 14 sederunts (see appendix 50). John Mylne was present at eight diets (57%), George Garden (Burntisland) attended four diets and Robert Cunningham (Kinghorn) attended two diets. These burgesses can therefore be identified as radical burgesses who had managed to

nine burgesses who had not been included in the Committee of Estates of 9th June 1648 attended several diets (see appendix 49 and 50). All three estates witnessed an influx of radicals. Only two of these nine burgesses James Campbell (Dumbarton) and Thomas MacBirnie (Dumfries) had been members of Parliament as per 2nd March 1648 (see appendices 45 and 50). These two burgesses can therefore be safely labelled as radicals. Of all three estates it was the gentry that witnessed the greatest influx of members who had not been included on the Committee of Estates of 9th June 1648. The burghal estate witnessed a greater influx of new radical blood than the noble estate.<sup>2</sup>

In light of the fact that the Committee of Estates of 9th June 1648 had become defunct (in terms of membership) following the Whiggamore Raid and the majority of that committee were associated with the Engagement, the radical rump legislated on 7th October to bring persons of "good affection and qualification" (i.e radicals) on to the committee.<sup>3</sup> Such individuals were to concur and assist the committee in the ordering, directing and governing of the public affairs of the kingdom. They were to have "ample power ... as if they had been inserted nominated in the commission of Parliament".<sup>4</sup> Eight nobles, 45 gentry, 25 burgesses and two military officials (80 individuals in total) were added to the Committee of Estates. Of the eight nobles added, three did not attend any diets between 7th October and 18th October. A further three nobles added (Angus, Elcho and Kirkcudbright) attended a significant number of diets between 7th October and 18th October. Six out of the eight nobles added to the Committee of Estates on 7th October 1648 are also recorded in the parliamentary rolls of the Second Session of the Second Triennial Parliament on 4th January 1649.

Of the 45 gentry added to the Committee of Estates on 7th October 1648, only seven attended any diets. 38 of the gentry added to the Committee of Estates on 7th October did not attend any diets in the period 7th October to 18th October. Furthermore three gentry who were not included in the commission to the Committee of Estates of 9th June 1648 and who were not included in the additions of 7th October, attended various diets after 7th October 1648. Of the 25 burgesses added to the Committee of Estates on 7th October 1648, 10 burgesses attended diets between 7th October and 18th October. 15 of the burgesses added to the Committee of Estates of 7th October did not attend any diets in the period 7th October to 18th October. 10 of the 25 burgesses added to the Committee of Estates of 7th October 1648 are also recorded in the parliamentary rolls of the Second Session of the Second Triennial Parliament on 4th January 1649.<sup>5</sup>

The Act Anent the Constitution of the Committee passed by the Committee of Estates on 22nd September 1648 formally established the terms of which membership of the committee were to be based. The Committee of Estates was to consist of those persons who were nominated on the original commission of 9th June and who had opposed the Engagement in Parliament. It was also to proceed with the advice of such members of Parliament who had



Parliament. It was also to proceed with the advice of such members of Parliament who had also opposed the Engagement. They were also to be joined by two representatives of the commissioners of the shires and one representative of the commissioners of the burghs. Those who had raised arms in support of the Engagement or had sworn oaths or declarations in favour of the Engagement were barred from being included on the committee. Also barred were any who were aiding or assisting those joined in arms with Crawford-Lindsay, Glencairn, Lanark, Sinclair and Gibson of Durie. This was designed to stop any development of an Engager "home guard" within Scotland. In a separate item of legislation enacted on 22nd September the terms of election of commissioners of shires and commissioners of the burghs to Parliament as well as the election of magistrates in the burghs were dictated. No adherents of the Engagement (including those who had sworn or subscribed oaths or declarations in favour of the Engagement) were to be elected to sit in Parliament nor to be admitted to any offices of public trust. On the assurance of the security of their lives, it was also ordained that the military forces of Engagers were to be disbanded, as well as withdrawing from public life. The insistence on the exclusion of Engagers from public life came from Cromwell himself, although the policy was implemented by the radical regime.<sup>6</sup>

***(2) The Second Session of the Second Triennial Parliament, 4th January 1649 to 16th March 1649.***

This parliamentary session can be differentiated into two sub-sessions, whilst still constituting a full parliamentary session in procedural and constitutional terms. The Estates sat from 4th January to 3rd February 1649. On 3rd February Parliament was adjourned, following the execution of the king in London until 6th February 1649 but actually reconvened on 5th February 1649. Therefore details of all committees analysed have been considered with reference to two sub-sections although they were constitutionally incorporated in the one parliamentary session.<sup>7</sup>

***(i) The Composition of the Second Session of the Second Triennial Parliament, 4th January 1649 to 16th March 1649.***

In common with the First Session of the Second Triennial Parliament, deficiencies exist in the parliamentary rolls of the opening day of the session relating to the precise attendance

43 and 44).<sup>8</sup> 16 nobles constituted the attendance of the noble estate as per 4th January 1649 (see appendix 43). 46 gentry representing 26 shires are recorded in the parliamentary rolls; this constitutes the minimum attendance figure for the gentry. Three further shires are listed but no commissioners are named (the shires of Bute, Kincardine and Banff respectively). If all three shires sent two commissioners each then the maximum attendance figure is 52 gentry representing 29 shires (see appendix 43). 51 burgesses representing 50 burghs are recorded in the parliamentary rolls; this constitutes the minimum attendance figure for the burghal estate. Seven further burghs are listed but no commissioners are named (the burghs of Lauder, Kilrenny, Annan, Lochmaben, New Galloway, Dingwall and Dornoch). If all seven burghs sent one commissioner each then the maximum attendance figure is 58 burgesses representing 57 burghs (see appendix 43).<sup>9</sup>

Comparison of the attendance figures per estate of 4th January 1649 with those of the First Session of the Second Engagement Parliament commencing 2nd March 1648 highlights several significant features. Firstly, there was a numerical reduction of 40 nobles between the two sessions (see appendix 44). Secondly, based on the respective maximum and minimum figures covering both sessions, there was a drop of one gentry (this applies to both the maximum and minimum figures, see appendix 44). Thirdly, based on the respective maximum and minimum figures covering both sessions, there was a rise of one burgess (based on the maximum figures) or a rise of two burgesses (based on the minimum figures) between the two sessions (see appendix 44). There was thus a drop in total parliamentary membership of 40 (based on maximum figures) or 39 (based on minimum figures) (see appendix 44). Whilst the attendance levels of the gentry and burghal estates remains almost constant, it was the noble estate that was most effected by lack of attendance. Such figures provide further evidence to the assertion that the establishment of the radical regime constituted an anti-aristocratic reaction against the nobility who had been at the forefront of the Engagement. This phenomenon is also in marked contrast to the noble domination of the First Session of the Second Triennial Parliament commencing 2nd March 1648.<sup>10</sup>

In terms of individual attendance 14 out of the 16 nobles listed as per 4th January 1649 (88%), 12 out of the 46 gentry listed as per 4th January 1649 (26%) and 13 of the 51 burgesses listed as per 4th January 1649 (25%) (39 individuals in total) who sat in Parliament, 4th January 1649, had also sat in Parliament, 2nd March 1648 (see appendix 45). Near parity per estate in common membership over both sessions is apparent. In addition, three of the 16 nobles (19%), 33 of the 46 gentry (72%) and 37 of the 51 burgesses (72%) (73 individuals in total) who sat in Parliament, 4th January 1649, had not sat in the First Session of the Second Triennial Parliament, 2nd March 1648 (see appendix 45). Furthermore, 41 of the 56 nobles listed as per 2nd March 1648 (73%), 34 of the 47 gentry listed as per 2nd March 1648 (72%) and 34 of the 49 burgesses listed as per 2nd March 1648 (69%) (109 individuals in total) who sat in the First Session of the Second Triennial

Parliament, 2nd March 1648, were not present in Parliament, 4th January 1649. 12 shires in this category witnessed a turnover in both commissioners of the shires. Therefore there was a significant degree of change in parliamentary membership among the gentry and burghal estates.<sup>11</sup>

*(ii) The Proceedings of the Second Session of the Second Triennial Parliament, 4th January to 16th March 1649.*

As indicated above, the full parliamentary session shall be examined in terms of two sub-sessions, 4th January to 3rd February and 5th February to 16th March 1649. The former sub-session concentrated on the establishing the legitimacy of the full session under the radical regime and laying the foundations for the punishment of Engagers and the purging of public offices. The latter sub-session concentrated on the consequences of the execution of Charles I and the purging of office-holders who supported the Engagement.

26 enactments (23 of which concerned the public business) and one ratification constituted the legislation passed, 4th January to 3rd February 1649. After the calling of the parliamentary rolls, Loudoun was elected President of Parliament. The Estates then ordained that any disputed commissions produced by commissioners of the shires and/or commissioners of the burghs could be rejected by the House even after such commissioners had taken the parliamentary oath. Such a manoeuvre was undoubtedly aimed at removing any gentry or burghal commissioners who did not adhere to the radical regime.<sup>12</sup>

The actual process of parliamentary business was not properly initiated until 5th January. All members of Parliament were required to renew the Solemn League and Covenant. Cassillis, Johnston of Wariston (Edinburgh) and Sir James Stewart (Edinburgh) were appointed to inform the General Assembly of this resolution in name of the Parliament. The Solemn League and Covenant was subscribed by all members of Parliament present on 12th January. The Act anent the Several Committees stipulated that any member of Parliament was entitled to full access to any parliamentary session committee. Such access did not include voting rights. In addition, Loudoun, Chancellor and President of Parliament, was to be supernumerary on all committees. The Excise Commission was continued until such time as a new committee was appointed. In accordance with an act of the Committee of Estates of 14th October 1648, the Committees of War in the shires were to continue their meetings throughout the parliamentary session. Three parliamentary session committees were established on 5th January; the Committee for Dispatches, the Committee for Overtures and Laws and the Committee for Bills and Ratifications. The specific quorums for these committees were not issued until 31st January and were set at a third of the total membership of each committee.<sup>13</sup>

membership of each committee.<sup>13</sup>

Seven per parliamentary estate as formed the membership of the Committee for Dispatches (see appendix 51). Noble membership was composed of the front line radicals led by Argyll. Chancellor Loudoun, also President of Parliament and Leven, General, were included as supernumeraries. Gentry representation was led by Johnston of Wariston (Edinburgh), the leading ally of Argyll. All seven burgesses were major radical figures within the burghal estate.

Two nobles, one gentry and one burgess included on the Committee for Dispatches of 5th January 1649 had also been included on the Committee for Dangers, Remedies and Duties of 10th March 1648 in the Engagement Parliament (see appendices 46 and 51). Argyll and Loudoun (included as supernumeraries on both committees) were the two such nobles. Johnston of Wariston and George Portefield were the respective gentry and burgess. Seven out of the nine nobles (including supernumeraries), two out of the seven gentry and two out of the seven burgesses on the Committee for Dispatches of 5th January 1649 had also been included on the Committee of Estates of 9th June 1648 (see appendices 49 and 51). Only Arbuthnot for the nobility had not been included on the Committee of Estates of 9th June. Johnston of Wariston (Edinburgh) and Erskine of Scottiscraig (Fife) were the two gentry on the Committee for Dispatches also included on the Committee of Estates of 9th June 1648. Hugh Kennedy (Ayr) and Robert Cunningham (Kinghorn) were the two burgesses included on both such committees. This provides evidence of a radical rump which had been retained from the Engagement Parliament.<sup>14</sup>

The Committee for Dispatches was to consider all business relating to the army in Scotland, to consider all affairs in England and Ireland relevant to the kingdom of Scotland and to report on the most appropriate policy options. In addition the Committee for Dispatches was to liaise with the Commission of the Kirk and was to acquaint that body with any particular which was deemed appropriate. In fact three of the seven nobles, five of the seven gentry and four of the seven burgesses on the Committee for Dispatches were members of the current Commission of the Kirk instituted on 11th August 1648. Close correlations in membership therefore existed between the Committee for Dispatches and the Commission of the Kirk. The Committee for Dispatches of 5th January 1649 can be interpreted as a joint Kirk Assembly-Parliament radical rump, staffed by leading radical nobles, gentry and burgesses and led by Argyll. The parliamentary institution of the Committee for Dispatches, which had clear parliamentary precedents throughout the 1640s, was used to strengthen the formal links between Kirk and Parliament.<sup>15</sup>

Three per parliamentary estate formed the membership of the Committee for Overtures and Laws (see appendix 51). The committee was led by Cassillis and Balmerino. Chancellor Loudoun also President of Parliament was included as supernumerary. Cassillis, Loudoun (as supernumerary) and Robert Cunningham (Kinghorn) had also been included on the

appendices 46 and 51). This provides further empirical evidence of radical parliamentary activity within the Engagement Parliament. Two out of three nobles (Cassillis and Balmerino) were also included on the current Commission of the Kirk of 11th August 1648. One gentry (Halkheid of Pitsirrane) and one burgess (Gideon Jack) were also members of that Commission of the Kirk. Such evidence provides further indicators of liaison between Kirk and Parliament. Three out of the four nobles (including supernumeraries) and one burgess included on the Committee for Overtures and Laws of 5th January 1649 had also been included on the Committee of Estates of 9th June 1648 (see appendices 49 and 51). Cathcart was the only noble not included on the Committee of Estates of 9th June 1648 and Robert Cunningham (Kinghorn) was the only burgess who was included on that committee (see appendices 49 and 51). The Committee for Overtures and Laws was to consider all overtures handed in and to prepare those which it thought worthy of legislation. All such overtures drawn up in acts for enactment were then to be reported to the House.<sup>16</sup>

Three per parliamentary estate formed the membership of the Committee for Bills and Ratifications of 5th January 1649 (see appendix 51). Noble membership, whilst still radical, was not composed of first rank radicals. Chancellor Loudoun and President of Parliament, was included as supernumerary. Two of the nobles (Torphichen and Coupar) were also included on the current Commission of the Kirk of 11th August 1648. Loudoun (as a supernumerary) and John Hay (Elgin) had also been included on the Committee of Estates of 9th June 1648 (see appendices 49 and 51). No common membership exists between the Committee for Bills and Supplications of 10th March 1648 in the Engagement Parliament and the Committee for Bills and Ratifications of 5th January 1649 (see appendices 46 and 51). Only Loudoun was included on both committees but that was in the capacity as Chancellor and President of Parliament. All bills and ratifications were to be considered and then to be reported on to the House.<sup>17</sup>

That the radical regime was intent on a programme of public retribution against the Engagers was immediately made apparent by Argyll and Johnston of Wariston in their speeches to the House on 5th January. Argyll's speech consisted of five heads aimed at the "brecking of the malignants teith" and Wariston's speech, designed to complement Argyll's, "wold brecke ther jawes".<sup>18</sup> Five groups were identified by Argyll as worthy of punishment; firstly, the leading Engagers employed in the leading public offices, secondly, those Engagers who had been employed on parliamentary committees, thirdly, malignants who had been formerly fined by Parliament but whose cases had since relapsed, fourthly, those who had been eager promoters of the Engagement and fifthly those who had petitioned for the advancement of the levy. Argyll called these five heads classes and they were modified into a new Act of Classes. Nevertheless, this Act of Classes was not formally instituted until 23rd January 1649.<sup>19</sup>

The process of establishing the constitutional legality of the current parliamentary session

and repealing the legislation of the Engagement Parliament commenced on 9th January 1649. On 9th January the House ordained that all items of legislation were to be prefixed by a clause legally justifying the convening of the Second Session of the Second Triennial Parliament as being based on the power and authority of the legislation of the Committee of Estates.<sup>20</sup> The Act Ratifying the Act of Indiction of This Present Parliament of 11th January approved and ratified legislation of the Committee of Estates of 27th October 1648 which called for the sitting down of a new Parliament before 10th January 1649. Furthermore any individual questioning the lawfulness and authority of the current parliamentary session would be punished under the pain of treason. The charge of treason was clearly being used for party purposes. Subsequent legislation enacted on 26th January required subscription of the band for securing the peace of the kingdom. This included the acknowledgement of the legality of the meeting and constitution of the current parliamentary session.

Following the passage of the Act Ratifying the Act of Indiction, a parliamentary session committee was established to revise all acts of the previous Committee of Estates and the Excise Commission. This was despite the fact that the Act Ratifying the Act of Indiction had already ratified such legislation. The committee was to report with their opinion "anent what they may find" to the Estates in order that the House may "doe and determine as they shall think fit and expedient".<sup>21</sup> The fact that the remit of the committee was so vague may have been a deliberate manoeuvre. The remit of the committee did not differentiate between the period before and after the military defeat of the Engagers and the instillation of the radical regime. Therefore the emphasis of the parliamentary session committee was probably inclined towards the legislation of the Committee of Estates before the Battle of Preston and prior to the Whiggamore Raid. All legislation passed in the Committee of Estates under the control of Engagers could then be repealed. This was facilitated by the passage of the Act Ratifying the Act of Indiction which had legalised the acts of the Committee of Estates convening the parliamentary session on 4th January. Therefore the legality of convening the session could not be questioned.<sup>22</sup>

Three per parliamentary estate formed the membership of the Committee for Revising the Acts of the Committee of Estates and the Excise Commission (see appendix 51). Chancellor Loudoun also President of Parliament, was included as supernumerary.<sup>23</sup>

On 16th January all acts of the First Session of the Second Triennial Parliament, 2nd March to 10th June 1648 and all acts of the Committee of Estates between June and September 1648 were repealed. Hence all Engagement legislation was now null and void. It was also recognised in law that the Kirk had been constantly against the Engagement and the military invasion of England. Petitions from shires and synods and the formal opposition of the General Assembly had been all ignored by the Engagement faction. Thus the Kirk was white-washed of any association with the Engagement. The Whiggamore Raid and the coup d'etat which established the radical regime was defended and approved of in legal and

constitutional terms. Just as the dominant Engagement faction had used the procedures of Parliament and parliamentary committees (especially the Committee of Estates) for its own particular ends, so too did the radicals use exactly the same procedures to repudiate and repeal the legislation of the previous Engagement Parliament. In particular they condoned armed uprising as the appropriate manner of removing an ungodly faction.<sup>24</sup>

The assertion that the 1649 Act of Classes was in existence as an item of legislation but without parliamentary sanction as yet is complicated by the fact that the 1646 Act of Classes was still in operation and was being used as a source of reference. The case of John Dickson of Hartrie who represented the shire of Peebles in Parliament as per 4th January 1649 (see appendix 45) indicates this complication. On 11th January Cassillis rose in the House and questioned the right of any individual to sit and vote who had been found guilty under the Second Class of the Act of Classes. The House answered that no such individuals were entitled to sit and vote. Cassillis then moved that any such individuals then present in Parliament should be removed and barred from Parliament until they were cleared otherwise Cassillis would name them publicly. At this point, Dickson of Hartrie, aware of the fact that he was going to be named, desired that the House consider that he had already been cleared by a Committee of Processes in March 1647 and had also been admitted at the last synod of Edinburgh and other kirk judicatories. Two per parliamentary estate were commissioned to consider the case. First rank radicals (Cassillis and Burleigh) represented the nobility. Chancellor Loudoun, also President of Parliament, was included as supernumerary. By 18th January the committee had reported to the House and Dickson of Hartrie was allowed to sit and vote.<sup>25</sup>

Although the basic terms of a new Act of Classes had been formulated by 5th January, the new act did not receive parliamentary sanction until 23rd January 1649. The 1649 Act of Classes had a constitutional precedent and was based on the 1646 Act of Classes. Four classes were laid down in the 1649 Act. The First Class included five groups. The first group applied to all general officers of the Engagement forces which had fought at Mauchline Moor and/or Stirling. The second group applied to those who were principally active in the transportation of forces from Ireland to Scotland. The third group applied to the leading promoters of the Engagement in Parliament, parliamentary committees, or otherwise. The fourth group applied to those who had been the chief promoters of the Montrose Rebellion. The fifth group applied to individuals who were guilty of any crimes under the 1646 Act of Classes but had still been active in their employments post-1646 and had promoted the Engagement. Seven groups were included in the Second Class. The first group applied to those not included in the First Class but who had been formerly classed or censured for malignancy or guilty of crimes in the First and Second Classes of the 1646 Act of Classes who had joined as volunteers in the Engagement. It also applied to those who had sat in committees or other meetings and had issued orders for prosecuting the Engagement or who

had otherwise received or executed orders against others for prosecuting the Engagement. The second group applied to those not formerly classed and not included in the First Class who were officers in any of the expeditions in England or Scotland for the prosecution of the Engagement. The third group applied to those who concurred in petitions promoting the Engagement. The fourth group applied to those who protested against the declarations of the Kirk or petitions from presbyteries against the Engagement. The fifth group applied to those who subscribed the oath in Parliament or in parliamentary committees for the advancement of the Engagement. The sixth group applied to those who concurred as members or clerks in acts of Parliament and the Committee of Estates for prosecuting the Engagement. The seventh group applied to those who consulted and gave advice for prosecuting the process against the ministers at Mauchline Moor or any ministers who were punished for opposing the Engagement. Four groups were included in the Third Class of the 1649 Act of Classes. The first group applied to those not included under the First or Second Class who had sat in Parliament or the Committee of Estates and had taken the oaths in support of the Engagement but had given no public testimony against the Engagement. The second group applied to those who had taken the oaths in support of the Engagement or to those in committees of war or other judicatories had refused or opposed the petitions from presbyteries and kirk sessions against the Engagement. It also applied to those who concurred in acts to force dissenters and petitioners to concur in the first and second levies. The third group applied to those who forced others to concur in the Engagement. The fourth group applied to those who accepted commissions to be officers or joined as volunteers in the Engagement forces. The Fourth Class applied to those found guilty of moral offences (such as drunkenness or bribery).<sup>26</sup>

Any person found guilty of crimes under the First Class was barred for life from holding public office. Those found guilty under the Second Class were barred from public office for a minimum period of 10 years. Those found guilty under the Third Class were barred from public office for a minimum period of five years and those found guilty under the Fourth Class were barred for a minimum period of one year. In addition, all individuals found guilty under the Second, Third and Fourth Classes were required to repent publicly in the Kirk for their crimes in support of the Engagement before they could be readmitted to public office. In comparison with the 1646 Act of Classes, the 1649 Act of Classes contained no provisions for the physical punishment of individuals and or the confiscation of their private estates. Far from being a more moderate punitive item of legislation than the 1646 Act of Classes, the 1649 Act of Classes had to be formulated and implemented within the legal constraints of the Treaty of Stirling which had guaranteed that Engagers would not be punished physically or materially in the form of their estates. Nevertheless, this restriction was partly circumvented by legislation enacted on 3rd February which stipulated that Engagers would be responsible for the payment of the monthly maintenance from March to



October 1648 (this should have been paid by non-Engagers).<sup>27</sup>

Constitutionally and procedurally separate, but also inter-related legislation to the 1649 Act of Classes, was enacted on 23rd January. Such legislation stipulated that all holders of public office were to be tried according to the Act of Classes. Where appropriate, such individuals were to be purged from public office.<sup>28</sup>

As well as establishing the constitutional legitimacy of the radical regime and laying the foundations for purging Engagers, Parliament acted to take account of the public debts of the kingdom. The Committee for Common Burdens, Accounts, Losses and Monies was established on 18th January. In common with earlier such committees, it was to assess the level of public debt, scrutinise public accounts and establishing ways of maximising revenue accumulation. Furthermore, the committee was to enquire into the extent of losses suffered by opposers of the Engagement either from Engagers themselves or by forces levied to oppose the Engagers. Therefore there was to be financial remuneration for the godly who had suffered in material terms for opposing the Engagement. Six nobles, six gentry and six burgesses formed the membership of that committee (see appendix 51). Burleigh appears to have been the leading noble on the committee. Chancellor Loudoun also President of Parliament, was included as supernumerary.<sup>29</sup>

By 3rd February the Committee for Common Burdens, Accounts, Losses and Monies had reported to the House. Firstly, it was enacted that the western shires and burghs which had opposed the Engagement were exempted from paying back dated arrears of monthly maintenance due for the period 1st March to 31st October 1648 which had not been paid. The total amount of maintenance for this period remained unaltered but those who had supported the Engagement were to pay the amount due from the anti-Engagement western shires and burghs. In a separate item of legislation, the levels of monthly maintenance for February 1649 were issued on 3rd February.<sup>30</sup>

Whilst the domestic political situation centred on the punishment of Engagers, in wider British terms the trial of Charles I. dominated events. The radical regime, secured by Cromwell's military strength, did not favour nor advocate an execution of the monarch but were powerless to influence events. The relationship between the "Three Kingdoms" and the monarch had swung in favour of the Cromwellian faction now dominant in the English Parliament.

14 instructions were concluded by the Committee for Dispatches on 6th January and passed by Parliament on 9th January to be sent to the Scottish diplomatic commissioners in London; Lothian, Sir John Chiesly and William Glendoning (Kirkcudbright). Although these instructions emphasised the alliance between the radical regime and Cromwell and were anti-royalist in terms of monarchical power, they stressed the safety of the king's person as a condition of the handing over of the king to the English Parliament in January 1647. Nevertheless, a dispute had emerged on 6th January in the diet of the Committee for

Dispatches and six ministers of the Commission of the Kirk. Parliament had ordained on 5th January that a fast should be held. At the committee diet on 6th January Johnston of Wariston (Edinburgh) moved that the fast should be observed by the whole Parliament (therefore including diets of parliamentary session committees) and that discussion of the king's position should be delayed for three or four days. After heated debate it was carried that the preservation of the king's person was of such profound significance that the committee should immediately proceed to the drawing up of the diplomatic instructions. No records exist of the total number of committee members present on 6th January, but there were three adherents to Wariston's motion; Johnston of Wariston himself, Ruthven of Frieland (Perth) and Argyll. In addition David Dickson, one of the ministers present, sided with Wariston's motion. Nevertheless, once it was apparent that the motion had been defeated Argyll quickly backtracked and argued for immediate discussion of the instructions. It would therefore appear that Argyll and Johnston of Wariston were attempting to delay the parliamentary process to save the king's life in order to facilitate the trial and subsequent execution.

When news of the execution of Charles I reached Edinburgh, the parliamentary session was adjourned on 3rd February until 6th February, although the Estates actually reconvened on 5th February.<sup>31</sup>

The second sub-session of the Second Session of the Second Triennial Parliament convened on 5th February and lasted until 16th March 1649. 247 enactments (112 of which related to the public business and 135 of which related to private business) and 16 ratifications constituted the legislation enacted between 5th February and 16th March 1649.<sup>32</sup>

When the Estates reconvened on 5th February, the Scottish Parliament immediately proclaimed the Prince of Wales as Charles II, King of Great Britain, France and Ireland. By doing so alliance between the radical regime and the English Parliament had now been formally broken. Paradoxically, it had been the Scottish Parliament in 1639 that had initiated the constitutional and political limitations on Charles I in British terms. Now in 1649 it was the Scottish Parliament that was once more taking the initiative in British terms by proclaiming Charles II not only as King of Scots but also of England, Ireland and France. Nevertheless, admission to that office was not unconditional. Firstly, he was required to defend the National Covenant and the Solemn League and Covenant between the two kingdoms. Secondly, royal subscription of those covenants was required. In essence therefore the same constitutional limitations imposed on Charles I were to be imposed on his son. Charles II was to be no less of a covenanted monarch than his father.<sup>33</sup>

Supplementary legislation enacted on 7th February expanded on the parliamentary proclamation of 5th February. The Act anent the Securing of Religion and Peace of the Kingdom stressed that not only Charles II but also all his successors must give assent to all

parliamentary legislation securing the National Covenant and the Solemn League and Covenant and legislation establishing presbyterian church government in all three kingdoms. Further confirmation was required that both Charles II and his family would not endeavour to alter such legislation nor would they create any opposition to the legislation. In addition, Charles II was to be required to discharge from his entourage any councillors prejudicial to presbyterianism and opposed to both the National Covenant and Solemn League and Covenant. The influence of the Kirk was reflected by the fact that the determination of all civil matters was to reside with Parliament and the determination of all religious matters was to reside with the General Assembly. Therefore although the legislation of 5th February proclaimed the Prince of Wales as Charles II subject to general limitations, the subsequent legislation of 7th February expanded on the specific limitations which would in reality reduce the future king to the position of a figurehead monarch (in common with his late father).<sup>34</sup>

The Scottish commissioners currently in London at this time, Sir John Chiesly and William Glendoning (Kirkcudbright) were to be sent to Holland to secure royal assent to the parliamentary conditions laid down before admission to the royal office could be allowed. Diplomatic instructions issued on 23rd February stressed that the terms of the legislation of 7th February must be adhered to. Despite the fact that Sir John Chiesly and William Glendoning were imprisoned by the English Parliament, new Scottish diplomatic commissioners were named on 6th March (see appendix 52). Cassillis, Brodie of that ilk (Elgin), Winraham of Libberton (Edinburgh) and Alexander Jaffray (Aberdeen) were commissioned to sail to Holland. Three ministers, James Wood, Robert Blair and Robert Baillie, represented the Kirk. By 6th March Sir John Chiesly and William Glendoning had been released from imprisonment they were to remain in London to negotiate with the English Parliament; they were also accompanied by Lothian.<sup>35</sup>

The legislative and procedural structure for the purging of office-holders had been established by the first sub-session of the Second Triennial Parliament, 4th January to 3rd February 1649. Throughout second sub-session, 5th February to 16th March 1649, wholesale purging of office-holders occurred. In constitutional terms Charles II had not yet been admitted to the royal office. This enabled Parliament to purge of its own accord without royal approval.<sup>36</sup>

Only two Officers of State were not purged from office. Loudoun, Chancellor and President of Parliament, was not removed despite the fact that he had initially supported and been involved in the Engagement, although he had been made to repent publicly. Sir John Chiesly retained his post of Master of Requests. Three Officers of State who had retained their posts since 1637 were now removed from office. Firstly, Roxburgh, Keeper of the Privy Seal, was replaced by Sutherland. Secondly, Hamilton of Orbiston, Justice Clerk, was replaced by Campbell of Cessnock. Thirdly, Sir James Carmichael of that ilk, Treasurer Depute, was

replaced by his son, Sir Daniel Carmichael of Hyndford. Campbell of Cessnock is recorded in the parliamentary rolls as per 4th January 1649 whereas Carmichael of Hyndford is not. Of the remaining Officers of State, Lanark, Secretary, was replaced by Lothian, and Glencairn, Justice General, was replaced by Cassillis. Crawford-Lindsay was removed from the office of Treasurer and replaced by a new Treasury Commission. Gibson of Durie, Clerk Register, was replaced by Johnston of Wariston. Johnston of Wariston's former office of Lord Advocate was filled by Sir Thomas Nicholson of Carnock. Johnston of Wariston is recorded in the parliamentary rolls of 4th January 1649 whereas Nicholson of Carnock is not.<sup>37</sup>

Eight new Ordinary Lords of Session and Senators of the College of Justice and Two Extraordinary Lords of Session and Senators of the College of Justice were appointed to take account of the purging of the eight Senators of the College of Justice and Lords of Session from office under the 1649 Act of Classes. 15 Ordinary Lords of Session and Senators of the College of Justice and four Extraordinary Lords of Session and Senators of the College had been established by the 1641 Parliament. Hence the judicial appointments of 1649 constituted a more trimmed down series of appointments.<sup>38</sup>

The purging of lesser offices was devolved to the Clerk Register, Johnston of Wariston, and the Committee of Estates (and/or any appropriate sub-committee of the Committee of Estates appointed). This was enacted on 12th March and the 1649 Act of Classes was to be implemented under the guidance of Johnston of Wariston after the close of the parliamentary session on 16th March.<sup>39</sup> New Sheriff Principals were appointed on 15th March for 16 shires.

A new Privy Council was constituted on 16th March. Substantial vacancies had occurred due to death and also due to the fact that sentences of depositions had been pronounced against several Privy Councillors. Whereas 36 nobles, 14 gentry and one burgess (51 members in total) had been included on the Privy Council of 13th November 1641, only four nobles and five gentry (nine members in total) were included on the new Privy Council of 16th March 1649.<sup>40</sup>

By the close of the Second Session of the Second Triennial Parliament on 16th March 1649 widespread purging of office-holding had therefore occurred and the Prince of Wales had been proclaimed king but had not yet been admitted to the royal office. The traditional interpretation of the parliamentary session of January to March 1649 has been that of the Kirk as an institution and the ministers as individuals taking a more dominant role in parliamentary affairs. Such an interpretation is borne out by scrutiny of important legislation passed relevant to the Kirk. On 9th March Parliament passed "a most strange acte"<sup>41</sup> abolishing patronage of church lands, on the insistence of the Kirk. In essence the legislation of 9th March 1649 weakened the rights of the nobility by cancelling grants of superiorities and feu duties made by Charles I. to nobles in the aftermath of the Revocation Scheme.

The original intention of that scheme had been to transfer the feudal superiority of former kirklands to the crown, but in reality new grants of superiorities ended up being issued to nobles. The cancellation of the king's grants had been a live issue since 1647-48. Petitions handed into Parliament in both 1647 and 1648 but had been rejected by the nobility despite the support of a section of parliamentary gentry and burgesses. When the legislation was enacted on 9th March 1649 Buccleuch and other unnamed members left the House in protest. Nevertheless the act secured the support of Argyll, Loudoun and Johnston of Wariston although this was ultimately due to self-interest and the fact that their power was now based on the continued backing of the Kirk. Increased financial provision for ministers was secured on 14th March in the Act for Augmentation and Provision of Stipends. Legislation relating to the spread of witchcraft had earlier been enacted in February 1649.<sup>42</sup>

Despite the fact that a bulk of legislation (247 acts and 16 ratifications) was passed between 5th February and 16th March 1649, a sufficient amount of supplications had not been considered by the close of the session. A parliamentary session committee had been established on 13th March to deal with this issue. Three gentry formed the membership of the Committee for Revising of Reports and Bills (see appendix 52).

The Committee for Revising of Reports and Bills was to consider bills and supplications which had been presented to the Committee for Bills and Ratifications established on 5th January and the Committee for Common Burdens, Accounts, Losses and Monies established on 18th January and were ready to be reported on in Parliament. Therefore the Committee for Revising of Reports and Bills was to establish which of these bills and supplications were worthy of enactment. On 16th March the House stipulated that all supplications which had not been discussed or considered in Parliament were to be remitted to the Committee of Estates. 57 such supplications were submitted to the Committee of Estates on 16th March. It would thus appear that the Committee for Revising of Reports and Bills of 13th March had failed to deal with all relevant bills and supplications.<sup>43</sup>

At the close of parliamentary business on 16th March the third session of the Second Triennial Parliament was ordered to be held on 23rd May 1649.<sup>44</sup>

***(iii) The Committee Structure of the Second Session of the Second Triennial Parliament, 4th January to 16th March 1649.***

Analysis of the committee structure of the full parliamentary session has been conducted along the lines of examining separately session and interval committees established within each sub-session, 4th January to 3rd February and 5th February to 16th March 1649, respectively (see appendices 51 and 52).<sup>45</sup>

Five parliamentary session committees and no parliamentary interval committees have been analysed, 4th January to 3rd February (see appendix 51). 14 nobles constitute the total field of nobles analysed (see appendix 51). Chancellor Loudoun, also President of Parliament, was included on all five session committees in the capacity of supernumerary (see appendix 51). Although two radical nobles (Arbuthnot and Coupar) were included on three session committees, noble common membership was concentrated on six nobles who were included on two session committees each (Sutherland, Eglinton, Cassillis, Cathcart, Torphichen and Balmerino). 22 gentry constitute the total field of gentry analysed (see appendix 51). Only one gentry analysed (Hope of Hopetoun) was not a member of Parliament as per 4th January 1649 (see appendix 45). All 22 gentry were included on one session committee each. 20 burgesses constitute the total field of burgesses analysed (see appendix 51). All burgesses analysed were members of Parliament as per 4th January 1649 (see appendix 45). James Sword (St. Andrews) and Robert Cunningham (Kinghorn) were each included on two session committees. Both burgesses were leading noted radicals within the burghal estate. The remaining 18 burgesses were included on one session committee each (see appendix 45). Noble common membership was concentrated within a broader group of radicals, than the other two estates, but both the gentry and burgesses could draw on a broader field of radical membership.<sup>46</sup>

Two parliamentary session and eight parliamentary interval committees have been analysed, 5th February to 16th March 1649, respectively (see appendix 52). Analytical data has been merged to yield a maximum figure of 10. 24 nobles constitute the total field of nobles analysed (see appendix 52). Cassillis was included on all session committees and appears to have been the most influential radical noble besides Argyll. The remaining two nobles included on session committees served on only one committee each (see appendix 52). Argyll was included on six out of eight interval committees, emphasising his role as the major radical noble, and was backed up by Cassillis and Burleigh who both were included on five interval committees each (see appendix 52). Six further radical nobles were nominated to between three and four interval committees (see appendix 52). 42 gentry constitute the total field of gentry analysed (see appendix 52). 13 gentry analysed were not members of Parliament as per 4th January 1649 (see appendix 45). Of the eight gentry included on the two session committees all were included on only one interval committee. Campbell of Cessnock (Ayr) was included on five interval committees (see appendix 52). Four further gentry were included on four interval committees; Winraham of Libberton (Ayr), Hope of Hopetoun, Ruthven of Frieland (Perth) and Cunningham of Cunninghamhead (Ayr). Western gentry were particularly prevalent within the common membership of interval committees. The remaining 37 gentry were included on three or less interval committees (see appendix 52). 40 burgesses constitute the total field of burgesses analysed (see appendix 52). 16 burgesses were not members of Parliament as per 4th

January 1649 (see appendix). Of the three burgesses included on the two session committees, all were included on one interval committee only. Robert Barclay (Irvine) was included on five interval committees (see appendix 52). Sir John Smith (Edinburgh), Alexander Jaffray (Aberdeen), George Porterfield (Glasgow) and Hugh Kennedy (Ayr) were included on four interval committees each (see appendix 52). In common with the gentry, western burgesses were to the fore in common membership of interval committees. The remaining 35 burgesses were included on three or less interval committees (see appendix 52).<sup>47</sup>

Session committees were still, in general, staffed by eastern gentry and burgesses, although there was a strong western presence on the Committee for Dispatches. There was also a strong western presence on the interval committee, the Committee for Money and Accounts. Although eastern gentry and burgesses were present in greatest numbers on the Committee of Estates, both the Borders and the west secured a strong body of representation. It appears, therefore, that the traditional dominance of the east was being challenged in the staffing of parliamentary committees. This is borne out by the fact that western gentry and burgesses were dominating common membership of both session and interval committees.

#### *(iv) The Operation of Parliamentary Session Committees.*

12 sederunts of the Committee for Dispatches are recorded between 26th January and 8th March 1649. Argyll attended all 12 diets, whilst Loudoun and Sutherland attended 11 diets. Loudoun is recorded as President in all such 11 sederunts and Argyll is recorded as President at the one diet where Loudoun was absent. Arbuthnot attended 10 diets, whilst Cassillis and Eglinton attended nine diets each. The remaining two nobles, Buccleuch and Balmerino, attended six and two diets respectively. In addition, Leven, General, attended three diets. Burleigh attended one diet, that of 8th March, although he had not been included on the commission to the Committee for Dispatches of 5th January 1649. Johnston of Wariston (Edinburgh) attended all 12 diets, whilst Winraham of Libberton (Edinburgh) attended 11 diets and Brodie of that ilk (Elgin) attended nine diets. Ruthven of Frieland (Perth) and Cunningham of Cunninghamhead (Ayr) both attended seven diets each. The two remaining gentry, Maxwell of Nether Pollock (Renfrew) and Erskine of Scottiscraig (Fife), attended six and five diets respectively. In addition, Campbell of Cessnock (Ayr) attended the diet of 8th March although he had not been included in the commission to the Committee for Dispatches of 5th January 1649. Alexander Jaffray (Aberdeen) attended 11 diets and Robert Barclay (Irvine) attended 10 diets. George Porterfield (Glasgow) and Hugh Kennedy (Ayr) each attended nine diets. Sir James Stewart (Edinburgh) and James Sword

(St. Andrews) attended three and seven diets respectively. James Campbell (Dumbarton) attended the diet of 8th March although he had not been included in the commission to the Committee for Dispatches of 8th March 1649.<sup>48</sup>

It has been noted that the principal focus of the committee's work, that of trying and formulating sentences on office holders under the 1649 Act of Classes, is poorly reflected in the register. This feature can be attributed primarily to the fact that the records relating to delinquents are fully recorded in the parliamentary records. It has been suggested, therefore, that the Committee for Dispatches was operating as a "preparative committee for the full parliament".<sup>49</sup> The main business recorded was concerned with the threat of a royalist uprising (which occurred when Inverness was captured by MacKenzie of Pluscarden) and the threat of an Anglo-Scottish War following the proclamation of Charles II as king. Military communications concerning the seizure of Inverness were dealt with on 16th February, 27th February, 28th February and 8th March 1649. Intelligence received from kirk party sources in England on 19th February resulted in a strengthening of the kingdom's defences. As a result of this intelligence, Argyll, Johnston of Wariston (Edinburgh) and Sir James Stewart (Edinburgh) were delegated to supervise all matters of the gathering of intelligence information from south of the border.<sup>50</sup>

Regarding compulsory subscription of bands to keep the peace by Engagers and royalists, a sub-committee of the Committee for Dispatches was established on 26th January to consider the issue. Noble membership consisted of first rank radicals (Argyll, Cassillis and Balmerino) and was supplemented by the gentry and burghal members who were all noted radicals within their respective estates. They were to consider those persons cited to appear before the whole committee for signing of the band of peace. Eight individuals were ordered on 27th January to appear before the committee. They included Crawford-Lindsay, Glencairn, Innes of that ilk (Elgin) and Grierson of Lag (Dumfries). They were followed by the citation of 11 further individuals on 14th February. On 29th January all officers who had been involved in the Engagement were ordered to withdraw from the garrisons of the kingdom.<sup>51</sup>

#### *(v) The Appointment of Parliamentary Interval Committees.*

Eight parliamentary interval committees were appointed, seven of which were appointed between 14th March and 16th March 1649. On 6th March commissioners were appointed to treat with the king ( see relevant paragraphs above ).

The Committee for Money and Accounts was appointed on 14th March 1649 to deal with the issue of public debt. Five per parliamentary estate formed the membership of the



committee (see appendix 52). Noble membership was composed of the leading radicals (Argyll, Cassillis, Arbuthnot, Burleigh and Torpichen). Gentry and burghal representatives were leading radicals within their respective estates.<sup>52</sup>

A new Committee of Estates was commissioned on 14th March 1649. 21 nobles (including two supernumeraries), 30 gentry (including four supernumeraries) and 29 burgesses (including three supernumeraries) formed the membership of the Committee of Estates, 14th March 1649 (see appendix 52). Hence the total membership of the committee was 80. The composition of the 1649 Committee of Estates (including supernumeraries on both commissions) in comparison to that of 9th June 1648 represents a drop of 19 nobles, a drop of 10 gentry and a drop of eight burgesses. Therefore the noble estate witnessed the largest drop in membership. The total drop in membership between the two commissions (including noble, gentry and burghal supernumeraries) was 37. Seven out of 21 nobles, two out of 30 gentry and six out of 29 burgesses (15 individuals in total) included on the Committee of Estates, 14th March 1649, had also been included on the previous Committee of Estates of 9th June 1648 (see appendices 49 and 52). Such low figures of common membership are not surprising given the fact that the Committee of Estates of June 1648 was associated with the Engagement and invasion of England. The common grouping represents a radical rump of nobles, gentry and burgesses. Five out of 30 gentry (17%) and eight out of 29 burgesses (28%) included on the Committee of Estates of 14th March 1649 were not members of Parliament as per 4th January 1649 (see appendices 45 and 52). 11 out of the 21 nobles (52%), 11 out of the 30 gentry (37%) and 10 out of the 29 burgesses (34%) included on the Committee of Estates of 14th March 1649 had also been included on the Commission of the Kirk instituted on 11th August 1648. Indeed only one of the nobles (Torpichen) on the Commission of the Kirk formed on 11th August 1648 did not gain membership of the Committee of Estates of March 1649.<sup>53</sup>

The Commission for the Plantation of Kirks and Valuation of Teinds was renewed on 15th March 1649. 22 nobles, 32 gentry (including five supernumeraries) and 23 burgesses (including one supernumerary) constituted the membership of that commission (see appendix 52). The gentry were clearly the dominant estate. Seven out of the 22 nobles (32%) had also been included on earlier commissions of the Committee for Plantation of Kirks and Valuation of Teinds. Loudoun, Argyll, Eglinton, Cassillis, Lothian and Burleigh had been included on all commissions since 15th November 1641. Buccleuch had been added to the commission on 24th March 1647. Seven out of the 32 gentry (22%) and 11 out of the 23 burgesses (48%) had been included on earlier commissions (see appendices 5, 22, 41, 49 and 52). 10 out of the 32 gentry (31%) and six out of the 23 burgesses (26%) on the Commission for Plantation of Kirks and Valuation of Teinds of 15th March 1649 were not members of Parliament as per 4th January 1649 (see appendices 45 and 52). 11 out of the 22 nobles (50%), 13 out of the 32 gentry (41%) and eight out of the 23 burgesses (35%)

included on the Committee for Plantation of Kirks and Valuation of Teinds of 15th March 1649 were also members of the Commission of the Kirk established on 11th August 1648. This indicates a core of membership originated from the Commission of the Kirk.<sup>54</sup>

The Commission for Revising of the Laws was likewise established on 15th March 1649 (see appendix 52). One noble, eight gentry and nine burgesses constituted the membership. Argyll represented the nobility and led the committee, backed up by Johnston of Wariston (Edinburgh), Clerk Register and Robert Barclay (Irvine).<sup>55</sup>

A new Commission for the Treasury and a new Commission for the Exchequer were established on 16th March (see appendix 52). Although they were separate parliamentary commissions in constitutional terms, they enjoyed identical membership. Five nobles and one gentry formed the membership of both commissions. Loudoun, Argyll, Eglinton, Cassillis and Burleigh were the five nobles on both commissions. Sir Daniel Carmichael, Treasurer-Depute, was the one gentry included on both commissions.<sup>56</sup>

*(v) The Operation of Parliamentary Interval Committees.*

26 sederunts of the Committee of Estates are recorded between 20th March 1649 and 22nd May 1649 prior to the commencement of the Third Session of the Second Triennial Parliament on 23rd May 1649 (see appendix 53). The dominant noble attenders were Loudoun, Balmerino, Burleigh, Leven and Argyll. The remaining 16 nobles attended nine or less diets. Nine nobles did not attend at all (see appendix 53). Gentry attendance was centred on Dickson of Hartrie (Peebles), Johnston of Wariston (Edinburgh), Belshes of Toftis (Berwick), Chiesly of Kerswell (Lanark), Scott of Clerkington and Hope of Hopetoun (see appendix 53). The remaining 27 gentry attended 10 or less diets. Seven gentry did not attend at all (see appendix 53). Three gentry who were not commissioned as members of the Committee of Estates as per 14th March 1649 attended various diets (see appendix 53). Burghal attendance was centred on James Campbell (Dumbarton or Linlithgow), James MacCulloch (Whithorn), Sir John Smith and Sir William Dick (see appendix 53). The remaining 26 burgesses attended nine or less diets. Nine burgesses did not attend at all (see appendix 53). As per the terms of the commission of 14th March 1649, the quorum was set at nine with two of each estate required to be present. These rules were adhered to at all 26 diets (see appendix 53). Chancellor Loudoun was listed as President of the Committee of Estates at 15 diets.<sup>57</sup>

***(3) The Third Session of the Second Triennial Parliament, 23rd May 1649 to 7th August 1649.***

The Scottish diplomatic commissioners had set sail for Holland on 17th March following the close of the Second Session of the Second Triennial Parliament on 16th March. It had been intended that a treaty with the king could be secured in order that it could be approved and ratified by the Third Session of the Second Triennial Parliament. Nevertheless, when the diplomatic contingent reached Holland they encountered difficulties in the negotiation process. Charles II refused to recognise the 1649 Act of Classes and refused to subscribe the National Covenant or Solemn League and Covenant. By the time the Estates convened on 23rd May no agreement had been reached.<sup>58</sup>

*(i) The Composition of the Third Session of the Second Triennial Parliament, 23rd May 1649 to 7th August 1649.*

As with the First and Second Sessions of the the Second Triennial Parliament, deficiencies exist in the parliamentary rolls relating to the precise attendance data of the opening day of the session (see appendices 43 and 44). 20 nobles were in attendance for the noble estate, 23rd May 1649 (see appendix 43). In terms of attendance per estate this constitutes a rise of four nobles from the parliamentary rolls of 4th January 1649 (see appendix 44). 49 gentry representing 28 shires are recorded in the parliamentary rolls of 23rd May 1649; this constitutes the minimum attendance data for the gentry (see appendix 43). Two shires, Bute and Banff, are listed in the parliamentary rolls but have no commissioners of the shires named. Thus, if these two shires sent two commissioners of the shires each then the maximum attendance data for the gentry becomes 53 gentry representing 30 shires (see appendix 43). In terms of attendance per estate, these figures constitute a rise of one gentry (based on maximum figures) or three gentry (based on minimum figures) compared to the parliamentary rolls of 4th January 1649 (see appendix 44). Seven shires were represented by only one commissioner of the shire each; Sutherland, Clackmannan, Nairn, Peebles, Kirkcudbright, Ross and Caithness. 50 burgesses representing 49 burghs are recorded in the parliamentary rolls of 23rd May 1649; this constitutes the minimum attendance data for the burgesses (see appendix 43). Nine burghs are listed in the parliamentary rolls but have no commissioners named. Thus, if all nine burghs sent one commissioner each then the maximum attendance data for the burgesses becomes 59 burgesses representing 58 burghs (see appendix 43). In terms of attendance per estate, this constitutes a rise of one burgh (based on maximum figures) or a drop of one burgh (based on minimum figures) compared to the parliamentary rolls of 4th January 1649 (see appendix 44). In terms of total membership, the composition of the Estates, 23rd May 1649, constituted a rise of five members (based on maximum figures) or a rise of six (based on minimum figures) compared to 4th January 1649 (see appendix 44).

In terms of individual attendance, 13 out of the 20 (65%) nobles recorded in the parliamentary rolls of 23rd May 1649 had also been recorded in the parliamentary rolls of 4th January 1649 (see appendix 45). 38 out of the 49 gentry (78%) recorded in the parliamentary rolls of 23rd May 1649 had also been recorded in the parliamentary rolls of 4th January 1649 (see appendix 45). 46 out of the 50 burgesses (92%) recorded in the parliamentary rolls of 23rd May 1649 had also been recorded in the parliamentary rolls of 4th January 1649 (see appendix 45). Therefore a

significant correlation in common membership between the two parliamentary sessions exists.<sup>59</sup>

*(ii) The Proceedings of the Third Session of the Second Triennial Parliament, 23rd May 1649 to 7th August 1649.*

298 enactments (153 of which related to public business and 145 of which related to private business) and 14 ratifications constituted the legislation passed by Parliament, 23rd May to 7th August 1649.<sup>60</sup> After the calling of the rolls of Parliament, Loudoun was elected as President of Parliament once more. Two parliamentary commissions were renewed on 23rd May. The commission to the Committee for Money and Accounts (which also acted as the Excise Commission ) appointed as an interval commission on 14th March 1649 in the Second Session of the Second Triennial Parliament was continued as a parliamentary session committee (see appendix 54). No changes in the membership of that committee were announced. The Committees of War in the shires were also continued until such time as they were re-elected. The commission to the Committee for Bills and Ratifications appointed on 5th January in the Second Session of the Second Triennial Parliament was also continued on 30th May (see appendix 54).<sup>61</sup>

The Committee for Dispatches was likewise appointed on 23rd May 1649 to oversee all business concerning the army in Scotland and all affairs in England, Holland and Ireland which concerned Scottish interests. Only five nobles are listed on the Committee for Dispatches whereas seven gentry and seven burgesses are listed. However the two supernumeraries on the committee were both nobles. The inclusion of the two nobles who were supernumeraries therefore provides a numerical balance between all three estates (see appendix 54). Three nobles (including supernumeraries), one gentry and five burgesses included on the Committee for Dispatches of 23rd May 1649 had also been included on the Committee for Dispatches of 5th January 1649 in the Second Session of the Second Triennial Parliament (see appendices 51 and 54). All were leading radicals within their respective estates and were led by Argyll. Therefore there was a high degree of retention of burgess members between both committees, especially in comparison to the other two estates and indicates a strong radical commitment. Of all nobles, gentry and burgesses included on the Committee for Dispatches of 23rd May 1649 only one member, Wauchope of Niddrie (Edinburgh) had not been included on the Committee of Estates of 14th March 1649 (see appendices 52 and 54).<sup>62</sup>

Two sets of additions were made to the membership of the Committee for Dispatches

during the parliamentary session. Sutherland was added to the noble representatives on 31st May. He had also been included on the Committee for Dispatches of 5th January 1649 and on the Committee of Estates of 14th March 1649 (see appendices 51, 52 and 54). One noble, two gentry and one burgess were also added to the committee on 14th June 1649. Cassillis was added to the noble representatives. Brodie of that ilk (Elgin) and Winraham of Libberton (Edinburgh) were added for the gentry. Alexander Jaffray (Aberdeen) was added for the burgesses. All were included in the Committee of Estates of 14th March 1649 (see appendices 52 and 54). This indicates efficient radical management of human resources. ~~The~~ <sup>In fact</sup> all the additions of 14th June constituted the parliamentary diplomatic grouping which had returned from Holland on 11th June.<sup>63</sup>

The Scottish diplomatic commissioners treating with the king made their report to the House on 11th June. Correspondence between the commissioners and the king had failed to secure royal assent to the parliamentary conditions established on 5th February and 7th February 1649 as prerequisites for admission to the royal office. Three particular areas of dispute arose. Firstly, the king required a commitment by the Scottish commissioners to undertake an increased role to secure the recovery of the English Crown and his royal rights in England. Secondly, he required information on any steps being taken by the Scottish Parliament to bring to trial the murders of his father, Charles I. Thirdly, while the king was prepared to consent to the parliamentary legislation relating to the National Covenant, the Confession of Faith and the establishment of presbyterian church government in Scotland, he was not prepared to agree to their application to England and Ireland without the advice of the respective Parliaments of those countries. In addition, the Scottish commissioners were infuriated by the presence of Montrose at the Hague who appeared to have a strong influence on the king. Montrose, Lauderdale, Callander, Hamilton (previously the Earl of Lanark), Seaforth, St. Clair, Napier and William Murray were all at the Hague. Only William Murray represented Argyll's interests. Montrose, St. Clair and Napier had all been advising the king to undertake a military invasion of Ireland, a ploy which Charles II himself favoured. However, the Cromwellian conquest of Ireland had effectively neutralised that policy option. The Scottish commissioners consistently opposed the presence of Montrose to the king and demanded his removal. Despite the fact that the proceedings of the diplomatic commissioners were approved by Parliament on 14th June, no agreement/treaty had been secured with the king. On either the 7th or 8th July a private meeting had taken place to discuss the issue. Loudoun, Argyll, Lieutenant General Leslie, Johnston of Wariston (Edinburgh) and Chiesly of Kerswell (Lanark) and five ministers of the Kirk met with Cassillis and Winraham of Libberton (Edinburgh). It was concluded that they would be satisfied if the king adhered to the terms relating to religion and the Covenant. There were only three dissenters from this conclusion; Johnston of Wariston (Edinburgh), Chiesly of Kerswell (Lanark) and James Guthrie, the influential radical minister. It was observed that

all three owed their allegiance to the English Commonwealth. On the closing day of the parliamentary session, 7th August, Winraham of Libberton (Edinburgh), was dispatched to negotiate with the king once more. This was in spite of clandestine manoeuvres on the part of Argyll and William Murray (Argyll's representative at the Hague) to have Lothian sent alone. Such a manoeuvre was initiated by Argyll in the absence of both Loudoun and Johnston of Wariston and raised two possible scenarios for contemporary observers. Firstly, it was suggested that Argyll's own personal political ambitions were leaning towards a private agreement between himself and the king. On the other hand, it was also suggested that Argyll was considering intervening in the negotiations in order to deliberately scupper the negotiations and avoid an agreement with the king. The end result, however, was the defeat of Argyll's motion.<sup>64</sup>

The most significant facet of parliamentary business, 23rd May to 7th August 1649, was that of the issue of the purging of the Scottish armed forces. Despite the threat of a military invasion from Montrose and uncertainty about the intentions of Cromwell, the Kirk insisted on a systematic programme of purging. Such a policy was to have catastrophic results in 1650-51. The Act for Purging the Army was passed on 21st June 1649. Five Articles for the Purging of Officers and six Articles for the Purging of Soldiers were enacted. Although moral and religious offences as dictated by the Kirk were included, the main emphasis for purging of officers and soldiers lay with those who had been employed in the Engagement armies or had been involved in Huntly's royalist rising. Details of the new armed forces were enacted on 29th June, 10th July, 31st July and 6th August. Due to the fact that the orders of February 1649 had not been implemented, new provisions were made to levy over 10 000 men.<sup>65</sup>

Six session committees were appointed throughout the parliamentary session to deal with military matters and valuations in the shires relating to the raising of revenue (see appendix 54). The Committee for Grievances was established on 31st May to consider remedies for the redress of grievances of tenants in relation to the quartering of soldiers. Three per parliamentary estate formed its membership (see appendix 54). Noble membership was composed of first rank radical and was led by Argyll. Burghal membership was staffed by leading radical burgesses. All members of the Committee of Grievances of 31st May 1649 had been included on the Committee of Estates of 14th March 1649 bar Hepburn of Keith (Haddington) (see appendices 52 and 54).<sup>66</sup>

The Committee for Rectifying Valuations was established on 1st June 1649 to formulate appropriate policy options for rectifying the valuations of the shires. Four per parliamentary estate formed its membership (see appendix 54).

Noble representation was led by Argyll. All members of the Committee for Rectifying Valuations of 1st June 1649 had been included on the Committee of Estates of 14th March 1649, bar John Jaffray (Aberdeen) (see appendices 52 and 54). One noble, two gentry and

one burgess were added to the Committee for Rectifying Valuations on 14th June 1649. All were the Scottish diplomatic commissioners recently returned from the Hague.<sup>67</sup>

The Committee Anent The Rates Of Money and Inbringing of Bullion was established on 12th June 1649 (see appendix 54). It was to examine the current levels of expenditure on army pay and also formulate policy options for bringing bullion into the country. Three gentry and three burgesses formed its membership (see appendix 54). All burgess members were leading radicals within their estate. All members of this committee had also been included on the Committee of Estates of 14th March 1649 (see appendices 52 and 54).<sup>68</sup>

The Committee to Compare the Maintenance With The Pay of The Army was established on 14th June 1649 (see appendix 54). Five military officials were appointed to compare the levels of pay to the foot soldiers with the maintenance levels imposed on the shires. One noble, two gentry and one burgess were to consider which garrisons were to be provisioned and which garrisons were not to be stocked up. All these individuals had been included on the Committee of Estates of 14th March 1649 (see appendices 52 and 54).<sup>69</sup>

The issue of the distribution of the monthly maintenance levels on a national basis created dispute and disruption within the House. This was caused by the Act of Approbation Of A New Roll of Maintenance To Be Paid By The Shires Until New Valuations Be Brought In To The Parliament Or Committee of Estates. Such legislation redressed previous levels of maintenance which had ensured that the western shires had paid a larger proportion of the maintenance than the eastern shires. The maintenance was now to be raised on a more equitable basis, with the eastern shires paying an increased proportion. This was made possible by the fact that the western shires had been prominent in the Whiggamore Raid and many eastern nobles were now excluded from Parliament due to their involvement in the Engagement. Cassillis, Campbell of Cessnock (Ayr) and Chiesly of Kerswell (Lanark) were the leading figures behind the legislation of 27th July; this was despite the opposition of Burleigh, Balcarras, Lothian and the commissioners of the shires for Lothian and Fife. When the legislation was passed, over half the members of Parliament present left the House and refused to return for over two weeks, leaving the western representatives in complete control of parliamentary proceedings. Western representation had become increasingly prominent on session committees throughout the parliamentary session. The power base of the radical regime was primarily in the south-west and had now struck out to look after its own interests.<sup>70</sup>

Inter-parliamentary dispute was not limited to the gentry. Just as there had been a west coast reaction against the eastern gentry regarding the maintenance, there was also a west coast reaction amongst the burgesses against the burgh of Edinburgh. This occurred in the Convention of Royal Burghs on 3rd July. The proportion paid per burgh of the total maintenance and other sundry taxes was increased from 28.75% to 36% for the burgh of Edinburgh, whilst the proportion for Glasgow and Irvine, as well as St. Andrews was



decreased. A bitter dispute between the burghal estate and the nobility occurred on the closing day of the parliamentary session. Interest rates were reduced from 8% to 6%; as it was the burgesses which formed the prominent group of money lenders within Scottish society, it was that group which was affected by such legislation. Cassillis was one of the leading figures behind the reduction in interest rates. The whole of the burghal estate, bar one or two lesser burghs, walked out of Parliament, and despite moves by Johnston of Wariston (Edinburgh) and Robert Douglas, representative of the Kirk, to have the closing of the Parliament delayed, the parliamentary session ended without the presence of the burghal estate.<sup>71</sup>

Furthermore, the power base of the radical regime among the gentry and burgesses was reflected in legislation which weakened the number of the maximum number of possible nobles sitting in Parliament. In common with 1641, it was enacted on 6th August that no noble under the age of 21 could qualify for admittance to Parliament or the Privy Council. This suggests that nobles under this age were sitting in Parliament. The fact that so many nobles were now barred from public office due to their involvement in the Engagement may have led many noble families to send their eldest sons to sit in Parliament to preserve family and geographical influence. In turn, this may have warranted a political reaction by the gentry and burgesses.<sup>72</sup>

On 7th August the Second Triennial Parliament was continued to the first Thursday in March 1650. All undetermined bills and reports had already been remitted to the consideration of the Committee of Estates on 3rd August.<sup>73</sup>

*(iii) The Committee Structure of the Third Session of the Second Triennial Parliament, 23rd May 1649 to 7th August 1649.*

Eight parliamentary session committees and seven parliamentary interval committees have been analysed (see appendices 54 and 55). Seven nobles constitute the total field of nobles analysed on session committees (see appendix 54). Noble common membership of session committees was focused on Lothian, Argyll, Burleigh and Cassillis. No nobles were included on the Committee Anent The Rates of Money And Inbringing Of Bullion, and the two session committees with local remits (the Committee For The Revaluation of The Parish Of Ayr and the Committee For The Trial Of The Collectors Of Perthshire). 27 gentry constitute the total field of gentry analysed on session committees (see appendix 54). 15 gentry analysed (56%) were not members of Parliament as per 23rd May 1649 (see appendices 45 and 54), all of whom were included on the two localised committees (see appendix 54). Of these 15 gentry, only one, Ruthven of Frieland, was included on any other

session committee. Gentry attendance was centred on Ruthven of Frieland (Perth), Chiesly of Kerswell (Lanark), Hope of Hopetoun (Stirling) and Campbell of Cessnock (Ayr). 18 burgesses constitute the total field of burgesses analysed (see appendix 54). Five burgesses (28%) analysed were not members of Parliament as per 23rd May 1649 (see appendices 45 and 54), four of whom were included on one of the localised committees. Burghal common membership was focused on Robert Barclay (Irvine), George Porterfield (Glasgow), Hugh Kennedy (Ayr) and Alexander Jaffray (Aberdeen). The remaining eight burgesses were included on one session committee each.<sup>74</sup>

27 nobles constitute the total field of nobles analysed on the seven parliamentary interval committees (see appendix 55).

Noble common membership was dominated by Argyll, Cassillis and Burleigh. Two nobles (Eglinton and Arbuthnot) were included on four interval committees, whilst five further nobles gained membership of three interval committees (see appendix 55). The remaining 17 nobles were included on two or less interval committees (see appendix 55). 49 gentry constitute the total field of gentry analysed on the seven interval committees (see appendix 55). 15 gentry (31%) analysed were not members of Parliament as per 23rd May 1649 (see appendices 45 and 55). Nine of these 15 gentry were included on the Committee of Estates (see appendix 55). Seven gentry of the 15 gentry were included on the Committee for Plantation of Kirks and Valuation of Teinds. Of this seven, five were also included on the Committee of Estates (see appendix 55). Gentry common membership was based on Campbell of Cessnock (Ayr), Winraham of Libberton (Edinburgh), Hope of Hopetoun (Stirling), Ruthven of Frieland (Perth) and Cunningham of Cunninghamhead (Ayr). Nine further gentry were included on three interval committees each (see appendix 55). The remaining 35 gentry were included on two or less interval committees (see appendix 55). 38 burgesses constitute the total field of burgesses analysed (see appendix 55). 14 burgesses (37%) analysed were not members of Parliament as per 23rd May 1649 (see appendices 45 and 55). Six of the 14 burgesses were included on the Committee of Estates (see appendix 55). Five of the 14 burgesses were included on the Committee for Plantation of Kirks and Valuations of Teinds. Of this five four were also included on the Committee of Estates (see appendices 45 and 55). Burghal common membership was based on Robert Barclay (Irvine), Sir John Smith (Edinburgh), George Porterfield (Glasgow) and Hugh Kennedy (Ayr). Two further burgesses were included on three interval committees each (see appendix 55). The remaining 32 burgesses analysed were included on two or less interval committees (see appendix 55).<sup>75</sup>

Therefore those nobles, gentry and burgesses prominent on parliamentary session committees were also prominent in their inclusion on parliamentary interval committees. Geographically, west coast gentry and burgesses were taking on a more prominent role, primarily because the power base of the radical regime was in that

domain. In terms of membership per estate, the nobility were numerically dwarfed by the gentry and the burgesses from whom the dynamism of the radical regime came. Of all three estates, it was the gentry who were the dominant force in numerical terms.

*(iv) The Operation of Parliamentary Session Committees.*

10 sederunts of the Committee for Dispatches appointed on 23rd May 1649 are recorded between 24th May and 1st August 1649. Argyll attended all 10 diets. Chancellor Loudoun, also President of Parliament, attended nine diets and was President of the committee at all diets. Remaining noble attendance was focused on Lothian, Burleigh and Cassillis. Two nobles (Leven and Borthwick) did not attend at all, whilst one further noble (Buccleuch) is recorded in only one sederunt. Two nobles (Arbuthnot and Sutherland) who were not included in the commission to the Committee For Dispatches of 23rd May 1649, nor in the additions of 14th June, attended a significant amount of diets. Gentry attendance was more regular in comparison to the nobility and was focused on Erskine of Scottiscraig (Fife), Campbell of Cessnock (Ayr) and Kerr of Greenhead (Roxburgh). Six gentry attended between two and five diets, while two did not attend at all. Two of these gentry had not been included in the original commission of 23rd May nor in the additions of 14th June. Burghal attendance was centred on Robert Barclay (Irvine) and Hugh Kennedy (Ayr). Three further burgesses attended between two and five diets, whilst one did not attend at all. Three burgesses who were not included in the commission of 23rd May, nor in the additions of 14th June are recorded in one sederunt each. James Lentron (St. Andrews) and James Sword (St. Andrews) were included as dual commissioners to sit in the Third Session of the Second Triennial Parliament on an either or basis (see appendix 45). The same applied to George Porterfield (Glasgow) and John Graham (Glasgow) (see appendix 45). Although James Lentron and John Graham had not been commissioned to sit on the Committee for Dispatches, they only attended when both James Sword and George Porterfield were absent. As per the terms of the original commission, the quorum was set at nine with two of each estate required to be present. This rule was adhered to all 10 diets.<sup>76</sup>

The recorded proceedings of the Committee for Dispatches, 23rd May to 7th August 1649, are composed of the process of collecting military stocks of arms and ammunition which had been abandoned by Engagers in both England and Ireland. This commanded so much attention due to the fact that there were growing fears of the intentions of the royalist exiles in Holland, especially Montrose.<sup>77</sup>

*(v) The Appointment of Parliamentary Interval Committees.*

All parliamentary interval committees established by the Second Session of the Second Triennial Parliament were renewed on 7th August 1649. In addition, a new Committee of Estates was appointed. Of the renewed interval committees from the previous parliamentary session, the memberships remained the same, bar the addition of Dickson of Hartrie (Peebles) to the Committee for Plantation of Kirks and Valuation of Teinds.<sup>78</sup>

25 nobles (including one supernumerary), 44 gentry (including four supernumeraries) and 29 burgesses (including three supernumeraries) constituted the membership of the Committee of Estates of 7th August 1649 (see appendix 55). Hence the total membership of the Committee of Estates of 7th August 1649 was 98. In terms of membership per estate (including supernumeraries), this constitutes a rise of four nobles and 14 gentry compared to the composition of the Committee of Estates of 14th March 1649 (see appendices 52 and 55). An equal number of burgesses (in terms of membership per estate) was employed on both committees (see appendices 52 and 55). Hence the total rise in membership was 18 (see appendices 52 and 55).

All 10 nobles, 20 out of the 36 gentry and 12 out of the 16 burgesses included on the Commission of the Kirk of 4th August 1649 were also included on the Committee of Estates of 7th August 1649. All 21 nobles (including supernumeraries) included on the Committee of Estates of 14th March 1649 were also included on the Committee of Estates of 7th August 1649 (see appendices 52 and 55). Panmure, Tweeddale, Forrester and Balcarras were the four nobles who were added to the Committee of Estates of 7th August 1649. All had been admitted to Parliament in early July 1649 despite their involvement in the Engagement. Their inclusion on the Committee of Estates of 7th August 1649 may have been to bolster the ranks of the nobility compared to the other two estates, especially given the fact that there was a low attendance of nobles throughout the parliamentary session. All 30 gentry included on the Committee of Estates of 14th March 1649 were also included on the Committee of Estates of 7th August 1649. Therefore 14 additions were made to the gentry as per 7th August 1649. Seven of these 14 additions were not members of Parliament as per 23rd May 1649 (see appendices 45 and 55). Four gentry included on the Committee of Estates of 14th March 1649 who were also included on the Committee of Estates of 7th August were not members of Parliament as per 23rd May 1649 (see appendices 45, 52 and 55). All 29 burgesses included on the Committee of Estates of 14th March 1649 were also included on the Committee of Estates of 7th August (see appendices 52 and 55). Six burgesses were not members of Parliament as per 23rd May 1649 (see appendices 45 and 55).<sup>79</sup>

#### (4) Conclusion.

The defeat of the Engagers at the Battle of Preston and the coup d'etat of the Whiggmore Raid had resulted in the installation of a radical regime. It was composed of a limited radical noble base, but its power base in terms of manpower came from the gentry (especially) and the burgesses. The execution of Charles I, carried out without the consent or approval of the Scottish Parliament, resulted in the proclamation of the Prince of Wales as Charles II. The conditions which were required to be met before the admission to royal office ensured that the future monarch would not only be a constitutional monarch, but also a covenanted monarch. Paradoxically a process of wholesale purging of public offices removing those involved in the Engagement was initiated by the Committee of Estates and continued by Parliament. Such a policy was incorporated in the 1649 Act of Classes. Only those nobles, gentry and burgesses who were successfully ~~vetted~~ by the radical leadership could hold public office (which included sitting in Parliament). Officers of State, Lords and Extraordinary Lords of Session were all purged and a new radically based Privy Council was appointed. By the close of the Third Session of the Second Triennial Parliament Charles II had not yet assented to the parliamentary terms to secure the accession to the thrones of Scotland, England and Ireland. Moreover there was a strong threat of some form of a royalist invasion led by Montrose, at the same time when no accommodation with the king had been reached. In terms of the "Three Kingdoms" the radical regime had now become isolated as Cromwell was in the process of subjugating Ireland. Indeed the purging of the Scottish armed forces, at the insistence of the Kirk and with parliamentary sanction, was to have catastrophic results militarily and politically in 1650-51..

1. SRO PA. 11/7, folios 1-129. 27 further diets took place between 20th October 1648 and 2nd January. No sederunts have been recorded for these diets. See appendix 50.

2. *Ibid*, folios 1-129; Argyll and Loudoun each attended 11 diets (79%). Leven attended eight diets (57%), Balmerino attended six diets (43%) and Eglinton attended five diets (36%). Cassillis attended three diets, whilst Buccleuch and Lothian attended one diet each. Angus was present at 10 diets (71%) and Elcho was present at nine diets (64%). Burleigh was present at seven diets, whilst Torphichen and Kirkcudbright attended two diets. Wauchope of Niddrie (Edinburgh) attended four diets. Sir James Halket of Pitsirrane (Fife) and Erskine of Cambuskenneth (Clackmannan) each attended three diets. Chiesly of Kerswell (Lanark), Sir Alexander Inglis Ingliston and Swinton of that ilk (Berwick) each attended two diets. Walter Dundas of that ilk, younger, Winraham of Libberton (Edinburgh) and George Dundas of Duddingston (Linlithgow) were present at one diet each. Sir William Dick (Edinburgh)

attended nine diets (64%), James Campbell (Dumbarton) attended eight diets (57%) and Thomas Paterson attended seven diets (50%). Sir James Stewart (Edinburgh) and Sir John Smith (Edinburgh) each attended five diets, Lawrence Henderson (Edinburgh), attended three diets, and Thomas MacBirnie (Dumfries) attended two diets. James Roughead (Edinburgh), David Wilkie (Edinburgh), Robert Barclay (Irvine) attended one diet. APS, vi, ii, 3-4, 102-105. See appendices 45, 49 and 50.

3. *Ibid*, folio 11.

4. *Ibid*.

5. *Ibid*, folio 11; APS, vi, ii, 102-105, 124-126. See appendices 45 and 49. Arbuthnot, Cathcart and Kirkcudbright were the three nobles added who did not attend any diets between 7th October and 18th October. Arbuthnot, Cathcart, Torphichen, Burleigh, Coupar and Kirkcudbright constitute the grouping of nobles added who are recorded in the parliamentary rolls of 4th January 1649. Angus and Elcho are not recorded in the parliamentary rolls of 4th January 1649. Winraham of Libberton (Edinburgh), Wauchope of Niddrie (Edinburgh), Dundas of Duddingston (Linlithgow), Belshes of Toftis (Berwick), Erskine of Cambuskenneth (Clackmannan), Chiesly of Kerswell (Lanark) and Inglis of Ingliston constitute the grouping of gentry added who attended a significant number of diets. Dundas of that ilk, younger, Weymes of Fingask (Fife) and Swinton of that ilk (Selkirk) form the grouping of gentry not included in the commission of June 1648, nor the additions of 7th October, who actually attended diets after 7th October 1648. Sir James Stewart, Sir William Dick, Lawrence Henderson, Thomas Paterson, Sir John Smith, James Roughead and David Wilkie, all burgesses of Edinburgh, Robert Barclay (Irvine), James Campbell (Dumbarton) and Thomas MacBirnie (Dumfries) formed the grouping of burgesses added to the committee on 7th October who attended diets between 7th October and 18th October. Sir James Stewart (Edinburgh), Gideon Jack (Lanark), Robert Barclay (Irvine), James Campbell (Dumbarton), George Porterfield (Glasgow), Thomas MacBirnie (Dumfries), John Williamson (Kirkcaldy), William Simpson (Dysart) and John Sleigh (Haddington) formed the grouping of burgesses added to the committee on 7th October 1648 who are recorded in the parliamentary rolls of 4th January 1649.

6. SRO PA. 11/7, fos 1, 7; Ferguson, *Scotland's Relations with England*, 134; Donaldson, *James V-James VII*, 339; Lynch, *Scotland, A New History*, 278.

7. APS, vi, ii, 124-156, 157. See appendices 51 and 52.

8. *Ibid*, 3-4, 124-126. See appendices 43 and 44.

9. *Ibid*, 124-126. See appendices 43, 44, 45. Two shires were represented by one commissioner only (Caithness and Kirkcudbright). 10 burghs were represented by one commission, but two burgesses were included on an either or basis (Dundee, Ayr, Haddington, Kirkcaldy, Anstruther Easter, Dumfries, Burntisland, Jedburgh, Anstruther Wester and Dunbar). Either William Hamilton or Alexander Black could represent the burgh of Anstruther Easter in Parliament, 4th January 1649. One further burgh had three burgesses included in its commission. Either James Richardson, or Alexander Bennet or James Cuik could represent the burgh of Pittenweem in Parliament, 4th January 1649.

10. *Ibid*, 3-4, 124-126. See appendices 43 and 44. A.I MacInnes, "Scottish Gaeldom, 1638-1651: The Vernacular Response to the Covenanting Dynamic" in *New Perspectives on the Politics and Culture of Early Modern Scotland*, eds. J. Dwyer, R.A. Mason and A. Murdoch (Edinburgh), 75.

11. APS, vi, ii, 3-4, 124-126. See appendix 45. Loudoun, Argyll, Eglinton, Cassillis, Buccleuch, Leven, Arbuthnot, Balmerino, Burleigh, Coupar, Kirkcudbright, Cochrane, Ross and Torpichen constituted the grouping of 14 nobles present in both sessions. Lord Cochrane had been present in Parliament, 2nd March 1648, as Sir William Cochrane of Cowdoun. William Semple of Foulwood (Dumbarton), Cunningham of Cunninghamhead (Ayr), Sir Andrew Kerr of Greenhead (Roxburgh), Sir Thomas Kerr of Cavers (Roxburgh), Grierson of Bargattoun (Kirkcudbright), Agnew of Lochnaw (Wigtown), Walter Scott of Hartwoodburn (Selkirk), James Campbell of Ardkinglas (Argyll), Erskine of Scottiscraig (Fife), Sir Ludovick Houston of that ilk (Dumbarton / Renfrew) and Johnston of Wariston (Argyll/Edinburgh) constituted the grouping of 12 gentry present in both sessions. Houston of that ilk represented the shire of Renfrew as per 2nd March 1648 and Dumbarton as per 4th January 1649. Johnston of Wariston represented the shire of Argyll as per 2nd March 1648 and Edinburgh as per 4th January 1649. George Porterfield (Glasgow), William Simpson (Dysart), John Williamson (Kirkcaldy), George Jamieson (Coupar), Thomas MacBirnie (Dumfries), John Forbes (Inverness), George Garden (Burntisland), Robert Cunningham (Kinghorn), James Campbell (Dumbarton), Gideon Jack (Lanark), John Hay (Elgin), James MacCulloch (Tain) and James Aitken (Culross) constituted the 13 burgesses present in both sessions. Rait incorrectly stated that 14 nobles, six gentry and 12 burgesses were present in both sessions (*Parliaments of Scotland*, 72). Three commissions relating to common membership over both sessions as per 4th January 1649 were dual commissions; John Williamson, Thomas MacBirnie, and George Garden were represented in such commissions. Sutherland, Cathcart and Bothwick constituted the three nobles who did not sit in session commencing 2nd March 1648, but who were present in Parliament, 4th January 1649. The 33 gentry who fall into this category were as follows; Winraham of Libberton (Edinburgh), William Sandilands of Hilderston (Linlithgow), George Dundas of Duddingston (Linlithgow), John Hamilton of

Udston (Lanark), John Dickson of Busbie (Lanark), William Douglas of Mouswall (Dumfries), John Ferguson of Craigdarroch (Dumfries), George Buchannan of that ilk (Stirling), Sir James Hope of Kerse (Stirling), John Cockburn of Ormiston (Haddington), Robert Hepburn of Keith (Haddington), Home of Wedderburne (Berwick), John Swinton, younger, of that ilk (Berwick), Sir Robert Gordon of Embo (Sutherland), Erskine of Cambuskenneth (Clackmannan), Brodie of that ilk (Elgin), Sir Ludovick Gordon of Gordonston (Elgin), Alexander Brodie of Lethin (Nairn), John Dickson of Hartrie (Peebles), Sir Hugh Campbell of Cessnock (Ayr), Ruthven of Frieland (Perth), Sir John Brown of Fordell (Perth), Sir Robert Adair of Kinhilt (Wigtown), Arthur Forbes of Echt (Aberdeen), William Forbes, younger, of Leslie (Aberdeen), Sir George Maxwell of Nether Pollock (Renfrew), John Shaw of Greenock (Renfrew), John Lindsay of Edyell (Forfar), Sir James Fraser of Brae (Inverness), Robert Monro of Obstaill (Inverness), Sir Dougall Campbell of Auchinbreck (Argyll) and Sir John Sinclair of Dunbeath (Caithness). The 37 burgesses who did not sit in the session commencing 2nd March 1648 but who were present on the session commencing 4th January 1649 were as follows; Sir James Stewart (Edinburgh), James Borthwick (Edinburgh), Patrick Ross (Perth), Robert Davidson or George Halyburton (Dundee), Alexander Jaffray (Aberdeen), Thomas Bruce (Stirling), James Campbell (Linlithgow), James Sword (St. Andrews), Hugh Kennedy or John Osburne (Ayr), George Brown or John Sleigh (Haddington), Andrew Gray (Montrose), William Hamilton or Alexander Black (Anstruther Easter), Andrew Dickson (Inverkeithing), John Skinner (Breachin), Robert Barclay (Irvine), John Brown or John Rutherford (Jedburgh), John Corsan (Kirkcudbright), Adam MacKie (Wigtown), James Richardson or Alexander Bennet or James Cuik (Pittenweem), William Walker (Dunfermline), Andrew Richardson or Peter Thomson (Anstruther Wester), Thomas Scott (Selkirk), William Purves or Thomas Purves (Dunbar), John Spreule (Renfrew), David Ramsay (Arbroath), William Lowis (Peebles), Alexander Cunningham (Crail), Alexander Douglas (Banff), Alexander Scott (Forfar), David Gilchrist (Rothsay), Hugh Ross (Nairn), Thomas Warrand (Forres), Andrew Pincartoun (Rutherglen), John Livingstone (North Berwick), Alexander Murray (Cullen), Lawrence Davidson (Sanguhar) and John Dick (Queensferry). Therefore seven of the above commissions were dual commissions and one was a triple commission. The 41 nobles who sat in the session commencing 2nd March 1648 but did not sit in session commencing 4th January 1649 were as follows; Hamilton, Erroll, Marischal, Rothes, Buchan, Glencairn, Murray, Nithsdale, Winton, Home, Perth, Dunfermline, Tullibardine, Roxburgh, Haddington, Lauderdale, Lothian, Dumfries, Southesk, Traquair, Dalhousie, Findlater, Lanark, Carnwath, Callander, Panmure, Tweeddale, Ethie, Kenmure, Dudhope, Sinclair, Spynie, Cardross, Cranston, Forrester, Balcarras, Barganie, Banff, Elibank, Belhaven and Abercrombie. The 34 gentry who sat in the session commencing 2nd March 1648 but did not sit in the session commencing 4th January 1649 were as follows; Foullis of Colington (Edinburgh), Dundas of Arnieston (Edinburgh), William Scott of Ardross (Fife), Dundas of Maner (Linlithgow), Alexander Hamilton of Bining (Linlithgow), Lockhart of Lee



(Lanark), Sir William Baillie of Lamington (Lanark), David MacBrair of Almagill (Dumfries), Sir Robert Grierson of Lag (Dumfries), Duncan Campbell of Carrick (Dumbarton), Sir Archibald Stirling of Carden (Stirling), ( ) Murray of Polmais (Stirling), Hepburne of Humble (Haddington), Sir Patrick Cockburn of Clerkington (Haddington), Sir Harry Home of Heidrig (Berwick), Alexander Home of Plandergaist (Berwick), Robert Gray of Ballone (Sutherland), Innes of that ilk (Elgin), Hugh Ross of Kilravock (Nairn), Sir Alexander Morrison of Prestongrange (Peebles), William Veitch of Dawick (Peebles), Ninian Stewart of Kilchatton (Bute), Hector Bannatyne of Kames (Bute), Sir Patrick Ogilvie of Inchmartin (Perth), Sir Thomas Blair of Balthayok (Perth), MacDowall of Garthland (Wigtown), Alexander Fraser of Phillorth (Aberdeen), John Udnie of that ilk (Aberdeen), Alexander Porterfield of that ilk (Renfrew), Fletcher of Innerpeffer (Forfar), James Graham of Monorgrund (Forfar), Sir Alexander Abercrombie of Birkinboig (Banff), John Lyon of Troupe (Banff) and James Innes of Sandside (Caithness). The 34 burgesses who sat in the session commencing 2nd March 1648 but did not sit in the session commencing 4th March 1649 were as follows; Archibald Sydserf (Edinburgh), David Douglas (Edinburgh), John Mercer (Perth), Sir Alexander Wedderburne (Dundee), Patrick Leslie (Aberdeen), John Short (Stirling), George Bell (Linlithgow), James Robertson (St. Andrews), John Kennedy (Ayr), Richard Chapland (Haddington), James Pedie (Montrose), Mark Kinglassie (Inverkeithing), George Steill (Breachin), Robert Brown (Irvine), Robert Rutherford (Jedburgh), William Glendoning (Kirkcudbright), Thomas Stewart (Wigtown), William Watson (Pittenweem), Peter Walker (Dunfermline), William Black (Anstruther Wester ), William Elliot ( Selkirk ), James Lawder (Dunbar), John Auchterlony (Arbroath), Andrew Daw (Crail), Gilbert More (Banff), Alexander Strang (Forfar), John Ross (Nairn), William Dunbar (Forres), David Spence (Rutherglen), George Lawtie (Cullen), Alexander Wilkieson (Lauder), John Henderson (Lochmaben), Robert Gray (Dornoch) and George Logie (Queensferry).

12. *Ibid*, 126-156, 126; Balfour, *Historical Works*, volume 3, 374.

13. APS, vi, ii, 126-127, 127, 128, 128-129, 132, 152. See appendix 51. Balfour, *Historical Works*, volume three, 375.

14. APS, vi, ii, 10, 102-105, 128. See appendices 46, 49 and 51. According to Sir James Balfour, only six per parliamentary estate formed the membership of the Committee for Dispatches. Balfour gives no details of gentry and burghal membership. The one noble not listed by Balfour is the Earl of Sutherland. Balfour also does not list Leven as one of the supernumeraries, Balfour, *Historical Works*, volume three, 376. Sutherland, Eglinton, Cassillis, Buccleuch, Arbuthnot and Balmerino were the six remaining nobles on the Committee for Dispatches. Brodie of that ilk (Elgin), Erskine of Scottiscraig (Fife), Ruthven of Frieland (Perth), Winraham of Libberton (Edinburgh), Cunningham of Cunninghamhead (Ayr) and

Sir George Maxwell of Nether Pollok (Renfrew) were the six remaining gentry on the Committee for Dispatches. Sir James Stewart (Edinburgh), Alexander Jaffray (Aberdeen), George Porterfield (Glasgow), James Sword (St. Andrews), Hugh Kennedy (Ayr), Robert Barclay (Irvine) and Robert Cunningham (Kinghorn) represented the burgesses. The numerical dominance of the east coast is apparent in gentry and burghal representation, although the west coast is dominant also. Four gentry represented eastern shires and three gentry represented western shires. Four burgesses represented eastern burghs, two burgesses represented western burghs and one burgess represented a burgh from the extreme north.

15. APS, vi, ii, 128; *Records of the Kirk of Scotland*, ed. A. Peterkin (Edinburgh, 1843), 514-515. Argyll, Eglinton and Cassillis were the three noble members of the Committee for Dispatches who were also members of the Commission of the Kirk instituted on 11th August 1648. Johnston of Wariston (Edinburgh), Erskine of Scottiscraig (Fife), Ruthven of Frieland (Perth), Maxwell of Nether Pollok (Renfrew) and Winraham of Libberton (Edinburgh) were the five gentry members included on both committees. Sir James Stewart (Edinburgh), George Porterfield (Glasgow), Robert Barclay (Irvine) and James Sword (St. Andrews) were the four burgesses included on both the Committee for Dispatches and the Commission of the Kirk.

16. APS, vi, ii, 10-11, 102-105, 128. See appendices 46, 49 and 51. Peterkin, *Records of the Kirk of Scotland*, 514-515. Balfour, *Historical Works*, volume three, 376. Lord Cathcart was the remaining noble member on the Committee for Overtures and Laws. Sir Andrew Kerr of Greenhead (Roxburgh), Sir James Halkheid of Pitsirrane (Fife) and William Sandilands of Hilderston (Linlithgow) represented the gentry. Robert Davidson (Dundee), Robert Cunningham (Kinghorn) and Gideon Jack (Lanark) represented the burgesses. Two gentry represented eastern shires, whilst one gentry represented a Border shire. Two burgesses represented eastern burghs and one burgess represented a western burgh.

17. *Ibid.* Arbuthnot, Coupar and Lord Torpichen represented the nobility on the Committee for Bills and Ratifications. Sir James Hope of Hopetoun, John Dickson of Hartrie (Peebles) and Robert Hepburn of Keith (Haddington) represented the gentry. Hope of Hopetoun was not a member of Parliament as per 4th January 1649 (see appendix 45). John Hay (Elgin), Patrick Ross (Perth) and Alexander Douglas (Banff) represented the burgesses. Gentry representation was concentrated on the east coast, whilst burghal representation was focused on the extreme north.

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18. Balfour, *Historical Works*, volume three, 377.
  19. *Ibid*; Stevenson, *Revolution and Counter-Revolution in Scotland*, 130.
  20. APS, vi, ii, 129. The full clause was as follows; " The estats of parlement now pntly Conveened in yis second session of ye second Trienniall parlement be vertue of ane act of the Committee of estats who had power and auctie from ye last parlement for conveying the pliament ".
  21. *Ibid*, 132. See appendix 51.
  22. *Ibid*, 130-132, 132.
  23. *Ibid*, 132. Sutherland, Cathcart and Coupar represented the nobility. Cockburn of Ormiston (Haddington), Fraser of Brae (Inverness) and Grierson of Bargatton (Kirkcudbright) represented the gentry. Thomas Bruce (Stirling), James Sword (St. Andrews) and John Corsan (Kirkcudbright) represented the burgesses. In geographic terms, one gentry and one burgess had their domains in the east coast, one gentry and one burgess in the Borders, one gentry in the north and one burgess in the central belt. See appendix 51.
  24. *Ibid*, 129, 130-132, 138-139, 150-151.
  25. *Ibid*, 132, 142. Brodie of that ilk (Elgin) and Winraham of Libberton (Edinburgh) represented the gentry. Alexander Jaffray (Aberdeen) and Robert Barclay (Irvine) represented the burgesses.
  26. *Ibid*, 143-147; Stevenson, *Revolution and Counter-Revolution in Scotland*, 130; Rait, *Parliaments of Scotland*, 72.
  27. APS, vi, ii, 146-147, 153-154; Stevenson, *Revolution and Counter-Revolution in Scotland*, 130; A.I. MacInnes, "The Scottish Constitution, 1638-51: The Rise and Fall of Oligarchic Centralism," 126-127.
  28. APS, vi, ii, 147-148.
  29. APS, vi, ii, 141-142. Arbuthnot, Torpichen, Burleigh, Coupar and Kirkcudbright were the five remaining nobles on the committee. Campbell of Cessnock (Ayr), Erskine of Cambuskenneth (Clackmannan), Forbes of Echt (Aberdeen), Shaw of Greenock (Renfrew), Agnew of Lochnew (Wigtown) and Patrick Scott of Thirlestane (Selkirk) represented the gentry. James Borthwick (Edinburgh), James Campbell (Dumbarton), Thomas MacBirnie (Dumfries), John Forbes (Inverness), George Garden (Burntisland) and James Campbell (Linlithgow) represented the burgesses. In geographic terms, two gentry represented western shires, two gentry represented Borders shires, one gentry represented an eastern shire and one gentry represented a

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shire from the central belt. Three burgesses represented eastern burghs, one burgess represented a western burgh, one burgess represented a northern burgh and one burgess represented a burgh from the central belt. See appendix 51. David Stevenson, "The Financing of the Cause of the Covenants, 1638-51", *SHR*, 51, (1972), 114.

30. *APS*, vi, ii, 153-154, 154-155. The maintenance collected from Engagers for the period March to July 1648 was to be distributed among opponents of the Engagement in proportion to their losses. The remaining maintenance, for the period August to October 1648, was to be paid to the Commissary General, Sir James Stewart, David Stevenson, "The Financing of the Cause of the Covenants, 1638-51", *SHR*, 51, (1972), 114.

31. *APS*, vi, ii, 127-128, 156; Balfour, *Historical Works*, III, 383-386. Legislation enacted prior to 3rd February were attributed to the previous reign (Rait, *Parliaments of Scotland*, 316). Sir John Chiesly and William Glendoning were not members of Parliament as per 4th January 1649 (see appendix 45).

32. *APS*, vi, ii, 157-376.

33. *Ibid*, 157; Stevenson, *Revolution and Counter-Revolution in Scotland*, 132.

34. *APS*, vi, ii, 161; Stevenson, *Revolution and Counter-Revolution in Scotland*, 132; Thomas Carte, *A Collection of Original Letters and Papers, Concerning The Affairs of England, From The Year 1641 to 1660. Found Among The Duke of Ormonde's Papers* (London, 1739), 180.

35. *APS*, vi, ii, 211-212, 232, 236, 300; Balfour, *Historical Works*, volume three, 392, states that Robert Barclay (Irvine) was also sent to Holland and that Winraham of Libberton (Edinburgh) was included as a ruling elder of the Kirk. Stevenson, *Revolution and Counter-Revolution in Scotland*, 133.

36. *APS*, vi, ii, 174-364; Stevenson, *Revolution and Counter-Revolution in Scotland*, 134. Purging of office holders was concentrated on the following dates; 13th February, 15th February, 2nd March, 10th March and 12th March. Replacements for the purged offices were officially named on 10th March, 12th March and 15th March.

37. *APS*, vi, ii, 124-126, 174-176, 176-178, 178-179, 179-181, 196-198, 199-201, 271-273, 273, 273-274, 274, 274-275, 316, 321. See appendix 45. Cassillis had been offered the position of Joint Secretary with Lothian but he had refused to accepted this position. Campbell of Cessnock refused the position of Justice Clerk but this position was not filled until March 1651 when Sir Robert Moray took up the office, Stevenson, *Revolution and Counter-Revolution in Scotland*, 134. Balfour, *Historical Works*, volume three, 389-390.

38. APS, vi, ii, 181-183, 195-196, 196-198, 270-271, 283, 283-285. Lord Halkerton, Fletcher of Innerpeffer, Hamilton of Orbiston, Lockhart of Lee, Leirmonth of Balcomie, Leslie of Newton, Sir James Carmichael of that ilk and Gibson of Durie were the Ordinary Lords purged from office. Three of the new Ordinary Lords of Session were recorded in the parliamentary rolls of 4th January 1649; Campbell of Cessnock (Ayr), Winraham of Libberton (Edinburgh) and Brodie of that ilk (Elgin). Sir James Hope of Hopetoun, Sir William Scott of Clerkington, Robert Bruce of Broomhall, Alexander Pearson of Southhall and Robert MacGill of Fuirdd formed the grouping of the remaining new Ordinary Lords of Session and Senators of the College of Justice. Cassillis and Coupar were the two Extraordinary Lords of Session and Senators of the College of Justice. Stevenson, *Revolution and Counter-Revolution in Scotland*, 134; Balfour, *Historical Works*, volume three, 389-390; D. Haig and G. Brunton, *The Senators of the College of Justice* (1832), xx, 296-344.

39. APS, vi, ii, 277.

40. *Ibid* 124-126, 364. See appendix 45. John, second Lord Balmerino, had died on 1st March 1649 (*Scots Peerage*), volume one, 568-569. Arbuthnot, Brechin, Coupar and John, third Lord Balmerino formed the grouping of four nobles on the Privy Council. Erskine of Cambuskenneth (Clackmannan), Home of Wedderburne (Berwick), Ruthven of Frieland (Perth), Adair of Kinhilt (Wigtown) and Forbes of Echt (Aberdeen) formed the grouping of five gentry on the Privy Council. Geographical analysis of gentry representation on the 1649 Privy Council therefore reveals two east coast gentry, two gentry from the Borders and one gentry from the central belt. All gentry were members of Parliament as per 4th January 1649.

41. Balfour, *Historical Works*, volume three, 391; MacInnes, "The Scottish Constitution, 1638-1651, The Rise and Fall of Oligarchic Centralism", 127.

42. APS, vi, ii, 152-153, 173-174, 184, 185, 261-262, 287; Stevenson, *Revolution and Counter-Revolution in Scotland*, 137-139, 141; Balfour, *Historical Works*, volume three, 391.

43. APS, vi, ii, 128-129, 141-142, 286, 364, 725-726, 124-376. Robert Hepburn of Keith (Haddington), John Dickson of Hartrie (Peebles) and Sir James Hope of Hopetoun formed the membership of the Committee for Revising of Reports and Bills. Hope of Hopetoun is not listed in the parliamentary rolls of 4th January 1649 (see appendix 45).

44. *Ibid*, 376; SRO Supplementary Parliamentary Papers, 1649, PA. 7/6/62.

45. APS, vi, ii, 124-156, 157-376. See appendices 51 and 52.

46. *Ibid*, 124-156. See appendix 51.

47. *Ibid*, 157-376. Loudoun and Eglinton were included on four interval committees. Buccleuch, Coupar, Angus and Elcho were included on three interval committees each. See appendices 45 and 52. Of the 13 gentry who were not members of Parliament as per 4th January 1649, only one had sat in the Engagement Parliament commencing on 2nd March 1648; Hepburne of Humble. Five further gentry are recorded in parliamentary rolls, 1639-1647, but not in the rolls of the Engagement Parliament. Wauchope of Niddrie (Edinburgh) is recorded in six out of eight parliamentary rolls of 1639-41. Beaton of Creich (Fife) is recorded in three out of the six parliamentary rolls of the First Triennial Parliament. Dundas of that ilk (Linlithgow) is recorded in the parliamentary rolls of the 1643 Convention of Estates and all eight sessions of Parliament, 1639-41. Nicholson of Carnock (Stirling) is recorded in the rolls of the 1643 Convention of Estates and in one of the rolls of the six sessions of the First Triennial Parliament. Belshes of Toftis (Berwick) is recorded in the rolls of all six sessions of the First Triennial Parliament. The remaining seven gentry are recorded in no rolls of Parliament and the Convention of Estates, 1639-1647; Sir John Chiesly of Kerswell, Sir James Hope of Hopetoun, Sir William Scott of Clerkington, Sir Daniel Carmichael, Alexander Colville of Blair, Sir John Hope of Craighall and Sir George Halyburton of Fodderance. Of the 16 burgesses who were not members of Parliament as per 4th January 1649, three had sat in the Engagement Parliament commencing 2nd March 1648; John Short (Stirling), William Glendoning (Kirkcudbright) and Gilbert More (Banff). John Short is also recorded in the rolls of one session of the First Triennial Parliament. William Glendoning is also recorded in the rolls of five sessions of Parliament, 1639-1641, in the rolls of the 1643 Convention, and in the rolls of five sessions of the First Triennial Parliament. Gilbert More is also recorded in the rolls of one session of the First Triennial Parliament. In addition the commission for the burgh of Kinghorn for the Engagement Parliament was a dual one in which either Robert Cunningham or John Boswell could represent that burgh. Although it was Robert Cunningham who sat in Parliament, 2nd March 1648, John Boswell was technically entitled to sit in the absence of Robert Cunningham. John Boswell was one of the burgesses analysed in the committee structure of Parliament, 5th February to 16th March 1649, who was not a member of Parliament as per 4th January 1649. Two further burgesses who were not members of Parliament as per 4th January 1649 are recorded in the parliamentary rolls, 1639-1647. Sir John Smith (Edinburgh) is recorded in the parliamentary rolls of two sessions of Parliament, 1639-41, the rolls of the 1643 Convention, and the rolls of four sessions of the First Triennial Parliament. John Semple (Dumbarton) is recorded in the rolls of all eight sessions of Parliament, 1639-41, the rolls of the 1643 Convention, and the rolls of two sessions of the First Triennial Parliament. The remaining 10 burgesses analysed in the committee structure of Parliament, 5th February to 16th March 1649, who were not members of Parliament as per 4th January 1649, are not

recorded in any rolls of Parliament, 1639-47. Sir William Dick, Robert Lockhart, Alexander Pearson, James Roughead, Robert MacGill, James Dalrymple, Thomas Murray, John Ellis, Roger Mowat and Robert Bruce constitute this grouping of burgesses (APS, v, 251-252, 258-259, 300-301, 303-304, 305-306, 308, 331-332; APS, vi, i, 3-4, 95-96, 284-285, 429-430, 440-441, 474-475, 612-613). See appendices 4 and 12.

48. The register of the Committee for Dispatches, SRO PA. 11/8, folios 1-7, has been calendared by David Stevenson in *Government Under the Covenanters*, pages 83-94. All details of sederunts have been taken from this source. APS, vi, ii, 128.

49. Stevenson, *Government Under the Covenanters*, 83-84.

50. *Ibid*, 83-84, 89, 90, 90-91, 91-92, 92-93.

51. *Ibid*, 85-86, 86-87, 88. Johnston of Wariston (Edinburgh), Winraham of Libberton (Edinburgh) and Brodie of that ilk (Elgin) represented the gentry. Sir James Stewart (Edinburgh), Alexander Jaffray (Aberdeen) and Robert Barclay (Irvine) represented the burgesses.

52. APS, vi, ii, 124-126, 294-296. Campbell of Cessnock (Ayr), Cunningham of Cunninghamhead (Ayr), Ruthven of Frieland (Perth), Erskine of Cambuskenneth (Clackmannan) and Hope of Hopetoun represented the gentry. Hope of Hopetoun was not a member of Parliament as per 4th January 1649 (see appendix 45). Robert Barclay (Irvine), George Porterfield (Glasgow), Hugh Kennedy (Ayr), Gideon Jack (Lanark) and Sir John Smith represented the burgesses. Sir John Smith was not a member of Parliament as per 4th January 1649 (see appendix 45). Gentry and burghal representation was tilted in favour of the west coast. Two gentry and four burgesses were from the west coast, whilst one gentry and one burgess were from the east and two gentry were from the central belt. See appendices 45 and 52.

53. *Ibid*, 102-105, 124-126, 290-292; Peterkin, *Records of the Kirk*, 514-515. See appendices 45, 49 and 52. Argyll, Loudoun, Leven, Eglinton, Cassillis, Buccleuch and Lothian formed the grouping of nobles included on both committees. Erskine of Scottiscraig (Fife) and Johnston of Wariston (Edinburgh) were the two gentry included on both committees. Hugh Kennedy (Ayr), John Forbes (Inverness), George Garden (Burntisland), John Hay (Elgin), James MacCulloch (Whithorn) and Gilbert More (Banff) were the six burgesses included on both committees. Gilbert More was not a member of Parliament as per 4th January 1649 See appendix 45. Chiesly of Kerswell, Hope of Craighall, Belshes of Toftis, Scott of Clerkington and Hope of Hopetoun constituted the five gentry who were not members of Parliament. William Glendonning, James Roughead, Gilbert More, John Short, Robert Lockhart, Sir John Smith, Sir William Dick and John Boswell constituted the grouping of eight burgesses who were not members of Parliament. See appendices 45 and 52.

A geographic breakdown of gentry representation on the Committee of Estates reveals 11 east coast gentry, nine gentry from the Borders, seven west coast gentry, two gentry from the central belt and one gentry from the north. A similar geographic breakdown of burghal representation reveals 16 east coast burgesses, five west coast burgesses, three burgesses from the Borders, three burgesses from the north and two burgesses from the central belt. Of the 16 east coast burgesses, six were from Edinburgh. The eleven east coast gentry on the Committee of Estates were as follows; Erskine of Scottiscraig (Fife), Halket of Pitsirrane (Fife), Dundas of Duddingston (Linlithgow), Ruthven of Frieland (Perth), Sir John Brown of Fordell (Perth), Forbes of Echt (Aberdeen), William Sandilands of Hilderston (Linlithgow), John Cockburn of Ormiston (Haddington), Johnston of Wariston (Edinburgh), Winraham of Libberton (Edinburgh) and Hope of Craighall. The nine Borders gentry on the Committee of Estates were as follows; Walter Scott of Hartwoodburne (Selkirk), Scott of Clerkington (Selkirk), Belshes of Toftis (Berwick), Home of Wedderburne (Berwick), John Swinton, younger, of that ilk (Berwick), Sir Andrew Kerr of Greenhead (Roxburgh), Adair of Kinhilt (Wigtown), Agnew of Lochnaw (Wigtown) and Dickson of Hartrie (Peebles). The seven west coast gentry on the Committee of Estates were as follows; Sir Ludovick Houston of that ilk (Dumbarton), Shaw of Greenock (Renfrew), Dickson of Busbie (Lanark), Cunningham of Cunninghamhead (Ayr), Campbell of Cessnock (Ayr), Sir George Maxwell of Nether Pollock (Renfrew) and Chiesly of Kerswell (Lanark). The two gentry from the central belt on the Committee of Estates were as follows; Erskine of Cambuskenneth (Clackmannan) and Hope of Hopetoun (Stirling). The one gentry from the north on the Committee of Estates was Brodie of that ilk (Elgin). The 16 east coast burgesses on the Committee of Estates were as follows; James Borthwick (Edinburgh), Patrick Ross (Perth), Robert Davidson (Dundee), James Sword (St. Andrews), James Campbell (Linlithgow), William Simpson (Dysart), George Garden (Burntisland), John Boswell (Kingshorn), George Jamieson (Coupar), Sir William Dick (Edinburgh), Sir John Smith (Edinburgh), Robert Lockhart (Edinburgh), William More (Aberdeen), James Roughead (Edinburgh), Sir James Stewart (Edinburgh) and Alexander Jaffray (Aberdeen). The five west coast burgesses on the Committee of Estates were as follows; George Porterfield (Glasgow), Robert Barclay (Irvine), James Campbell (Dumbarton), Gideon Jack (Lanark) and Hugh Kennedy (Ayr). The three burgesses from the Borders on the Committee of Estates were as follows; Thomas MacBirnie (Dumfries), James MacCulloch (Whithorn) and William Glendoning (Kirkcudbright). The three burgesses from the North on the Committee of Estates were as follows; John Hay (Elgin), John Forbes (Inverness) and Alexander Douglas (Banff). The 11 noble members of the Committee of Estates of 14th March 1649 who were also members of the Commission of the Kirk of 11th August 1648 were as follows; Argyll, Eglinton, Cassillis, Lothian, Angus, Borthwick, Balmerino, Coupar, Burleigh, Elcho and Kirkcudbright. The 11 gentry members of the Committee of Estates of 14th March 1649 who were also members of the Commission of the Kirk of 11th August 1648 were as follows;



Johnston of Wariston (Edinburgh), Erskine of Scottiscraig (Fife), Ruthven of Frieland (Perth), Maxwell of Netherpollock (Renfrew), Halket of Pitsirrane (Fife), Winraham of Libberton (Edinburgh), Brodie of that ilk (Elgin), Forbes of Echt (Aberdeen), Sir John Hope of Craighall, Chiesly of Kerswell (Lanark) and Dundas of Duddingston (Linlithgow). The nine burgess members of the Committee of Estates of 14th March 1649 who were also members of the Commission of the Kirk of 11th August 1648 were as follows; Sir James Stewart (Edinburgh), George Porterfield (Glasgow), James Campbell (Linlithgow), Robert Barclay (Irvine), William Glendoning (Kirkcudbright), Alexander Douglas (Banff), James Sword (St. Andrews), Gideon Jack (Lanark) and John Boswell (Kinghorn).

54. APS, v, 400; APS, vi, i, 199, 778-779; APS, vi, ii, 114, 300. See appendices 5, 22, 41, 49 and 52; Peterkin, *Records of the Kirk*, 514-515. Brodie of that ilk (Elgin), Johnston of Wariston (Edinburgh) and Belshes of Toftis (Berwick) had all been added to the commission on 24th March 1647. Sir John Hope of Craighall had been added to the commission on 24th July 1644. Dundas of that ilk (Linlithgow), Wauchope of Niddrie (Edinburgh) and Home of Wedderburne (Berwick) had been included on all commissions since 15th November 1641. George Porterfield (Glasgow) had been added on 10th June 1648. Sir James Stewart (Edinburgh), Sir John Smith (Edinburgh), Thomas Bruce (Stirling) and Robert Cunningham (Kinghorn) had all been added to the commission on 24th July 1644. James Sword (St. Andrews), John Semple (Dumbarton), William Glendoning (Kirkcudbright), Robert Barclay (Irvine), Alexander Douglas (Banff) and George Garden (Burntisland) had been included on all commissions since 15th November 1641. The 10 gentry who were not members of Parliament as per 4th January 1649 were as follows; Dundas of that ilk (Linlithgow), Wauchope of Niddrie (Edinburgh), Beaton of Creich (Fife), Belshes of Toftis (Berwick), Chiesly of Kerswell (Lanark), Hepburne of Humbie (Haddington), Hope of Hopetoun (Stirling), Nicholson of Carnock (Stirling), Scott of Clerkington (Selkirk) and Hope of Craighall. The six burgesses who were not members of Parliament as per 4th January 1649 were as follows; Alexander Pearson (Edinburgh), John Semple (Dumbarton), William Glendoning (Kirkcudbright), Sir John Smith (Edinburgh), Robert Lockhart (Edinburgh) and James Roughead (Edinburgh). A geographic breakdown of gentry representation reveals 12 east coast gentry, eight gentry from the Borders, five west coast gentry, three gentry from the central belt and three gentry from the north. A similar geographic breakdown of burghal representation reveals 14 east coast burgesses, six west coast burgesses and one burgess each from the Borders, the central belt and the north. The 12 east coast gentry on the Commission for Plantation of Kirks and Valuation of Teinds were as follows; Dundas of that ilk (Linlithgow), Wauchope of Niddrie (Edinburgh), Beaton of Creich (Fife), Hope of Craighall, Erskine of Scottiscraig (Fife), Dundas of Duddingston (Linlithgow), Ruthven of Frieland (Perth), Hepburn of Keith (Haddington), Halket of Pitsirrane (Fife), Hepburne of Humbie (Haddington), Johnston of Wariston (Edinburgh) and Winraham of Libberton (Edinburgh). The five west coast gentry included on

the commission were as follows; Campbell of Cessnock (Ayr), Dickson of Busbie (Lanark), Cunningham of Cunninghamhead (Ayr), Maxwell of Nether Pollock (Renfrew) and Chiesly of Kerswell (Lanark). The eight gentry from the Borders included on the commission were as follows; Scott of Clerkington (Selkirk), Home of Wedderburne ( Berwick ), Belshes of Toftis (Berwick), Swinton of that ilk (Berwick), Kerr of Greenhead (Roxburgh), Kerr of Cavers (Roxburgh), Adair of Kinhilt (Wigtown) and Agnew of Lochnaw (Wigtown). The three gentry from the central belt included on the commission were as follows; Erskine of Cambuskenneth (Clackmannan), Hope of Hopetoun (Stirling) and Nicholson of Carnock (Stirling). The three gentry from the north included on the commission were as follows; Sinclair of Dunbeath (Caithness), Brodie of that ilk (Elgin) and Fraser of Brae (Inverness). The 14 east coast burgesses included on the Commission for Plantation of Kirks and Valuation of Teinds were as follows; Alexander Pearson (Edinburgh), Sir James Stewart (Edinburgh), Alexander Jaffray (Aberdeen), James Sword (St. Andrews), George Garden (Burntisland), Sir John Smith (Edinburgh), Robert Lockhart (Edinburgh), Robert Cunningham (Kinghorn), James Borthwick (Edinburgh), Robert Davidson (Dundee), James Campbell (Linlithgow or Dumbarton), John Sleigh (Haddington), John Williamson (Kirkcaldy) and James Roughead (Edinburgh). The six west coast burgesses included on the commission were as follows; Hugh Kennedy (Ayr), John Semple (Dumbarton), James Campbell (Dumbarton), George Porterfield (Glasgow), Robert Barclay (Irvine) and Gideon Jack (Lanark). The one burgess from the Borders was William Glendoning (Kirkcudbright). The one burgess from the central belt was Thomas Bruce (Stirling). The one burgess from the north was Alexander Douglas (Banff). The 11 noble members of the Commission for Plantation of Kirks and Valuation of Teinds of 15th March 1649 who were also members of the Commission of the Kirk established on 11th August 1648 were as follows; Argyll, Eglinton, Cassillis, Lothian, Angus, Torpichen, Balmerino, Burleigh, Coupar, Kirkcudbright and Elcho. The 13 gentry members of the Committee for Plantation of Kirks and Valuation of Teinds of 15th March 1649 who were also members of the Commission of the Kirk of 11th August 1648 were as follows; Johnston of Wariston (Edinburgh), Sir John Hope of Craighall, Erskine of Scottiscraig (Fife), Beaton of Creich (Fife), Wauchope of Niddrie (Edinburgh), Maxwell of Netherpollock (Renfrew), Ruthven of Frieland (Perth), Fraser of Brae (Inverness), Halket of Pitsirrane (Fife), Winraham of Libberton (Edinburgh), Brodie of that ilk (Elgin), Dundas of Duddingston (Linlithgow) and Colville of Blair. The eight burgess members of the Committee for Plantation of Kirks and Valuation of Teinds of 15th March 1649 who were also members of the Commission of the Kirk established on 11th August 1648 were as follows; Sir James Stewart (Edinburgh), George Porterfield (Glasgow), James Campbell (Dumbarton or Linlithgow), Robert Barclay (Irvine), William Glendoning (Kirkcudbright), Alexander Douglas (Banff), Gideon Jack (Lanark) and James Sword (St. Andrews).

Campbell of Cessnock (Ayr), Maxwell of Nether Pollock (Renfrew), Winraham of Libberton (Edinburgh), Dickson of Hartrie (Peebles), Hope of Hopetoun and Sir George Halyburton of Fodderance were the remaining gentry members. Nicholson of Carnock, Hope of Hopetoun and Halyburton of Fodderance were not members of Parliament as per 4th January 1649 (see appendix 45). Robert Barclay (Irvine), Sir John Smith, Thomas Murray, John Ellis, Rodger Mowat, Robert Bruce, Alexander Pearson, Robert MacGill and James Dalrymple represented the burgesses. Only Robert Barclay was a member of Parliament as per 4th January 1649. See appendices 45 and 52.

56. *Ibid*, 124-126, 321. Sir Daniel Carmichael was not a member of Parliament as per 4th January 1649. See appendices 45 and 52.

57. *Ibid*, 290-292. SRO PA. 11/8, folios 11-92. Loudoun attended 18 diets (69%). Balmerino attended 17 out of 26 diets (65%), whilst Burleigh and Leven attended 14 diets each (54%). Argyll attended 11 diets (42%). Dickson of Hartrie (Peebles) attended 23 out of 26 diets (88%), whilst Hope of Hopetoun and Johnston of Wariston (Edinburgh) attended 19 diets (73%) each. Belshes of Toftis attended 17 diets (65%) and Chiesly of Kerswell attended 14 diets (54%). Dickson of Busbie (Lanark) attended 13 diets (50%) and Scott of Clerkington attended 12 diets (46%). The three gentry who were not commissioned as members of the Committee of Estates who attended diets were as follows; Scott of Thirlestane (Selkirk) and Dundas of that ilk attended two diets each, whilst Nicholson of Carnock attended 10 diets. Either James Campbell (Linlithgow) or James Campbell (Dumbarton) attended 23 out of 26 diets (88%). James MacCulloch (Whithorn) attended 16 diets (62%) and Sir John Smith attended 15 diets (58%). Sir William Dick attended 11 diets (42%). See appendix 53. At three diets Loudoun was present but not recorded as President and no other noble was listed as President. Therefore Loudoun was President at 18 diets. Argyll was listed as President at six diets and at one further diet was present but not listed as President and no other noble was listed as President.

58. Stevenson, *Revolution and Counter-Revolution in Scotland*, 151; Balfour, *Historical Works*, volume three, 393, 397; G.R. Kinloch (ed.), *The Diary of Mr John Lamont of Newton, 1649-71* (Maitland Club, 1830), 2; J. Barclay (ed.), *Diary of Alexander Jaffray* (Aberdeen, 1856), 54; CSPV, 1647-1652, 93.

59. APS, vi, ii, 124-126, 377-378. See appendices 43 and 44. The nine burghs listed in the parliamentary rolls of 23rd May 1649 but with no commissioners named are as follows; Anstruther Easter, Pittenweem, Anstruther Wester, Lochmaben, New Galloway, Dingwall, Dornoch, Annan and Kilrenny. The 13 nobles recorded in the respective parliamentary rolls of 4th January and 23rd May 1649 were as follows; Loudoun, Argyll, Sutherland, Eglinton, Cassillis, Buccleuch, Leven, Arbuthnot, Cathcart, Burleigh, Coupar, Kirkcudbright and Borthwick. The 38 gentry recorded in the respective parliamentary rolls of

4th January and 23rd May 1649 were as follows; Winraham of Libberton (Edinburgh), Erskine of Scottiscraig (Fife), Halket of Pitsirrane (Fife), Sandilands of Hilderston (Linlithgow), Dundas of Duddingston (Linlithgow), John Ferguson of Craigdarroch (Dumfries), William Semple of Foulwood (Dumbarton), Sir Ludovick Houston of that ilk (Dumbarton), George Buchannan of that ilk (Stirling), Cockburn of Ormiston (Haddington), Robert Hepburn of Keith (Haddington), Home of Wedderburne (Berwick), Swinton of that ilk (Berwick), Sir Robert Gordon of Embo (Sutherland), Erskine of Cambuskenneth (Clackmannan), Brodie of that ilk (Elgin), Sir Ludovick Gordon of Gordonston (Elgin), Alexander Brodie of Lethem (Nairn), Dickson of Hartrie (Peebles), Cunningham of Cunninghamhead (Ayr), Campbell of Cessnock (Ayr), Kerr of Greenhead (Roxburgh), Kerr of Cavers (Roxburgh), Ruthven of Frieland (Perth), Brown of Fordell (Perth), Grierson of Bargatton (Kirkcudbright), Agnew of Lochnaw (Wigtown), Adair of Kinhilt (Wigtown), Forbes of Echt (Aberdeen), William Forbes, younger, of Leslie (Aberdeen), Maxwell of Nether Pollock (Renfrew), Shaw of Greenock (Renfrew), John Lindsay of Edyell (Forfar), George Summer of Balyordie (Forfar), Fraser of Brae (Inverness), James Campbell of Ardkinglas (Argyll), Sir Dougall Campbell of Auchinbreck (Argyll) and Sinclair of Dunbeath (Caithness). Eight of the 46 burghal commissions specify two individuals who could attend Parliament on an either or basis. Robert Davidson or George Halyburton (Dundee), Hugh Kennedy or John Osburne (Ayr), George Brown or John Sleigh (Haddington), John Williamson or James Law (Kirkcaldy), George Garden or John Brown (Burntisland), John Rutherford or John Brown (Jedburgh), William Purves or Thomas Purves (Dunbar) and Thomas MacBirnie or Robert Richardson (Dumfries) represent this grouping of eight commissions. In both parliamentary rolls of 4th January and 23rd May 1649 the above burgesses are all listed on an either or basis. 15 further burgesses included in both parliamentary rolls were actually included in dual commissions, all of which related to the parliamentary session commencing on 23rd May 1649. Alexander Jaffray (Aberdeen) is included in both sets of rolls although the rolls of 23rd May 1649 list either Alexander Jaffray or John Jaffray (Aberdeen). Thomas Bruce (Stirling) is included in both sets of rolls although the rolls of 23rd May 1649 list either Thomas Bruce or John Short (Stirling). James Campbell (Linlithgow) is included in both sets of rolls although the rolls of 23rd May 1649 list either James Campbell or James Crawford (Linlithgow). James Sword (St. Andrews) is listed in both sets of rolls although the rolls of 23rd May 1649 list either James Sword or James Lenton (St. Andrews). George Porterfield (Glasgow) is included in both sets of rolls although the rolls of 23rd May 1649 list either George Porterfield or John Graham (Glasgow). George Jamieson (Coupar) is included in both sets of rolls although the rolls of 23rd May 1649 list either George Jamieson or John Glassford (Coupar). Andrew Gray (Montrose) is included in both sets of rolls although the rolls of 23rd May 1649 list either Andrew Gray or James Milne (Montrose). Robert Cunningham (Kinghorn) is included in both sets of rolls although the rolls of 23rd May 1649 list either Robert Cunningham or John Boswell (Kinghorn).

William Walker (Dunfermline) is included in both sets of rolls although the rolls of 23rd May 1649 list either William Walker or Peter Walker (Dunfermline). Gideon Jack (Lanark) is included in both sets of rolls although the rolls of 23rd May 1649 list either Gideon Jack or Alexander Tennent (Lanark). William Lewis (Peebles) is included in both sets of rolls although the rolls of 23rd May 1649 list William Lewis or James Williamson (Peebles). Alexander Cunningham (Crail) is included in both sets of rolls although the rolls of 23rd May 1649 list either Alexander Cunningham or John Robertson (Crail). Hugh Ross (Nairn) is included both sets of rolls although the rolls of 23rd May 1649 list either Hugh Ross or John Tulloch (Nairn). John Livingstone (North Berwick) is included in both sets of rolls although the rolls of 23rd May 1649 list either John Livingstone or George Lawder (North Berwick). Alexander Murray (Cullen) is included in both sets of rolls although the rolls of 23rd May 1649 list either Alexander Murray or William Ogilvie (Cullen). The remaining 23 individual burgesses included in both rolls of parliament, 4th January and 23rd May 1649, are as follows; Sir James Stewart (Edinburgh), James Borthwick (Edinburgh), Patrick Ross (Perth), William Simpson (Dysart), John Forbes (Inverness), Andrew Dickson (Inverkeithing), John Skinner (Brechin), Robert Barclay (Irvine), John Corsan (Kirkcudbright), Adam MacKie (Wigtown), Thomas Scott (Selkirk), James Campbell (Dumbarton), John Spreule (Renfrew), John Hay (Elgin), James MacCulloch (Tain), James Aitken (Culross), Alexander Douglas (Banff), James MacCulloch (Whithorn), Alexander Scott (Forfar), Donald Gilchrist (Rothsay), Andrew Pinkerton (Rutherglen), Lawrence Davidson (Sanguhar) and John Dick (Queensferry). Balfour, *Historical Works*, III, 407, states that on 23rd May 1649 there were only four nobles and under 20 gentry and burgesses present. Balfour's figures have not been accepted in my analysis.

60. APS, vi, ii, 377-554.

61. *Ibid*, 128-129, 294-296, 378-379, 379, 380, 384. See appendices 51, 52 and 54.

62. *Ibid*, 128, 290-292, 379. Buccleuch and Loudoun were the other two nobles included on both the Committee for Dispatches of 5th January 1649 and the Committee for Dispatches of 23rd May 1649. Erskine of Scottiscraig (Fife) was the one gentry included on both committees. Sir James Stewart (Edinburgh), George Porterfield (Glasgow), Robert Barclay (Irvine), James Sword (St. Andrews) and Hugh Kennedy (Ayr) were the five burgesses included on both committees. Lothian, Borthwick and Burleigh were the three remaining nobles included on the committee of 23rd May. Leven was the remaining supernumerary included. Wauchope of Niddrie (Edinburgh), Adair of Kinhilt (Wigtown), Hope of Hopetoun (Stirling), Sandilands of Hilderston (Linlithgow), Kerr of Greenhead (Roxburgh) and Campbell of Cessnock (Ayr) were the six remaining gentry included on the committee. Patrick Ross (Perth) and John Boswell (Kinghorn) were the two remaining burgesses included on the committee. Geographic analysis of gentry representation

reveals three east coast gentry, two gentry from the Borders, one west coast gentry and one gentry from the central belt. In geographic terms burghal representation was balanced between three east coast and three west coast burgesses. See appendices 51, 52 and 54.

63. *Ibid*, 128, 290-292, 386, 414. The gentry and burghal additions swung the geographic balance of the committee in favour of the east coast. Balfour, *Historical Works*, III, 408; G.R Kinloch (ed.), *The Diary of Mr John Lamont of Newton*, 1649-71 (Maitland Club, 1830), 2.

64. *Ibid*, 411, 553, 727-732; Stevenson, *Revolution and Counter-Revolution in Scotland*, 151; Thomas Carte, *A Collection of Original Letters and Papers Concerning the Affairs of England, From The Year 1641 to 1660. Found Among The Duke of Ormonde's Papers* (London, 1739), 238; CSPV, 1647-1652, 127; Baillie, *Letters and Journals*, volume three, 99; Balfour, *Historical Works*, III, 146-147, does not specify whether it was the National Covenant or the Solemn League and Covenant that was to be satisfied as per the private meeting of 7th or 8th July 1649. The five ministers present were Robert Baillie, James Wood, Robert Douglas, David Dickson and James Guthrie.

65. APS, vi, ii, 447-448, 477, 506-508, 511, 527-528; Stevenson, *Revolution and Counter-Revolution in Scotland*, 152. The Act of the Establishment of the Army was passed on 29th June. The Act Nominating Colonel James Weymes To Be General of the Artillery (in place of Colonel Alexander Hamilton) was passed on 10th July. The Act Anent The Locality Of The Forces, Horse and Foot and the Act And Nomination of John Kniblo To Be Commissioner of The Artillery were passed on 31st July. The Act Anent The Levy Of Horse and Foot Within The Kingdom was passed on 6th August.

66. APS, vi, ii, 290-292, 377-378, 388. Lothian and Burleigh were the two remaining nobles on the Committee for Grievances. Ruthven of Frieland (Perth), Chiesly of Kerswell (Lanark) and Hepburn of Keith (Haddington) represented the gentry. Sir John Smith (Edinburgh), George Porterfield (Glasgow) and Robert Barclay (Irvine) represented the burgesses. Sir John Smith was not a member of Parliament as per 23rd May 1649 (see appendix 45). Whereas gentry representation on the Committee for Grievances was dominated by the east coast, burghal representation was dominated by the west coast. See appendices 45, 52 and 54.

67. *Ibid*, 290-292, 377-378, 389-390, 414, 450. See appendices 52 and 54. Sutherland, Lothian and Burleigh were the remaining nobles on the Committee for Rectifying Valuations. Campbell of Cessnock (Ayr), Adair of Kinhilt (Wigtown), Chiesly of Kerswell (Lanark) and Dickson of Hartrie (Peebles) represented the gentry. John Jaffray (Aberdeen), Thomas Bruce (Stirling), John Hay (Elgin) and George Garden (Burntisland) represented the burgesses. Gentry representation in geographic terms was balanced between the west coast and the Borders. Two east

coast burgesses and one burghess each from the north and the central belt constituted the geographic composition of burghal representation. Cassillis, Brodie of that ilk (Elgin), Winraham of Libberton (Edinburgh) and Alexander Jaffray (Aberdeen) were added to the Committee for Rectifying Valuations on 14th June 1649. In geographic terms the gentry additions provided a more balanced national balance, whilst the burghal additions tilted the balance further in favour of the east coast. A localised session committee, the Committee for the Revaluation of the Parish of Ayr, was established on 29th June (see appendix 54). Three gentry and five burgesses formed the membership of that committee. No gentry and only one burghess, Hugh Kennedy (Ayr), were members of Parliament as per 23rd May 1649. Only Hugh Kennedy (Ayr) had been included on the Committee of Estates of 14th March 1649. All members were drawn from Ayrshire. The three gentry members on the Committee for the Revaluation of the Parish of Ayr were James Chalmers of Gaitgirth, Hugh Cathcart and John Whiteford of Balloch. The remaining burghess members were Gilbert Richard, Baillie of Ayr and James Chalmers, Gilbert MacAlmond and David Richard, merchant burgesses of Ayr.

68. *Ibid*, 290-292, 409. Hope of Hopetoun (Stirling), Sandilands of Hilderston (Linlithgow) and Chiesly of Kerswell (Lanark) represented the gentry. Sir James Stewart (Edinburgh), George Porterfield (Glasgow) and Robert Barclay (Irvine) represented the burgesses. Gentry representation in geographic terms was balanced between the west coast, the central belt and the east coast. Burghal representation was dominated by the west coast. See appendices 52 and 54.

69. *Ibid*, 290-292, 414. See appendices 52 and 54. Lothian, Campbell of Cessnock (Ayr), Ruthven of Frieland (Perth) and Robert Barclay (Irvine) were on the Committee Anent the Rates of Money and Inbringing of Bullion. Sir James Stewart (Edinburgh) was included as General Commissioner. There was a balance between east coast and west coast gentry and burgesses. The remaining four military officials included on the committee were Lieutenant General David Leslie, the Quarter Master General, the Muster Master General and John Denholm, Commissioner Depute for the Northern Army.

70. *Ibid*, 501-502; Baillie, *Letters and Journals*, Volume Three, 98; Stevenson, *Revolution and Counter-Revolution in Scotland*, 154; Stevenson, *SHR*, 51, (1972), 117. The maintenance levels for June were to be raised at the old levels. The maintenance levels for July to October were to be raised at the new levels as per 27th July 1649.

71. Stevenson, *SHR*, 51, (1972), 117-118; Stevenson, *Revolution and Counter-Revolution in Scotland*, 152; Stevenson, *Government Under The Covenanters*, xxxvi; Baillie, *Letters and Journals*, volume three, 98-99.

72. *APS*, vi, ii, 527.

73. *Ibid*, 519, 538.

74. *Ibid*, 377-554. Lothian was included on four session committees, whilst Argyll and Burleigh were included on three session committees each. Cassillis was included on two session committees, whilst Buccleuch and Borthwick were included on only one session committee each. Four gentry were included on three session committees each; Ruthven of Frieland (Perth), Chiesly of Kerswell (Lanark), Hope of Hopetoun (Stirling) and Campbell of Cessnock (Ayr). The remaining nine gentry were included on two or less session committees. Robert Barclay (Irvine) was included on four session committees and George Porterfield (Glasgow) was included on three session committees. Sir James Stewart (Edinburgh), Hugh Kennedy (Ayr) and Alexander Jaffray (Aberdeen) were included on two session committees each. See appendix 54.

75. *Ibid*, 377-554. Argyll was included on six interval committees, whilst Cassillis and Burleigh were included on five interval committees each. Loudoun, Buccleuch, Angus, Elcho and Coupar were each included on three interval committees. Campbell of Cessnock (Ayr) was included on five interval committees. Four further gentry were included on four interval committees each; Winraham of Libberton (Edinburgh), Hope of Hopetoun (Stirling), Ruthven of Frieland (Perth) and Cunningham of Cunninghamhead (Ayr). The nine gentry included on three interval committees were as follows; Johnston of Wariston (Edinburgh), Maxwell of Nether Pollock (Renfrew), Home of Wedderburne (Berwick), Erskine of Cambuskenneth (Clackmannan), Brodie of that ilk (Elgin), Dickson of Hartrie (Peebles), Carmichael of Hyndford (Lanark), Nicholson of Carnock (Stirling) and Hope of Craighall. Robert Barclay (Irvine) was included on five interval committees. Three further burgesses were included on four interval committees each; Sir John Smith (Edinburgh), George Porterfield (Glasgow) and Hugh Kennedy (Ayr). Two further burgesses were included on three interval committees each; Alexander Jaffray (Aberdeen) and Gideon Jack (Lanark). See appendix 55.

76. The register of the Committee for Dispatches, 23rd May to 1st August 1649, SRO PA. 11/8 folios 93-98, has been calendared in Stevenson, *Government Under The Covenanters*, 95-104. APS, vi, ii, 377-378, 379, 414. At the one diet which Loudoun did not attend Argyll sat as President in his place. Lothian attended seven diets, Burleigh attended six diets and Cassillis attended five diets. Arbuthnot is recorded in seven sederunts and Sutherland in six sederunts. According to the committee register Arbuthnot and Sutherland were added to the Committee for Dispatches on either the 23rd or 24th May. No evidence exists of this in the printed parliamentary records and there are no recorded details of a sitting of Parliament on 24th May. Erskine of Scottiscraig (Fife) and Campbell of Cessnock (Ayr) both attended eight diets, whilst Kerr of Greenhead (Roxburgh) attended seven diets. Adair of Kinhilt (Wigtown) and Brodie of that ilk (Elgin) are all recorded in five diets. Winraham of Libberton (Edinburgh) attended four diets, Wauchope of Niddrie (Edinburgh) attended three diets and Sandilands of Hilderston (Linlithgow) attended two diets.



Hope of Hopetoun (Stirling) did not attend at all. Ruthven of Frieland (Perth) is recorded in five sederunts. According to the committee register Ruthven of Frieland was added to the Committee for Dispatches on 24th May. No evidence of such an addition exists in the parliamentary records. Chiesly of Kerswell (Lanark) and Swinton of that ilk (Berwick) attended one diet each. Neither had been included in the original commission of 23rd May nor in the additions of 14th June. Robert Barclay (Irvine) and Hugh Kennedy (Ayr) are both recorded in nine sederunts. Sir James Stewart (Edinburgh) attended five diets, whilst George Porterfield (Glasgow) and Alexander Jaffray (Aberdeen) each attended four diets. James Sword attended two diets. John Boswell (Kinghorn) did not attend at all and Patrick Ross (Perth) attended only once. Patrick Leslie (Aberdeen), James Lenton (St. Andrews) and John Graham (Glasgow) were the burgesses who attended diets who were not commissioned to do so. Patrick Leslie (Aberdeen) was not a member of Parliament as per 23rd May 1649 (see appendix 45).

77. Stevenson, *Government Under The Covenanters*, 95.

78. *APS*, vi, ii, 537, 539. See appendices 52 and 55.

79. *Ibid*, 290-292, 377-378, 536-537. See appendices 45, 52 and 55. John Hepburn of Wauchton, Scott of Clerkington, Nicholson of Carnock, Lord Advocate, William Kerr of Newton, Sir John Moncrieff of that ilk, Sir Alexander Inglis of Ingliston, and Sir James Arnot of Fernie were the seven gentry additions of 7th August 1649 who were not members of Parliament as per 23rd May 1649. Carmichael of Hyndford (Lanark), Treasurer Depute, Wauchope of Niddrie (Edinburgh), Hepburn of Keith (Haddington), Fraser of Brae (Inverness), Robert Monro of Obstaill (Inverness), Sinclair of Dunbeath (Caithness), Gordon of Gordonston (Elgin) and Kerr of Cavers (Roxburgh) formed the grouping of the seven remaining gentry additions. Johnston of Wariston, Dickson of Busbie, Belshes of Toftis and Hope of Craighall constitute the four gentry who were not members of Parliament as per 23rd May 1649 (see appendix 45). In geographic terms, the gentry additions were composed of six east coast gentry, four gentry from the north, two gentry from the Borders and one gentry each from the west coast and the central belt respectively. The six east coast gentry additions were as follows; Wauchope of Niddrie (Edinburgh), Hepburn of Keith (Haddington), Inglis of Ingliston (Edinburgh), John Hepburn of Wauchton (Haddington), Arnot of Fernie (Fife) and Moncrieff of that ilk (Perth). The four gentry from the north were Fraser of Brae (Inverness), Monro of Obstaill (Inverness), Gordon of Gordonston (Elgin) and Sinclair of Dunbeath (Caithness). The two gentry from the Borders were Kerr of Cavers (Roxburgh) and Kerr of Newton (Roxburgh). The one west coast gentry was Carmichael of Hyndford (Lanark). The one gentry from the central belt was Nicholson of Carnock

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(Stirling). *Records of the Kirk of Scotland*, ed. A. Peterkin (Edinburgh, 1853), 549-550. The 10 nobles on the Commission of the Kirk who were all included on the Committee of Estates of 7th August 1649 were as follows; Argyll, Sutherland, Eglinton, Cassillis, Lothian, Arbuthnot, Elcho, Brechin, Burleigh and Coupar. The 20 gentry on the Commission of the Kirk also included on the Committee of Estates of 7th August 1649 were as follows; Erskine of Scottiscraig, Carmichael of Hyndford, Hope of Craighall, Winraham of Libberton, Brodie of that ilk, Johnston of Wariston, Wauchope of Niddrie, Kerr of Greenhead, Ruthven of Frieland, Campbell of Cessnock, Swinton of that ilk, younger, Forbes of Echt, Fraser of Brae, Adair of Kinhilt, Kerr of Cavers, Chiesly of Kerswell, Inglis of Inglistoun, Sinclair of Dunbeath, Shaw of Greenock and Arnot of Fernie. The 12 burgesses on the Commission of the Kirk also included on the Committee of Estates of 7th August 1649 were as follows; Sir James Stewart, Sir John Smith, Alexander Jaffray, James Sword, George Porterfield, Robert Barclay, Hugh Kennedy, William Glendoning, Thomas MacBirnie, Robert Lockhart, James Campbell and Alexander Douglas. Sir William Dick, Sir John Smith, Robert Lockhart, James Roughead, William Glendoning and William More were the six burgesses who were not members of Parliament as per 23rd May 1649.

## **X THE RULE OF THE RADICAL REGIME, AUGUST 1649 TO SEPTEMBER 1650.**

By the close of the Third Session of the Second Triennial Parliament on 7th August 1649, the radical regime had conducted a thorough programme of purging of Engagers from public office. Within a wider British context, Cromwellian imperialism had succeeded in *Subjugating* Ireland. At the same time, the threat of a military invasion by Montrose remained a real one. It was these two external threats that the radical regime was forced to deal with.

### ***(1) The Operation of Parliamentary Interval Committees, August 1649 to February 1650.***

Two separate committee registers record sederunts of the Committee of Estates between August 1649 and February 1650. 32 sederunts are recorded between 10th August 1649 and 27th November 1649 (see appendix 56). 17 further sederunts are recorded between 4th December 1649 and 26th February 1650 (see appendix 58).<sup>1</sup>

From 10th August to 23rd August the Committee of Estates convened at Edinburgh and then at Perth from 24th August to 3rd September before returning to sit at Edinburgh from 7th September to 27th November. The movement of the Committee of Estates to Perth was undertaken primarily to force Highland Engagers to sign declarations denouncing the Engagement. Throughout this period the main business of the Committee of Estates was the purging of minor officials from public office and attempting to secure the signatures of former Engagers in general to declarations denouncing the Engagement and agreeing to keep the peace. Loudoun attended 23 of these 32 diets (72%) and Lothian attended 17 diets (53%) (see appendix 56). The remaining 23 nobles attended 11 or less diets and six nobles did not attend at all (see appendix 56). Loudoun was listed as President at 20 diets. Four gentry who were not members of Parliament as per 23rd May 1649 attended between 17 and 28 diets (see appendices 45 and 58); Johnston of Wariston (Edinburgh) 28 diets (88%), Belshes of Toftis (Berwick) 26 diets (81%), Hope of Craighall 21 diets (66%) and Dickson of Busbie (Lanark) 17 diets (53%). Two further gentry, Winraham of Libberton (Edinburgh) and Wauchope of Niddrie (Edinburgh) attended 20 diets (62%) and 18 diets (56%) respectively (see appendix 56). The remaining 38 gentry attended 14 or less diets and one did not attend at all (see appendix 56). Two burgesses, Sir John Smith (Edinburgh) and James MacCulloch (Whithorn), are recorded in 21 sederunts (66%) and 17 diets (53%)

respectively (see appendix 56). The remaining 27 burgesses attended 10 or less diets and three did not attend at all (see appendix 56). As per the commission to the Committee of Estates of 7th August 1649 the quorum was set at nine with no specification on attendance per estate. This rule was adhered to at all diets (see appendix 56).<sup>2</sup>

Attendance analysis of the Committee of Estates between August and November 1649 therefore reveals that it was the gentry that appears to have been dominating the proceedings of the Committee of Estates, in comparison to the nobility and the burgesses. Both noble and burghal representation was based on a small caucus of nobles and burgesses.

Scrutiny of the sederunts of the Committee of Estates between 4th December 1649 and 26th February 1650 indicates that both Cassillis and Loudoun were present at all 17 sederunts (100%) (see appendix 58). Coupar attended 16 diets (94%), whilst Argyll, Lothian and Balcarras each attended 14 diets (82%) (see appendix 58). 14 nobles are recorded in less than eight sederunts and seven of the 14 nobles did not attend at all (see appendix 58). Weymes attended nine diets despite the fact that he was not included in the commission to the Committee of Estates of 7th August 1649 (see appendix 58). Loudoun was recorded as President in 16 diets. Johnston of Wariston (Edinburgh) appears to have been the most influential gentry on the committee. The leading political ally of Argyll, he attended 16 diets (94%) (see appendix 58). Two further gentry, Carmichael of Hyndford (Lanark) and Wauchope of Niddrie (Edinburgh) are both recorded in 14 sederunts (82%) (see appendix 58). 22 gentry are recorded in less than eight sederunts and five of these 22 gentry did not attend at all (see appendix 58). Andrew Agnew of Lochnaw, younger, attended three diets although he was not included in the commission to the Committee of Estates of 7th August 1649 (see appendix 58).

Either James Campbell (Dumbarton) or James Campbell (Linlithgow) attended 13 diets (see appendix 58). James MacCulloch (Whithorn) is recorded in 12 sederunts (70%), whilst Sir John Smith (Edinburgh), Robert Lockhart (Edinburgh) and Sir James Stewart (Edinburgh) are all recorded in 11 diets (65%) (see appendix 58). The latter three burgesses were not members of Parliament as per 23rd May 1649 (see appendices 45 and 58). Excluding these six burgesses, 19 burgesses are recorded in less than eight sederunts and 10 burgesses did not attend at all (see appendix 58). The specified quorum of nine was met at all 17 diets (see appendix 58).<sup>3</sup>

Within the period 4th December 1649 to 26th February 1650 both noble and burghal attendance was spread within a broader field of personnel compared to the noted pattern, 10th August to 27th November 1649. Gentry attendance, on the other hand, was concentrated within a smaller field in comparison to the noted gentry pattern in the former period. The majority of nobles, gentry and burgesses in attendance between December 1649 and February 1650 had been in regular attendance between August and November 1649. Argyll had now taken on a more prominent role and Johnston of Wariston continued to be

the most influential radical gentry. Edinburgh burgesses dominated burghal attendance, primarily because the Committee of Estates had returned to convene at the capital.

Two subcommittees were established by the Committee of Estates on 15th January 1650; the Committee for the Report of the Valuations and the Committee for the Raising of Money. Three per parliamentary estate formed the membership of the Committee for the Report of the Valuations. Burleigh and Cassillis led the committee. All gentry members were noted influential radical gentry. Sir John Smith (Edinburgh) was the most influential of the burgess members. Two nobles, three gentry and three burgesses formed the membership of the Committee for the Raising of Money. Both nobles (Cassillis and Burleigh) were also included on the Committee for the Report of the Valuations. One of the gentry, Chiesly of Kerswell (Lanark), and one of the burgesses, Sir John Smith (Edinburgh), were also included on both sub-committees. Burghal membership was composed exclusively of Edinburgh burgesses.<sup>4</sup>

On 8th January the Committee of Estates had approved of a commission for purging the armed forces. This was fully ratified by the Committee of Estates on 22nd January although it had been subscribed on 14th January. This commission incorporated a subcommittee of the Committee of the Estates for such purging. As per the Act for Purging the Army of 28th June 1649 of the Third Session of the Second Triennial Parliament, the commissioners for purging the army were not named but it would appear that that committee of 28th June constituted a parliamentary session committee. The membership of the Committee for Purging the Army of January 1650 was nominated and appointed by the General Officers of the army and other subordinate officers. In total there were 13 members of the Committee for Purging the Army. Argyll and Weymes were the only two nobles. Weymes had not been commissioned to sit on the Committee of Estates as per the commission of 7th August 1649. The remaining 11 members were all included in a military capacity, six of whom had served in Parliament. It is clear that it was the gentry that was the dominant parliamentary estate on the Committee for Purging the Army and the nobility and burgesses had been marginalised.<sup>5</sup>

At the close of the Third Session of the Second Triennial Parliament on 7th August Parliament had overruled Argyll and authorised the dispatch of Winraham of Libberton (Edinburgh) to the Hague instead of Lothian. By 12th September, however, he had not yet set sail (he did not actually set sail until 12th October). At the diet of the Committee of Estates of 12th September Libberton was instructed to inform the king that if he acknowledged the legality of Parliament and the Committee of Estates and all other parliamentary conditions then he would be invited to come to Scotland. By the time Libberton had reached the Hague the king had moved to Jersey. Nevertheless, the fact that Cromwell had now succeeded in subjugating much of Ireland meant that an alliance/treaty with the Scottish Parliament was the only viable way for the king to secure his thrones.

Despite such changes in the balance of power in Ireland the king would not budge from his refusal to acknowledge the radical regime in Scotland. When Winraham of Libberton returned to Scotland and reported to the Committee of Estates on 5th February 1650 it became clear that all Charles was prepared to compromise on was that Scottish diplomatic commissioners should be sent to Breda to negotiate a treaty on 15th March 1650. On 5th February a subcommittee of the Committee of Estates was established not only to consider the king's letter but also to scrutinise the diplomatic remit issued to Winraham of Libberton in September 1649. Four per estate formed its membership, which was composed of first rank radicals, the most influential of whom were Argyll and Johnston of Wariston. At the diet of the Committee of Estates of 21st February it was decided that commissioners should ~~in fact~~ be sent to negotiate with the king at Breda. Such a decision was not reached without controversy. The majority of the committee, led by Argyll and Loudoun, advocated the sending of commissioners, whereas Cassillis, Johnston of Wariston and Swinton of that ilk, younger, all argued against. The latter grouping, allied closely to the Kirk, were backed by several ministers who attended the diet. They were defeated despite attempts to delay the decision until the meeting of the Fourth Session of the Second Triennial Parliament on 7th March 1650. They were also defeated despite the fact that they produced evidence of correspondence between the king and Montrose ordering the latter to undertake an invasion of Scotland. This indicates that the influence of the Kirk, regarding this particular decision, had been marginalised. It was also agreed, however, that the diplomatic commissioners could not conclude a treaty on their own and any agreement would be subject to parliamentary ratification. The commissioners were named by the Committee of Estates on 22nd February. All had been included in the Commission of the Kirk of 4th August 1649. Therefore the Kirk managed to salvage its influence back in the naming of the commissioners, and indicates the necessity of not alienating the Kirk.<sup>6</sup>

***(2) The Fourth Session of the Second Triennial Parliament, 7th March 1650 to 8th March 1650.***

***(i) The Composition of the Fourth Session of the Second Triennial Parliament, 7th March 1650 to 8th March 1650.***

As with the previous three sessions of the Second Triennial Parliament deficiencies exist in the parliamentary rolls relating to the attendance of gentry and burghal commissioners (see appendix 43). 23 nobles constitute the parliamentary membership of the nobles as per 7th

March 1650 (see appendix 43). 29 gentry representing 16 shires are listed in the parliamentary rolls. This constitutes the minimum attendance level of the gentry. 14 further shires are listed but no commissioners of the shires are given. Thus the maximum possible attendance level of the gentry as per 7th March 1650 is 57 gentry representing 30 shires (this is based on the hypothesis that all such 14 shires sent two commissioners of the shires each) (see appendix 43). 25 burgesses representing 24 burghs are listed in the parliamentary rolls. This constitutes the minimum attendance level of the burgesses. 33 further burghs are listed but no commissioners of the burghs are named. Thus the maximum possible attendance level of the burgesses as per 7th March 1650 is 58 burgesses representing 57 burghs (this is based on the hypothesis that all 33 such burghs sent one commissioner of the burghs each) (see appendix 43). Hence the minimum attendance figure of the three estates as per 7th March 1650 was 77 and the maximum possible attendance figure was 138 (see appendix 43). In terms of attendance per estate there were three more nobles in Parliament, 7th March 1650, as compared to the previous parliamentary session on 23rd May 1649 (see appendix 44). Based on maximum possible attendance figures there were four more gentry (in terms of attendance per estate) and one less burgess (in terms of attendance per estate) in Parliament, 7th March 1650, compared to the previous parliamentary session on 23rd May 1649 (see appendix 44). Based on minimum attendance figures there were 20 fewer gentry and 25 fewer burgesses in Parliament, 7th March 1650, compared to 23rd May 1649 (see appendix 44). In terms of maximum possible total attendance figures, there were seven more parliamentary members on 7th March 1650 compared to 23rd May 1649 (see appendix 44). In terms of minimum total attendance figures there were 42 fewer parliamentary members on 7th March 1650 compared to 23rd May 1649 (see appendix 44). Nevertheless, the minimum attendance figures over all three estates present the most realistic scenario. According to Sir James Balfour, "scarsse halffe of the Commissioners of Shyres and Burrowes (were) present".<sup>7</sup>

In terms of individual membership per estate 19 out of the 23 nobles (83%) listed in the parliamentary rolls of 7th March 1650 had also been listed in the parliamentary rolls of 23rd May 1649 (see appendix 45). 15 out of the 29 gentry (52%) listed in the parliamentary rolls of 7th March 1650 had also been listed in the parliamentary rolls of 23rd May 1649 (see appendix 45). 24 out of the 25 burgesses (96%) listed in the parliamentary rolls of 7th March 1650 had also been included in the parliamentary rolls of 23rd May 1649 (see appendix 45). Ten of these burgesses were included in five dual commissions (that is, two commissioners were named on an either or basis but only one commissioner could actually sit in Parliament). Therefore there was a high retention of personnel among the ranks of the nobility and the burgesses between the two parliamentary sessions, with circa a 50% retention rate among the gentry. This indicates the level of grass roots radicalism among the gentry, when that estate could provide a high level of new radical gentry.<sup>8</sup>

*(ii) The Proceedings of the Fourth Session of the Second Triennial Parliament, 7th March 1650 to 8th March 1650.*

Eight enactments (seven of which related to the public business) constitute the legislative programme of the parliamentary session. After the calling of the parliamentary rolls and the subscription of the parliamentary oath, Loudoun was elected as President once more. Following the formal reading of the king's letter to Parliament had been made to the House, the commission to the Scottish diplomatic commissioners who were to negotiate at Breda was approved of. The limited parliamentary agenda of 7th March was continued on 8th March with the issuing of the diplomatic remit and negotiating terms of the diplomatic commissioners. On a broader pan-European diplomatic front Parliament attempted to involve the Prince of Orange in the negotiating process before the commissioners reached Breda. Correspondence sent by Parliament to the Prince of Orange advocated that the Prince should persuade Charles II to become less rigid in his negotiating position and accept the Scottish Parliament's demands. 12 separate diplomatic instructions for the commissioners were approved of by Parliament on 8th March. The subscription of the National Covenant and the Solemn League and Covenant was required, the legality of all sessions of the 1649 Parliament was to be acknowledged as was the separation of civil and ecclesiastical powers. In addition all commissions granted by the king to Montrose were to be cancelled and Ormond's treaty with the Irish Catholic confederates was to be nullified. In addition, the negotiating period for securing a treaty at Breda was set at 30 days, although the commissioners could actually stay for another 10 days if necessary. Moreover, the commissioners were required to secure the king's signature to a treaty in Holland. If this was not possible, then the king's signature was to be gained before he landed in Scotland otherwise he would be refused access to the royal office. Parliament further ordained that if the Committee of Estates wished to alter any of the instructions sent to the commissioners then six days notice of any alteration was required as was a quorum of 20 with at least five of each estate being present. Moreover any new instructions issued were not to be contrary to the instructions presently issued. Where matters of religion were concerned, the assent of the moderator of the Commission of the Kirk was required upon six days prior notice. Therefore Parliament, and not the Kirk, was exerting a large degree of policy control over the most important parliamentary interval committee. The influence of the Kirk in the formulation of factional policy had again been marginalised.<sup>9</sup>

Parliament was ordered to reconvene on 15th May 1650 in the hope that in the interim a treaty could be agreed on at Breda and that such a treaty could be ratified during the Fifth



Session of the Second Triennial Parliament. Contemporaries noted that the short duration of the Fourth Session was also due to the fact that the arrival of diplomatic commissioners from the English Parliament was awaited on.<sup>10</sup>

*(iii) The Committee Structure of the Fourth Session of the Second Triennial Parliament, 7th March 1650 to 8th March 1650.*

No session committees were appointed probably due to the short duration of the parliamentary session. One interval committee was appointed and one interval committee from the previous parliamentary session was renewed (see appendix 59). Only the additions to the Committee of Estates have been included in the analytical structure for the membership of the Committee of Estates (see appendix 59). All nobles, gentry and burgesses included on the Commission to go the King were members of the Committee of Estates as per 7th August 1649 and were thus included on the renewed commission (see appendices 55 and 59). Two gentry and two burgesses analysed were not members of Parliament as per 7th March 1650 (see appendices 45 and 59).<sup>11</sup>

*(iv) The Appointment of Parliamentary Interval Committees.*

The commission to the Scottish diplomatic contingent to negotiate at Breda of 7th March 1650 has been treated as a parliamentary interval commission (see appendix 59). On 8th March 1650 the commission to the Committee of Estates of 7th August 1649 issued during the Third Session of the Second Triennial Parliament was renewed. 10 additions to the Committee of Estates were made consisting of one noble, six gentry and three burgesses. Lord Lorne, son of the Marquis of Argyll, was the one noble added. Lorne had no previous parliamentary experience. As per the commission to the Committee of Estates of 7th August 1649 the membership of that committee consisted of 25 nobles, 44 gentry and 29 burgesses (all including supernumeraries) yielding a total membership of 98 (see appendix 55). In light of the additions of 8th March 1650 the membership now consisted of 26 nobles, 50 gentry and 32 burgesses, yielding a total of 108 members. Hence the gentry had strengthened its numerical superiority over the other two estates on the Committee of Estates. The burgesses had also increased its numerical superiority over the nobility. This indicates the limited extent of radicalism within the nobility compared to the other two estates. Two additions were also made to the Privy Council; Lorne and Weymes were added for the nobility.<sup>12</sup>

***(3) The Fifth Session of the Second Triennial Parliament, 15th May 1650 to 5th July 1650.***

In the interim period between the close of the Fourth Session and the commencement of the Fifth Session of the Second Triennial Parliament several crucial developments had taken place. Firstly, shortly after the close of the Fourth Session Montrose had invaded the Scottish mainland via Orkney but had been defeated at Carbisdale on 27th April and was now held prisoner. Secondly an agreement had been reached with the king on 29th April and 1st May principally because the 30 day time limit was nearing its expiry date. Nevertheless agreement had been struck with the king without him agreeing to subscribe the Covenants or disregard the treaty with the Irish confederates. Moreover factionalism had emerged in the Scottish negotiating team throughout the diplomatic proceedings. As early as the first meeting with the king on 19th March Lothian and Winraham of Libberton were arguing that Hamilton, Lauderdale and other former Engagers should be brought into the negotiating process. The election of Cassillis as President of the diplomatic commissioners ultimately weakened the hand of the extreme radicals for Cassillis could only vote if the votes of the other commissioners were equally tied. Therefore the more moderate commissioners secured a permanent voting majority. Despite the fact that Cassillis and Brodie of that ilk signed the invitation of 29th April (which was accepted on 1st May) to the king to come to Scotland, in conjunction with the three ministers at Breda they urged the Kirk to prevent the agreement being ratified by Parliament, primarily because the king had still not signed the Covenants. Therefore although an agreement had been reached, it had been the parliamentary commissioners and not the king who had been forced to compromise. Furthermore there was no unanimity or consensus of purpose or opinion among the diplomatic commissioners.<sup>13</sup>

***(i) The Composition of the Fifth Session of the Second Triennial Parliament, 15th May 1650 to 5th July 1650.***

No parliamentary rolls exist for the Fifth Session of the Second Triennial Parliament (see appendix 43). Therefore no examination can be made of the total composition, membership per estate, movement in membership per estate in comparison to the previous parliamentary session and common membership over both sessions.<sup>14</sup>

*(ii) The Proceedings of the Fifth Session of the Second Triennial Parliament, 15th May 1650 to 5th July 1650.*

41 enactments (29 of which were public enactments and 12 of which were private acts) and 13 ratifications constituted the legislative programme of the Fifth Session of the Second Triennial Parliament. After the subscription of the parliamentary oath Loudoun was elected as President.<sup>15</sup>

On 18th May Parliament legislated to bar 18 individuals who had been part of the king's entourage in Holland from entering the country until they had given satisfaction to church and state. 12 nobles, including Hamilton and Lauderdale, and six gentry constituted this grouping. Lauderdale was later allowed to stay in the country until mid-August and as late as 13th September Loudoun was complaining to the king that many of those ordered to leave had not yet done so.<sup>16</sup>

Two parliamentary session committees were established on 16th May; the Committee for Prisoners, Processes, Fines and Forfaultures and the Committee for Dispatches (see appendix 61). Three per estate formed the membership of the Committee for Prisoners, Processes and Fines (see appendix 61). The level of three per estate had been decided on before the actual details of membership were finalised. Noble representation was not composed of first rank radicals. However, Chiesly of Kerswell (Lanark) the influential radical gentry secured inclusion. Kerswell, two burgesses and one Justice Depute had also been included on the Commission of the Kirk of 4th August 1649. All members of the committee had been included on the renewed Committee of Estates of 8th March 1650, bar Weymes and Swinton of that ilk (see appendices 59 and 61). Additions of one per estate were made to the Committee for Prisoners, Processes, Fines and Forfaultures on 20th May. Torphichen was added for the nobility. Hope of Hopetoun (Stirling) was added for the gentry and John Hay (Elgin) was added for the burgesses. All additions had been included on the renewed Committee of Estates of 7th March 1650 bar Torphichen (see appendices 59 and 61). The principal remit of the committee was to deal with the prisoners captured in Montrose's abortive rebellion. On 6th June, however, the House ordained that those individuals on the Committee for Processes were also to be on the Committee for Fines and vice versa. This suggests that either there was a separate Committee for Processes in operation independent of the Committee for Prisoners, Processes, Fines and Forfaultures or the latter committee had split into two sections and was now being formally remerged.<sup>17</sup>

Seven per parliamentary estate formed the membership of the Committee for Dispatches of 16th May 1650 (see appendix 61). Three nobles, two gentry and four burgesses had also been included on the Committee for Dispatches of 23rd May 1649 in the Third Session of the Second Triennial Parliament (see appendices 54 and 61). Argyll, Buccleuch and

Burleigh formed the grouping of nobles included on both committees. In addition Chancellor Loudoun, also President of Parliament, was included as a supernumerary on both committees. Adair of Kinhilt (Wigtown) and Hope of Hopetoun (Stirling) were the two gentry included on both committees. Sir James Stewart (Edinburgh), George Porterfield (Glasgow), Hugh Kennedy (Ayr) and James Sword (St. Andrews) formed the grouping of leading radical burgesses included on both committees. Therefore it was the burghal estate that exhibited the highest retention rate of personnel over both committees. All members of the Committee for Dispatches of 16th May 1650 had been included on the renewed Committee of Estates of 6th March 1650 except for two nobles, one gentry and two burgesses (see appendices 59 and 61). Roxburgh and Weymes were the two such nobles. Swinton of that ilk (Berwick) was the one such gentry. John Corsan (Kirkcudbright) and John Jaffray (Aberdeen) were the two such burgesses. Three nobles, three gentry and five burgesses had all been included on the Commission of the Kirk of 4th August 1649. Argyll, Eglinton, Burleigh were the three nobles. Chiesly of Kerswell (Lanark), Ruthven of Frieland (Perth) and Adair of Kinhilt (Wigtown) were the three gentry. William Glendoning (Kirkcudbright), Hugh Kennedy (Ayr), James Sword (St. Andrews), George Porterfield (Glasgow) and John Corsan (Kirkcudbright) were the five burgesses. Three additions were made by Parliament to the Committee for Dispatches on 4th June 1650. Two gentry and one burgess were added. Campbell of Cessnock (Ayr) and Cunningham of Cunninghamhead (Ayr) were added for the gentry. Robert Barclay (Irvine) was added for the burgesses. Campbell of Cessnock (Ayr) and Robert Barclay (Irvine) had also been included on the Committee for Dispatches of 23rd May 1649 (see appendices 54 and 61). They were also members of the Commission of the Kirk of 4th August 1649. All the additions of 4th June 1650 had been included on the Committee of Estates of 7th August 1649 (see appendices 55 and 61). Both the gentry and burghal additions were leading noted radicals within their respective estates. The infusion of western gentry and burgesses balanced the geographic orientation between the west coast and the east coast.<sup>18</sup>

Argyll, Home of Wedderburne (Berwick) and Sir James Stewart (Edinburgh) were also appointed on 16th May to liaise with the Commissioners of the Kirk. Both Argyll and Home of Wedderburne were actually members of the Commission of the Kirk commissioned on 4th August 1649. However this grouping did not constitute a parliamentary session committee. Parliament was to appoint an official and formal committee to liase with the Kirk and the Kirk was to do likewise.<sup>19</sup>

A Committee for the Bills was appointed on 21st May and a Committee for Overtures and Laws was established on 23rd May. Three per estate formed the membership of the Committee for the Bills (see appendix 61). Eglinton was the most influential radical noble included. All nobles, gentry and burgesses on the committee had been included on the renewed Committee of Estates of 8th March 1650, except for Weymes (see appendices 59

and 61). Only Eglinton had been included on the Commission of the Kirk of 4th August 1649. This suggests that radical control of the Commission of the Kirk was more limited than that of the Committee of Estates.<sup>20</sup>

Three per parliamentary estate formed the membership of the Committee for Overtures and Laws (see appendix 61). Burleigh was the most important radical noble included. All members of the committee had been included on the renewed Committee of Estates of 8th March 1650 except for Weymes, Swinton of that ilk, John Rutherford and John Corsan (see appendices 59 and 61). Thus two out of the three nobles, two out of the three gentry and one out of the three burgesses had been included on the renewed Committee of Estates of 8th March 1650. One noble (Burleigh) and two burgesses (Thomas MacBirnie and John Corsan) had also been included on the Commission of the Kirk of 4th August 1649. On 18th June Parliament enacted that the Committee for Bills and the Committee for Overtures and Laws were to merge and become a single session committee. This suggests that either there was a severe lack of attendance at the diets of both committees or that the legislative workload was light enough to be dealt with by a single committee.<sup>21</sup>

Three financial session committees were appointed throughout the Fifth Session of the Second Triennial Parliament; the Committee for Valuations, the Committee for Oaths in Matters of Excise and the Committee for the General Commissioner's Affairs. The Excise Commission was also continued on 16th May, although additions were made on 4th June. Balcarras, Campbell of Cessnock (Ayr) and John Corsan (Kirkcudbright) were all added. All had been included on the Committee of Estates of 8th March 1650 bar John Corsan (Kirkcudbright) (see appendices 59 and 61). Campbell of Cessnock (Ayr) and John Corsan (Kirkcudbright) had been included on the Commission of the Kirk of 4th August 1649.

The Committee for Valuations was appointed on 29th May 1650. Five per parliamentary estate formed its membership (see appendix 61). Eglinton and Burleigh were the most influential of the noble members. All members had been included on the recommissioned Committee of Estates of 8th March 1650, except two nobles, one gentry and one burgesses (see appendices 59 and 61). Two nobles, four gentry and three burgesses included on the Committee for Valuations of 29th May 1650 had also been included on the Commission of the Kirk of 4th August 1649 (see appendices 54 and 61). Eglinton and Burleigh formed the grouping of two nobles. Ruthven of Frieland (Perth), Adair of Kinhilt (Wigtown), Chielsy of Kerswell (Lanark) and Forbes of Echt (Aberdeen) formed the grouping of four gentry. James Sword (St. Andrews), Robert Barclay (Irvine) and Alexander Douglas (Banff) formed the grouping of three burgesses.<sup>22</sup>

The Committee for Oaths in Matters of Excise was also appointed on 29th May 1650. Three per estate formed its membership (see appendix 61). Argyll led the committee, backed up by Burleigh. All had been included on the recommissioned Committee of Estates of 8th March 1650 except for Scott of Harden (Selkirk) and John Jaffray (Aberdeen) (see

appendices 59 and 61). All had also been included on the Commission of the Kirk of 4th August 1649 except for Balcarras, Dundas of Duddingston (Linlithgow) and John Jaffray (Aberdeen).<sup>23</sup>

The Committee for the General Commissioner's Affairs was appointed on 1st June. It dealt with the affairs of Sir James Stewart (Edinburgh) in the capacity of General Commissioner. Three per estate formed its membership (see appendix 61). Burleigh was the high profile radical noble included. All the nobles had been included on the recommissioned Committee of Estates of 8th March 1650, as had all the gentry except for Riddell of that ilk (Roxburgh). John Hay (Elgin) and Alexander Bower (Dundee) for the burgesses had been included on the Committee of Estates of 8th March 1650 (see appendices 59 and 61). Only Burleigh and Ruthven of Frieland (Perth) had been included on the Commission of the Kirk of 4th August 1649. Subsequent additions of leading western gentry and ~~burgesses~~ were made on 18th June. Campbell of Cessnock (Ayr) was added for the gentry as was Hugh Kennedy (Ayr) for the burgesses. James Sword (St. Andrews) replaced Alexander Bower (Dundee) who had been absent from the committee's proceedings.<sup>24</sup>

The Committee anent Accessories to the Late Rebellion in the North was appointed on 30th May to deal with those who had been accessories in Montrose's abortive invasion. Four per estate formed the membership of the committee (see appendix 61). Eglinton and Balmerino were the leading radical nobles who secured inclusion. All had been included on the recommissioned Committee of Estates of 8th March 1650 except for Weymes, Brisbane of Bishopton (Renfrew) and John Corsan (Kirkcudbright) (see appendices 59 and 61). One noble and three burgesses had been included on the Commission of the Kirk of 4th August 1649. Eglinton, Sir James Stewart (Edinburgh), Hugh Kennedy (Ayr) and John Corsan (Kirkcudbright) constituted this grouping.<sup>25</sup>

Significantly, the Committee anent Accessories to the Late Rebellion was appointed after the case of Montrose had been dealt with and after he had been tried and executed. Legislation ordaining the execution of Montrose was passed on 17th May. A parliamentary delegation of one per estate accompanied by three ministers of the Kirk were sent to the Tolbooth on 18th May to inform Montrose to come to the House to receive his sentence. Burleigh, Hope of Hopetoun (Stirling) and George Porterfield (Glasgow) formed the membership of the parliamentary delegation. Nevertheless, Montrose's execution was delayed until 20th May apparently because a further parliamentary delegation, staffed by leading radicals from all three estates, was needed to examine Montrose on information relating to Hamilton. Montrose's sentence was read to Parliament on 20th May and he was executed the following day.<sup>26</sup>

Continued diplomatic ~~negotiations~~ with the king and the levying of forces to meet the threat from Cromwell constituted the most important components of the parliamentary agenda, 15th May to 5th July 1650. New diplomatic instructions were issued to the

diplomatic commissioners at Breda on 17th May. These clarified and expanded on the agreement of 1st May reached between the king and the diplomatic commissioners. The king must accept all demands formerly made by the Kirk and Parliament. If these were not accepted then the invitation to the king to come to Scotland would not be ratified by Parliament. Those found guilty under the 1646 Act of Classes and the 1649 Act of Classes were to be refused access to the king. The Irish treaty was to be disregarded by the king and the Covenants were to be subscribed. Scottish efforts to help the king recover his English and Irish thrones did not imply that Scotland would declare war on his behalf, except with the approval of Kirk and Parliament. In the event Charles II signed the Covenants at Speymouth on 23rd June and the Treaty of Breda was ratified on 4th July, whereby he was to be crowned at the opening of the Sixth Session of the Second Triennial Parliament to be held on 15th August 1650.<sup>27</sup>

Particular dispute occurred within the House in relation to the levying of armed forces. Dispute emerged between the nobility and the other two estates. The nobles were in favour of a new levy which was opposed by the other two estates who feared that a new army would be more inclined to the king. When the Act of Levy was enacted on 25th June there were only six votes in opposition and the nobility as a parliamentary estate had been defeated. All six opposition votes came from the gentry and the burgesses. Four gentry and two burgesses formed the composition of the opposition vote. Hope of Hopetoun (Stirling), Swinton of that ilk, younger, (Berwick), Glendoning of Galstoun (Kirkcudbright) and Chiesly of Kerswell (Lanark) constituted the gentry opposition vote. Sir James Stewart (Edinburgh) and John Jaffray (Aberdeen) constituted the burghal opposition vote. Orders for a second levy, (double that of August 1649) which amounted to a total figure for the armed forces of over 36 000 men, were enacted on 3rd July. That the nobility was going to be defeated on this issue was apparent as early as 21st June when it was enacted that a committee to purge the army should be established. In the event, the Committee for Purging the Army was formed on 28th June, and operated as a parliamentary committee after 5th July. Its commission was to run until the Sixth Session of the Second Triennial Parliament to be convened on 15th August. Therefore the committee functioned as a parliamentary session committee from 28th June to 5th July and as a parliamentary interval committee from 5th July onwards. The Committee for Purging the Army was composed of five per estate (see appendix 61). It was staffed by leading radicals from all three estates, including Johnston of Wariston.<sup>28</sup>

Purging was not limited to the armed forces. On 8th June a Committee for Trying Those Sitting in Parliament was established. It was to revise the commissions of those sitting in Parliament (that is, the commissions of shire and burgh commissioners) and also to consider the capacity of all parliamentary members to sit in Parliament. This may well have been at the instigation of the Kirk who wanted to increase purging levels to Parliament. Three per

parliamentary estate formed the membership. Only details of gentry membership are given (see appendix 61). The shire and burgh commissioners in Parliament had already defeated the nobility in determining that Callander should leave the country. He had arrived in the capital in May and the nobles in Parliament advocated that he should be allowed to stay. It was the votes of the gentry and burgesses on 25th May that forced his expulsion.<sup>29</sup>

*(iii) The Committee Structure of the Fifth Session of the Second Triennial Parliament, 15th May 1650 to 5th July 1650.*

Nine parliamentary session committees and five parliamentary interval committees have been incorporated to form an analytical committee structure. Therefore the maximum number of committees any member could sit on was 14 (see appendix 61). 18 nobles constitute the total field of nobles analysed (see appendix 61). Three nobles, who were not first rank radicals (Weymes, Buccleuch and Balcarras) were included on eight committees, whilst Burleigh, a leading radical noble was included on seven committees. Eglinton was included on six committees. The remaining 13 nobles were included on three or less committees and four nobles were included on only one committee (see appendix 61). 27 gentry constitute the total field of gentry analysed (see appendix 61). Hope of Hopetoun (Stirling) was nominated to seven committees. Chiesly of Kerswell (Lanark) and Ruthven of Frieland (Perth) both gained membership of six committees (see appendix 61). Four further gentry secured nomination to five committees, whilst one gentry was included on four committees (see appendix 61). The remaining 19 gentry were included on three or less committees and nine gentry were included on only one committee (see appendix 61). 22 burgesses constitute the total field of burgesses analysed (see appendix 61). One burgess, Sir James Stewart (Edinburgh), gained membership of seven committees (see appendix 61). George Porterfield (Glasgow) and Hugh Kennedy (Ayr) were included on six committees, whilst Robert Barclay (Irvine) nominated to five committees (see appendix 61). Five burgesses were included on four committees (see appendix 61). The remaining 13 burgesses were included on three or less committees and 10 burgesses were included on only one committee (see appendix 61).<sup>30</sup>

A larger field of personnel was employed by the gentry in comparison to the other two estates. In general terms, gentry common membership was concentrated on the west and the Borders, whilst burghal common membership was focused on the west. Indeed, although the east was still well represented on committees, the Borders and the west still had a notable presence. This is consistent with the power base of the radical regime being located in the west and the south west.



*(iv) The Operation of Parliamentary Session Committees.*

Six sederunts of the Committee for Dispatches are recorded between 16th May and 5th June (see appendix 60). Noble attendance was focused on Argyll, Loudoun and Burleigh, who are recorded in between five and six sederunts (see appendix 60). Three further nobles (Eglinton, Roxburgh and Balcarras) attended between two and three diets (see appendix 60). Gentry attendance was centred on Chiesly of Kersell (Lanark), Glendoning of Galstoun (Wigtown), Adair of Kinhilt (Wigtown), Ruthven of Frieland (Perth) and Hope of Hopetoun (Stirling) (see appendix 61). Four gentry not included on the Committee for Dispatches as per 16th May, the most important of whom was Johnston of Wariston (Edinburgh) attended various diets (see appendix 60). Burghal attendance was focused on James Sword (St. Andrews), Sir James Stewart (Edinburgh), Alexander Bower (Dundee), George Porterfield (Glasgow) and John Corsan (Kirkcudbright) (see appendix 61). In addition, Leven, Lord General, and two ministers attended the diet of 16th May. The diet of 17th May appears to have been a joint meeting with ministers of the Kirk. 12 ministers were in attendance as was Leven, Lord General. The quorum of the Committee for Dispatches had been set at nine with two of each estate required to be present. These rules were adhered to at all six diets (see appendix 60).<sup>31</sup>

The Committee of Dispatches appears to have been led by Argyll and Loudoun. Nevertheless, the gentry and burgesses were more committed in terms of attendance than the noble estate. That gentry who were not members of the Committee for Dispatches were attending its proceedings provides further evidence of grass roots radicalism within that estate.

*(v) The Appointment of Parliamentary Interval Committees.*

The Excise Commission had been continued on 16th June and additions had been made to the Committee for the Exchequer on 4th June. Both these commissions operated as interval commissions following the close of the Fifth Session of the Second Triennial Parliament (see appendix 61). The Committee for Purging of the Army of 28th June operated as a parliamentary interval committee after 5th July (see appendix 61). Following the parliamentary ratification of the Treaty of Breda 12 commissioners were appointed to proceed to the king once he had landed in Scotland. These commissioners were also

incorporated within a parliamentary interval commission. Four per estate constituted the membership of these commissioners (see appendix 61). Cassillis and Lothian were the most noted radical noble members (see appendix 61). All gentry and burgess members were noted radicals (see appendix 61). Two nobles, two gentry and two burgesses had also been included on the Commission of the Kirk of 4th August 1649. In addition, three out of the four nobles, three out of the four gentry and two out of the four burgesses had also been included on the recommissioned Committee of Estates of 8th March 1650. Therefore the committee to proceed with the king following his homecoming was essentially a subcommittee of the Committee of Estates. It also retained close links with the Commission of the Kirk.<sup>32</sup>

A commission to the Committee of Estates was passed by Parliament on 4th July. The king was to govern according to the advice and direction of the Committee of Estates. No details of membership are given. However, Balfour states that six additions were made to the Committee of Estates on 4th July. Three nobles, one gentry and two burgesses constituted these six additions. Two quorums had been set; one of 13 for the general affairs of the kingdom and one of 21 for matters of great consequence. A vote was taken in the House whereby a quorum of 15 was decided on.<sup>33</sup>

Changes in the membership of the Committee for Money and Accounts appointed on 14th March 1649 in the Second Session of the Second Triennial Parliament were announced on 5th July 1650. Thus the Committee for Money and Accounts appears to have been recommissioned on 5th July 1650 (see appendix 60). Of the five nobles on the original commission, three were replaced. Three of the leading radical nobles (Argyll, Cassillis and Burleigh) were replaced by Buccleuch, Weymes and Balcarras respectively. This was not a case of purging (Argyll being the leader of the radicals). Rather it would appear that the services of Argyll and the other two leading radical nobles were required on more pressing business, namely the position of the king. Four further additions to the committee were also made, consisting of one noble, three gentry and one burgess. Balmerino was added for the nobility, probably to compensate for the replacement of Argyll, Cassillis and Burleigh. Of the other additions, Johnston of Wariston (Edinburgh) and Sir James Stewart (Edinburgh) were leading radicals within the gentry and burghal estates. In light of these additions the quorum of the committee was reset at seven with one of each estate required to be present. As per the original commission of 14th March 1649, the quorum had been set at seven for the passing of precepts and at five for any other business.<sup>34</sup>

Additions were also made on 5th July to the membership of the Exchequer Commission established on 14th March 1649 in the Second Session of the Second Triennial Parliament. The membership of the original commission consisted of five nobles and one gentry. Four gentry were adjoined to the Exchequer Commission on 5th July 1650. Hope of Hopetoun (Stirling), Dickson of Hartrie (Peebles), Chiesly of Kerswell (Lanark) and Adair of Kinhilt

(Stirling), Dickson of Hartrie (Peebles), Chiesly of Kerswell (Lanark) and Adair of Kinhilt (Wigtown) formed this grouping of gentry. Thus the previous dominance of the nobility on the Exchequer Commission was redirected towards an exact balance between the noble estate and the gentry.<sup>35</sup>

*(vi) The Operation of Parliamentary Interval Committees.*

No committee registers of the Committee of Estates or other parliamentary interval committees have been traced. The formal rapprochement between Charles II and the Scottish Parliament had now firmly aroused the hostility of the English republicans. Cromwell and the army had crossed the Tweed on 22nd July. In the period up to military defeat at Dunbar on 3rd September, wholesale purging of the Scottish armed forces took place, weakening the military base for opposing Cromwell. The Committee for the Purging of the Army met on the 2nd, 3rd and 5th August. Over 80 members of the command line of the armed forces were purged whilst the committee "acted nothing against the enimey".<sup>36</sup> Throughout this period the ministers of the Kirk preached constantly in favour of continued purging. Between 9th August and 16th August the king was bombarded with pressure from the Commission of the Kirk and other extreme radicals to force further concessions. Argyll, Lothian, Eglinton, Tweeddale, Weymes and Lorne were the nobles involved in these proceedings with the king. Winraham of Libberton (Edinburgh), Carmichael of Hyndford (Lanark), Treasurer Depute and Johnston of Wariston (Edinburgh), Clerk Register, formed the grouping of gentry involved in the proceedings. Such concessions were secured in the Heads of the Declaration signed at Dunfermline on 16th August. Further remonstrances presented to the Committee of Estates on 15th August urging further purging of the army and the king's household. The Act for Purging the King's Household was passed by the Committee of Estates on 27th September. A total of 24 members of the court (most of whom were English courtiers) were ordered to leave the court and the kingdom. Although the Sixth Session of the Second Triennial Parliament had been scheduled for 15th August, the growing danger from the Cromwellian army forced that forthcoming session to be adjourned firstly to 10th September. Following the defeat inflicted by Cromwell at Dunbar on 3rd September, at a diet of the Committee of Estates of 10th September the session was subsequently forwarded to 1st October and then at later diets to 22nd October, 30th October at Perth, 20th November at Perth, 22nd November at Perth and 26th November at Perth.<sup>37</sup>

Balfour has recorded three sederunts of the Committee of Estates on 10th October, 11th October and 21st November, all at Perth. 11 nobles, eight gentry and seven burgesses attended the diet of 10th October. The king was also present. Balfour noted that this was the

first time that a king had sat in the Committee of the Estates of Parliament. 16 nobles, 17 gentry (eight of whom were Lords of Session) and 11 burgesses attended the diet of 11th October. The king was also present at this diet. Balfour records 15 nobles but no gentry and burgesses as being in attendance at the diet of 21st November, as well as the king. 10 nobles, including Argyll, Cassillis, Eglinton and Loudoun, were present at all three diets. Three further nobles (Burleigh, Coupar and Balcarras) attended the diets of 11th October and 21st November. Seven gentry attended both diets of 10th October and 11th October. Six burgesses attended both diets of 10th October and 11th October. It would appear that it was the radical nobles that were becoming increasingly prominent once the king began attending the Committee of Estates.<sup>38</sup>

In addition details of attendance of an emergency diet of the Committee of Estates held on 4th October at Perth have been recorded by Balfour. This diet was in response to the incident known by as "The Start" whereby the king fled from the protection of the Committee of Estates and attempted to join Middleton's royalist force in the Highlands. Loudoun, Chancellor, had called all of the Committee of Estates and "such as wer weill affected" to attend the diet.<sup>39</sup> Five nobles, eight gentry, two burgesses and one minister attended the diet of 4th October. All five nobles are recorded in the sederunts of 10th October, 11th October and 21st November. Three gentry are likewise recorded in all these later sederunts; Hope of Hopetoun (Stirling), Erskine of Cambuskenneth (Clackmannan) and Wauchope of Niddrie (Edinburgh). Only one burgess, Patrick Ross (Perth) is recorded in all the later sederunts. A delegation was sent from the Committee of Estates to locate the king. By 10th October, the king had returned to the Committee of Estates.<sup>40</sup>

#### *(4) Conclusion*

The radical regime strengthened its political and factional base within Parliament. The fact that only adherents of the radical regime were allowed to sit in Parliament and in reality attended parliamentary proceedings ensured that there was complete dominance on all parliamentary session and interval committees. Correlation exists between membership of parliamentary committees and the Commission of the Kirk, although there was undoubtedly a closer relationship between the Committee of Estates and parliamentary committees. This indicates that the influence of the Commission of the Kirk on the parliamentary proceedings of the radical regime was more limited than has been traditionally accepted. The political manpower of the radical regime remained concentrated in the west and the Borders, although there was also a noted eastern (especially Edinburgh) influence. Four months of continued diplomatic pressure and harassment of the king were necessary before the Treaty

of Breda could be ratified. Royal rapprochement with the radical regime was nevertheless an exercise in realpolitik. Such a manoeuvre dictated that this was the only practical way in which the king could regain his English throne, given Cromwell's subjugation of Ireland and the defeat of Montrose within Scotland. Radical insistence on the purging of the Scottish armed forces, initiated and sustained by the ministers of the Kirk, weakened military resistance to Cromwell's invading army, as witnessed at the fiasco of Dunbar, and was to facilitate the process of foreign occupation and subjugation by Cromwell in 1651.

1. SRO PA. 11/8, folios 99+; SRO RH 2/1/42, pp. 1-173. See appendices 56 and 58.

2. SRO PA. 11/8, folios 99+. At a further three diets where Loudoun was present but not listed as President no other noble was listed as President. Lothian was listed as President at six diets where Loudoun was absent. Argyll and Burleigh were listed as President at one diet each. *APS*, vi, ii, 377-378, 536-537; Stevenson, *Revolution and Counter-Revolution in Scotland*, 154. See appendices 45 and 56.

3. SRO RH 2/1/42, pp. 1-173; *APS*, vi, ii, 377-378, 536-537. See appendices 45 and 58. At the other diet where he was present but not listed as President no other noble was listed as President. Johnston of Wariston was not a member of Parliament as per 23rd May 1649. William Stewart, Quartermaster General, attended 10 diets, Lieutenant General David Leslie attended six diets, Major General James Holburne attended four diets and James Weymes, General of the Artillery, attended one diet.

4. SRO RH 2/1/42, page 73. Coupar was the remaining noble on the Committee for Report of the Valuations. Chiesly of Kerswell (Lanark), Campbell of Cessnock (Ayr) and Wauchope of Niddrie (Edinburgh) represented the gentry. William Glendoning (Kirkcudbright) and James MacCulloch (Whithorn) were the remaining two burgesses on the Committee for Report of the Valuations. Gentry representation therefore showed a bias towards the west coast, whereas burghal representation was tilted towards the Borders. Hope of Hopetoun (Stirling) and Brodie of that ilk (Elgin) were the other two gentry members of the Committee for the Raising of Money. Sir James Stewart (Edinburgh) and James Roughead (Edinburgh) were the remaining two burgess members. Whilst burghal representation was dominated by the east coast, gentry representation was on a broader geographic scale.

5. SRO RH 2/1/42, pp 64, 87-88; *APS*, vi, i, 95-96, 284-285, 440-441, 612-613; *APS*, vi, ii, 3-4, 124-126, 377-378, 446-447; Stevenson, *Revolution and Counter-Revolution in Scotland*, 115. Lieutenant General David Leslie, General Major James Holborne, William Stewart, Quartermaster General and Sir James Stewart, Commissary General were the leading military officials. Sir James Stewart had represented the burgh of Edinburgh in Parliament. In addition to Sir James Stewart, five further military officials had served in Parliament. Colonel James Halket of Pitsirrane had represented the shire of Fife in the Second and Third Sessions of the Second Triennial Parliament. Colonel Andrew Kerr of Greenhead had represented the shire of Roxburgh in the First, Second and Third Sessions of

the Second Triennial Parliament. Lieutenant Colonel William Kerr of Newton had represented the shire of Roxburgh in the sixth session of the First Triennial Parliament. Forbes of Echt had represented the shire of Aberdeen in the Second and Third Sessions of the Second Triennial Parliament. Swinton of that ilk had represented the shire of Berwick in the First, Second and Fourth Sessions of the First Triennial Parliament. Insufficient manuscript evidence exists to determine whether or not the four remaining committee members, Colonels Erskine, Montgomerie, Scott and Kerr, had any parliamentary experience. See appendices 20 and 45. In geographic terms Borders gentry were included in significant numbers in a military capacity.

6. SRO RH 2/1/42, pp. 125, 166; Stevenson, *Revolution and Counter-Revolution in Scotland*, 155-157; John Nicholl, *A Diary of Public Transactions and Other Occurrences, Chiefly in Scotland, from January 1650 to June 1667* (Bannatyne Club, Edinburgh, 1836), 4; Peterkin, *Records of the Kirk of Scotland*, 549-550; Balfour, *Historical Works*, IV, 2, lists the decision to send commissioners to Breda as taking place at the diet of 12th February 1650. Eglinton, Cassillis and Lothian were the three remaining nobles on the subcommittee of 5th February. Brodie of that ilk (Elgin), Erskine of Scottiscraig (Fife) and Chiesly of Kerswell (Lanark) were the three remaining gentry on the subcommittee of 5th February. Sir James Stewart (Edinburgh), Sir John Smith (Edinburgh), William Glendoning (Kirkcudbright) and John Short (Stirling) represented the burgesses. The diplomatic commissioners named on 22nd February were as follows; Cassillis and Lothian represented the nobility, Brodie of that ilk (Elgin) and Winraham of Libberton (Edinburgh) represented the gentry whilst Sir John Smith (Edinburgh) and Alexander Jaffray (Aberdeen) represented the burgesses.

7. Balfour, *Historical Works*, IV, 4; APS, vi, ii, 377-378, 555-556. See appendices 43 and 44. Lord Torphichen is included in the parliamentary rolls for the nobility. Balfour, *Historical Works*, IV, 4, states that Torphichen was removed from the House on the insistence of Cassillis who pointed out that Torphichen was under the age of 21 and therefore could not sit in Parliament. However, Balfour, later states that Torphichen subscribed the parliamentary oath. Therefore it is unclear whether or not Torphichen was actually allowed to sit in the House. The 14 shires listed in the parliamentary rolls but with no commissioners named were as follows; Dumfries, Dumbarton, Elgin, Nairn, Bute, Ayr, Kincardine, Kirkcudbright, Aberdeen, Forfar, Banff, Inverness, Argyll and Caithness. The 33 burghs listed in the parliamentary rolls but with no commissioners named were as follows; Stirling, Kirkcaldy, Montrose, Anstruther Easter, Burntisland, Inverkeithing, Peebles, Crail, Rothesay, Nairn, Brechin, Irvine, Jedburgh, Kirkcudbright, Wigtown, Pittenweem, Forres, Rutherglen, North Berwick, Cullen, Lauder, Dunfermline, Anstruther Wester, Selkirk, Renfrew, Lanark, Arbroath, Kilrenny, Annan, Lochmaben, Sanquhar, New Galloway and Dingwall. Geographic analysis of the minimum number of shires listed thus reveals five eastern shires, five shires from the Borders and two shires each from the west coast, the central belt and the north. Geographic analysis of the minimum number of burghs listed thus reveals 14 eastern burghs, five burghs from the north, three western burghs and two burghs from the Borders.

8. *APS*, vi, ii, 377-378, 555-556. See appendix 45. The four nobles listed in the parliamentary rolls of 7th March 1650 but not listed in the parliamentary rolls of 23rd May 1649 were as follows; Murray, Weymes, Ross and Torphichen. The 10 burgesses included in the five dual commissions were as follows; Alexander Jaffray (Aberdeen) or John Jaffray (Aberdeen), George Porterfield (Glasgow) or John Graham (Glasgow), Hugh Kennedy (Ayr) or John Osburne (Ayr), George Jamieson (Coupar) or John Glassford (Coupar) and Thomas MacBirnie (Dumfries) or Robert Richardson (Dumfries). Nine further burgesses were also included in dual commissions of some form over both sessions. Patrick Ross (Perth) was included in both parliamentary rolls although the rolls of 7th March 1650 list Patrick Ross (Perth) or Andrew Grant (Perth). James Crawford (Linlithgow) was included in both parliamentary rolls although the rolls of 23rd May 1649 list George Bell (Linlithgow) or James Crawford (Linlithgow). James Sword (St. Andrews) was included in both parliamentary rolls. The rolls of 23rd May 1649 list James Sword (St. Andrews) or James Lenton (St. Andrews), whereas the rolls of 7th March 1650 list James Sword (St. Andrews) or Andrew Carstairs (St. Andrews). John Sleigh (Haddington) is included in both parliamentary rolls. The rolls of 23rd May 1649 list George Brown (Haddington) or John Sleigh (Haddington), whereas the rolls of 7th March 1650 list John Sleigh (Haddington) or John Aytoun (Haddington). John Boswell (Kinghorn) is included in both parliamentary rolls. The rolls of 23rd May 1649 list Robert Cunningham (Kinghorn) or John Boswell (Kinghorn), whereas the rolls of 7th March 1650 list John Boswell (Kinghorn) or James Robertson (Kinghorn). Thomas Purves (Dunbar) is included in both parliamentary rolls. The rolls of 23rd May 1649 list William Purves (Dunbar) or Thomas Purves (Dunbar), whereas the rolls of 7th March 1650 list Thomas Purves (Dunbar) or George Adamson (Dunbar). James Campbell (Dumbarton) is listed in both parliamentary rolls. The rolls of 23rd May 1649 list James Campbell (Dumbarton) on his own, whereas the rolls of 7th March 1650 list James Campbell (Dumbarton) or John Semple (Dumbarton). John Hay (Elgin) is included in both parliamentary rolls. The rolls of 23rd May 1649 list John Hay (Elgin) on his own, whereas the rolls of 7th March 1650 list John Hay (Elgin) or John Douglas (Elgin). Alexander Scott (Forfar) is included in both parliamentary rolls. The rolls of 23rd May 1649 list Alexander Scott (Forfar) on his own, whereas the rolls of 7th March 1650 list Alexander Scott (Forfar) or William Luik (Forfar).
  
9. *Ibid*, 556-561; SRO Supplementary Parliamentary Papers, 1650, PA. 7/7/3; Balfour, *Historical Works*, IV, 5-6; David Stevenson, *Revolution and Counter-Revolution in Scotland*, 157.
  
10. *APS*, vi, ii, 561; Nicholl, *A Diary of Public Transactions*, 5.
  
11. *APS*, vi, ii, 556-556, 561. Brodie of that ilk and Colville of Blair, Justice Depute and Sir John Smith and John Denholm were the two gentry and two burgesses who were not members of Parliament as per 7th March 1650. See appendices 45 and 59.

12. *Ibid*, 536-537, 555-556, 561. The six gentry added to the Committee of Estates were as follows; George Hay of Naughton (Fife), David Weymes of Fingask (Fife), Sir William Scott, younger, of Harden (Selkirk), Colonel William Stewart of Castle Stewart (Wigtown), Sir James Murray of Skirling (Peebles) and Colville of Blair, Justice Depute, formed the grouping of six gentry added. Colville of Blair was not a member of Parliament as per 7th March 1650. The three burgesses added were as follows; Alexander Bower (Dundee), David Simpson (Dysart) and John Denholm were the three burgesses added. John Denholm was not a member of Parliament as per 7th March 1650. He was probably the John Denholm who was appointed Commissary General at a later date on 17th October 1650. See appendices 45 and 59. Stevenson, *Government Under the Covenanters*, 195.

13. Stevenson, *Revolution and Counter-Revolution in Scotland*, 159-160; Lynch, *Scotland, A New History*, 279; CSPV, 1647-1652, 150.

14. APS, vi, ii, 562. For this session of Parliament it is only minutes of Parliament that have survived.

15. *Ibid*, 562-607. Burleigh was subsequently elected as Vice-President on 18th June, due to the absence of Loudoun.

G.R Kinloch, ed., *The Diary of Mr John Lamont of Newton, 1649-71*, (Maitland Club, 1830), 17.

16. Seaforth, Callander, Traquair, Ethie, Forth, Dumfries, Sinclair, Carnegie, St. Clair and Napier were the 10 remaining nobles. Lockhart of Lee, Charteris of Amisfield, Sir Robert Dalziel, Thomas Dalziel of Binns, Sir George Monro and Colonel John Cochrane were the six gentry (Balfour, *Historical Works*, IV, 14); G. R Kinloch, ed., *The Diary of Mr John Lamont of Newton*, 17. Traquair, Sinclair, Carnegie and Ethie are included in the list of the latter source but not the former source. D. Laing, ed., *Correspondence of Sir Robert Kerr, first Earl of Ancrum and his son William, third Earl of Lothian*, volume two, 1649-1667, (Edinburgh, 1875), 303; Hewison, *The Covenanters*, volume two, 2.



17. *APS*, vi, ii, 536-537, 561, 563, 565. Weymes, Tweeddale and Balcarras represented the nobility on the Committee for Prisoners, Processes, Fines and Forfaultures. Swinton of that ilk (Berwick) and Dickson of Hartrie (Peebles) were the two remaining gentry members. John Short (Stirling), Alexander Douglas (Banff) and James Campbell (Linlithgow) or (Dumbarton) represented the burgesses. Nicholson of that ilk, Lord Advocate, and the Justice Deputes were also included on the committee. Colville of Blair was the Justice Depute included on the Commission of the Kirk of 4th August 1649. Alexander Douglas (Banff) and James Campbell (Dumbarton) or (Linlithgow) were the two such burgesses included on the Commission of the Kirk. Whilst gentry representation was centred on the Borders, burghal representation reflected a broader geographic spread. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 59 and 61. Balfour, *Historical Works*, IV, 12, states that the session committees were appointed on 15th May and not 16th May.
18. *APS*, vi, ii, 379, 536-537, 561, 563, 573; Eglinton, Roxburgh, Weymes and Balcarras were the remaining four nobles included on the Committee for Dispatches of 16th May 1650. Ruthven of Frieland (Perth), Weymes of Fingask (Fife), Swinton of that ilk (Berwick), Chiesly of Kerswell (Lanark) and William Glendoning of Galstoun (Kirkcudbright) were the remaining five gentry members on the committee of 16th May 1650. John Corsan (Kirkcudbright), John Jaffray (Aberdeen) and Alexander Bower (Dundee) were the remaining three burgesses on the committee of 16th May 1650. William Glendoning had represented the burgh of Kirkcudbright in Parliament throughout the 1640s. If he was therefore included as a burgess member then the balance between the estates would be altered in favour of the burghal estate. It would appear that he infact represented the gentry principally because John Corsan represented the burgh of Kirkcudbright and was also included on the committee. Geographic analysis of gentry representation on the Committee for Dispatches of 16th May 1650 reveals two gentry from the Borders, two east coast gentry and one gentry each from the west coast and the central belt. Geographic analysis of burghal representation reveals a different pattern. Four burgesses represented eastern burghs, two represented western burghs and two represented a burgh from the Borders. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 54, 59 and 61.
19. *APS*, vi, ii, 562; Peterkin, *Records of the Kirk of Scotland*, 549-550.
20. *APS*, vi, ii, 536-537, 561, 566 Buccleuch and Weymes were the two remaining nobles on the Committee for Bills. Maxwell of Netherpollok (Renfrew), Dickson of Hartrie (Peebles) and Hepburn of Keith (Haddington) represented the gentry. John Hay (Elgin), John Forbes (Inverness) and Patrick Ross (Perth) represented the burgesses. Gentry representation on the Committee for the Bills was balanced between the west coast, the Borders and the east coast, whereas burghal representation was biased towards the north. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 56 and 61

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21. APS, vi, ii, 536-537, 561, 567, 581 Weymes and Buccleuch were the two remaining nobles on the Committee for Overtures and Laws. Hope of Hopetoun (Stirling), Dickson of Hartrie (Peebles) and Swinton of that ilk (Berwick) represented the gentry. Thomas MacBirnie (Dumfries), John Rutherford (Jedburgh) and John Corsan (Kirkcudbright) represented the burgesses. Gentry representation on the Committee for Overtures and Laws was tilted in favour of the Borders and burghal representation was exclusively Borders based Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 56 and 61.
22. APS, vi, ii, 536-537, 561, 563, 569, 571, 573 Weymes, Torphichen and Balcarras were the three remaining noble members on the Committee for Valuations. Ruthven of Frieland (Perth), Adair of Kinhilt (Wigtown), Forbes of Echt (Aberdeen), Swinton of that ilk (Berwick) and Chiesly of Kerswell (Lanark) represented the gentry. James Sword (St. Andrews), Robert Barclay (Irvine), John Hay (Elgin), Alexander Douglas (Banff) and John Aytoun (Haddington) represented the burgesses. Weymes and Torphichen were the two nobles not included on the Committee of Estates of 8th March 1650. Swinton of that ilk (Berwick) and John Aytoun (Haddington) were the relevant gentry and burgesses. Gentry representation on the Committee for Valuations in geographic terms was balanced with two east coast and two Borders coast gentry and also included one gentry from the west coast. Burghal representation in geographic terms was balanced by two east coast burgesses and two burgesses from the north and also included one west coast burgess. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 56 and 61.
23. APS, vi, ii, 536-537, 561, 569, Balcarras was the remaining noble member on the Committee for Oaths in Matters of Excise. Carmichael of Hyndford (Lanark), Scott of Harden (Selkirk) and Dundas of Duddingston (Linlithgow) represented the gentry. Sir James Stewart (Edinburgh), James Sword (St. Andrews) and John Jaffray (Aberdeen) represented the burgesses. Whilst there was a geographic balance in gentry representation between the west coast, the Borders and the east coast, burghal representation was exclusively eastern in geographic terms. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 56 and 61.
24. APS, vi, ii, 536-537, 561, 571, 581 Cathcart and Balcarras were the two remaining nobles on the committee. Hope of Hopetoun (Stirling), Ruthven of Frieland (Perth) and Sir Walter Riddell of that ilk (Roxburgh) represented the gentry. John Jaffray (Aberdeen), John Hay (Elgin) and Alexander Bower (Dundee) represented the burgesses. Gentry representation was split between the central belt, the east coast and the Borders, whereas burghal representation was tilted to the east coast. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 59 and 61.

25. APS, vi, ii, 536-537, 561, 570. Weymes and Balcarras were the two remaining nobles on the Committee anent Accessories to the Late Rebellion in the North. Brisbane of Bishopton (Renfrew), Dundas of Duddingston (Linlithgow), Monro of Obstaill (Inverness) and William Glendoning of Galstoun (Kirkcudbright) represented the gentry. Sir James Stewart (Edinburgh), Alexander Bower (Dundee), Hugh Kennedy (Ayr) and John Corsan (Kirkcudbright) represented the burgesses. Although William Glendoning had represented the burgh of Kirkcudbright in Parliament throughout the 1640s the fact that he was included for the gentry on this committee (and was probably present in the capacity of a shire commissioner) is reinforced by the presence of John Corsan for the burgh of Kirkcudbright. Gentry representation was split between the west coast, the east coast, the north and the Borders. Burghal representation was biased towards the east coast and backed up by one burgess each from the west coast and the north. Peterkin, *Records of the Kirk of Scotland*, 549-550. See appendices 56 and 61. Balfour, *Historical Works*, IV, 35, states that the committee appointed on 30th May was to consider the extent of fines to be imposed on those who had taken oaths and subscribed bands to Montrose in Orkney, Shetland and Caithness. It is possible therefore that it is this committee, referred to as the Committee for Fines as per 6th June, that was merged with the Committee for Prisoners, Processes, Fines and Forfaultures (APS, vi, ii, 574).
26. Balfour, *Historical Works*, IV, 12, 13-14, 15, 19. Burleigh, Hope of Hopetoun (Stirling), Johnston of Wariston (Edinburgh), Clerk Register, Nicholson of Carnock (Stirling), Lord Advocate and Sir James Stewart (Edinburgh) formed the membership of this second parliamentary delegation.
27. APS, vi, ii, 601-602, 607; Stevenson, *Revolution and Counter-Revolution in Scotland*, 168-169; Balfour, *Historical Works*, IV, 12, 14, 41-44, 79.
28. APS, vi, ii, 586, 588-590, 594, 597-600. Eglinton, Cassillis, Buccleuch, Balmerino and Burleigh represented the nobility on the Committee for Purging the Army. Chiesly of Kerswell (Lanark), Hope of Hopetoun (Stirling), Brodie of that ilk (Elgin) and Cunningham of Cunninghamhead (Ayr) were the remaining gentry on the committee. Sir James Stewart (Edinburgh), George Porterfield (Glasgow), Alexander Jaffray (Aberdeen), Robert Lockhart (Edinburgh) and Robert Foullis represented the burgesses. Two gentry represented western shires, whilst the remaining gentry representation was balanced between the east coast, the central belt and the Borders. Burghal representation was centred on the east coast. Stevenson, *Revolution and Counter-Revolution in Scotland*, 171; Balfour, *Historical Works*, IV, 57, 70, 71, 79-80. See appendix 61.
29. APS, vi, ii, 568. Forbes of Echt (Aberdeen), Swinton of that ilk (Berwick) and Chiesly of Kerswell (Lanark) represented the gentry on the Committee for Trying Those Sitting in Parliament. Stevenson, *Revolution and Counter-Revolution in Scotland*, 171; Balfour, *Historical Works*, IV, 25, 52. See appendix 61.

30. APS, vi, ii, 562-607. Dickson of Hartrie (Peebles) and Swinton of that ilk (Berwick), Cunningham of Cunninghamhead (Ayr) and Campbell of Cessnock (Ayr) were included on five committees. Brodie of that ilk (Elgin) was included on four committees. John Jaffray (Aberdeen), Alexander Jaffray (Aberdeen), James Sword (St. Andrews), John Corsan (Kirkcudbright) and John Hay (Elgin) were the five burgesses included on four committees. See appendix 61.
31. SRO Supplementary Parliamentary Papers, 1650, PA. 7/7/10. Argyll and Loudoun were present at all six diets, whereas Burleigh attended five diets. Eglinton attended three diets and Roxburgh and Balcarras attended two diets each. Buccleuch and Weymes are recorded in only one sederunt each. Chiesly of Kerswell (Lanark) and Glendoning of Galstoun (Wigtown) each attended five diets. Adair of Kinhilt (Wigtown), Ruthven of Frieland (Perth) and Hope of Hopetoun (Stirling) are all recorded in four sederunts. Weymes of Fingask (Fife) and Swinton of that ilk (Berwick) each attended two diets. Johnston of Wariston (Edinburgh), Clerk Register, Hepburne of Humble (Haddington) and Forbes of Echt (Aberdeen) all attended one diet each, whereas Inglis of Ingliston attended two diets. James Sword (St. Andrews) is recorded in all six sederunts, whilst Sir James Stewart (Edinburgh) and Alexander Bower (Dundee) are both recorded in five sederunts. George Porterfield (Glasgow) and John Corsan (Kirkcudbright) are both recorded in four sederunts. Hugh Kennedy (Ayr) and John Jaffray (Aberdeen) are recorded in three sederunts each. APS, vi, ii, 563. See appendix 60.
32. APS, vi, ii, 536-537, 561, 563, 573. Buccleuch and Weymes were the two remaining nobles on the committee to proceed to the king. Brodie of that ilk (Elgin), Winraham of Libberton (Edinburgh), Maxwell of Netherpollock (Renfrew) and Weymes of Fingask (Fife) represented the gentry. Sir John Smith (Edinburgh), Alexander Jaffray (Aberdeen), John Jaffray (Aberdeen) and George Porterfield (Glasgow) represented the burgesses. In geographic terms two gentry were from the east coast with the remainder split between the west coast and the north. Cassillis, Lothian, Winraham of Libberton (Edinburgh), Brodie of that ilk (Elgin), Sir John Smith (Edinburgh) and George Porterfield (Glasgow) had all been included on the Commission of the Kirk of 4th August 1649. Weymes, Maxwell of Netherpollock (Renfrew), Alexander Jaffray (Aberdeen) and John Jaffray (Aberdeen) were the nobles, gentry and burgesses who had *not* been included on the Committee of Estates of 8th March 1650. See appendices 56 and 61. Peterkin, *Records of the Kirk of Scotland*, 549-550.
33. APS, vi, ii, 561, 602; Balfour, *Historical Works*, IV, 74; CSPD, 1650, 234. Roxburgh, Torphichen and Lord Mauchline (Loudoun's son) were the three noble additions. Dundas of that ilk, elder, (Linlithgow) was the one gentry addition. Alexander Bower (Dundee) and John Jaffray (Aberdeen) were the two burghal additions. Alexander Bower (Dundee) had been added to the Committee of Estates on 8th March. Therefore he may not yet have taken his seat on the Committee of Estates before 4th July.

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34. APS, vi, ii, 294-296, 604. Dickson of Hartrie (Peebles), Johnston of Waristo and Nicholson of Carnock (Stirling), Lord Advocate, were the remaining gentry additions. See appendices 52 and 61. Balfour, *Historical Works*, IV, 78, only lists the changes in membership for the nobility and states that Balmerino replaced Loudoun, Chancellor, possibly in the capacity of supernumerary.
35. APS, vi, ii, 321, 604. See appendices 52 and 61.
36. Balfour, *Historical Works*, IV, 89; Stevenson, *Revolution and Counter-Revolution in Scotland*, 171-172; Lynch, *Scotland, A New History*, 279.
37. Balfour, *Historical Works*, IV, 89-93, 96, 98, 109, 127, 129, 166; D. Laing, *Correspondence of Sir Robert Kerr, first Earl of Ancrum and his son William, third Earl of Lothian*, volume two, 302; Nicholl, *Diary of Public Transactions and Other Occurrences*, 23; NLS MS 2263, History of Events 1635-1662, folios 214, 215, 216.
38. Balfour, *Historical Works*, IV, 116, 117, 166. The remaining six nobles who attended all three diets were as follows; Lothian, Buccleuch, Tweeddale, Angus, Lorne and Mauchline formed this grouping of nobles. The seven gentry who attended both diets of 10th and 11th October were as follows; Wauchope of Niddrie (Edinburgh), Hope of Hopetoun (Stirling), Erskine of Cambuskenneth (Clackmannan), Hepburne of Humble (Haddington), Ruthven of Frieland (Perth), Hepburn of Keith (Haddington) and Hepburn of Wauchton (Haddington). The six burgesses who attended both diets of 10th and 11th October were as follows; Sir John Smith (Edinburgh), Sir William Dick (Edinburgh), Patrick Ross (Perth), Alexander Bower (Dundee), James Law (Kirkcaldy) and David Simpson (Dysart).
39. Balfour, *Historical Works*, IV, 115; Donaldson, *James V-James VII*, 341.
40. Balfour, *Historical Works*, IV, 115. The remaining gentry who attended the diet of 4th October were as follows; Carmichael of Hyndford (Lanark), Treasurer Depute, Nicholson of Carnock (Stirling), Lord Advocate, Swinton of that ilk (Berwick), Dickson of Busbie (Lanark) and Sir James Balfour of Denmilne, King's Lyon. The remaining burgess member was James Sword (St. Andrews). The one minister in attendance was James Durham, the king's minister. Dunfermline, Lothian, Erskine of Cambuskenneth (Clackmannan), James Sword (St. Andrews), James Durham, the king's minister, formed the delegation from the Committee of Estates.

## XI THE PATRIOTIC ACCOMODATION, 1650-1651

### *(1) The Operation of Parliamentary Interval Committees, October to November 1650.*

The proceedings of the Committee of Estates up to the opening of the Sixth Session of the Second Triennial Parliament on 26th November 1650 shall be examined in terms of the extent of rapprochement between the various factions within Scotland in light of defeat at Dunbar and the growing threat to national independence from Cromwell and his forces, a threat which had come to realisation in the partial Cromwellian occupation of the kingdom.

In the immediate aftermath of defeat at Dunbar four separate and rival forces were now stationed in Scotland. The residue of the official Scottish army crushed at Dunbar, the extreme radical forces in the west, a smaller royalist rump in the north-east and the English Cromwellian forces constituted these four rival military groupings. Plans for Charles to join with the royalist forces in the north east, known as "the Start", had failed at the beginning of October. Having fled, Charles was captured by the Committee of Estates, and it had become clear that not only would the king have to co-operate with the Committee of Estates, still under the direction of the radicals, but that body would also have to co-operate effectively with the king. Particular attention was initially centred on the extreme radical force in the west. On 14th October the Committee of Estates ordered a delegation to consult with the western forces in order to "solicit unity for the good of the kingdome".<sup>1</sup> Noble representation on this delegation was exclusively radical (Cassillis and Argyll). Ruthven of Frieland (Perth) and Brodie of that ilk (Elgin) represented the gentry, whilst burghal membership was composed of Robert Lockhart (Edinburgh). Robert Douglas, minister, represented the Kirk. All were members of the Commission of the Kirk instituted on 4th August 1649.<sup>2</sup> At the following diet of the Committee of Estates on the 15th October, Sir John Brown of Fordell (Perth), was commanded to proceed to the royalist force in the north. On 16th October a "grate dispute"<sup>3</sup> arose in the Committee of Estates whether or not there should be an Act of Indemnity passed for those who had been involved in the Atholl Rebellion of north-eastern Royalists. After debate, a general Act of Indemnity was agreed on, although this did not receive legislative sanction from the Committee of Estates until 26th October, but was not officially proclaimed until 29th October. Sanction on this date appears to have been due to the the Northern Band and Oath of Engagement which was sent to Lieutenant General David Leslie on 26th October. The Band and Oath was subscribed by

11 hands, four of whom were Royalist nobles (Atholl, Seaforth, Huntly and St. Clair). It was primarily a nationalist document directed against English military occupation which would reduce the kingdom to the status of a province. It urged all Scottish subjects to join in a band of unity to defend religion, the king and the nation itself. The conciliatory nature and tone of the document is stressed by the emphasis of joining ranks and avoiding division in church, state and the armed forces. Ultimately, it was designed to appeal to as broad a section of Scottish political groupings as possible. It stressed its determination to defend the true religion as established in Scotland (presbyterianism), to defend the National Covenant and the Solemn League and Covenant, to defend the king's person, authority and the royal prerogative, as well as upholding the privileges of Parliament. Indeed, as Middleton commented to Leslie, "we are Scotchmen, we desyre to fight for our countrie; religion, king and kingdome are in hazard".<sup>4</sup> However, on 4th November the northern rebels laid down their arms, accepted the Act of Indemnity and agreed a treaty with Leslie at Strathbogie.<sup>5</sup>

Whilst negotiations were proceeding with the northern rebels throughout October, the main concern of the Committee of Estates was directed towards the western armed forces. This had been recognised in the formation of the delegation of 14th October. After "the Start" incident the Committee of Estates had ordered the Western Association armed forces to join with Leslie's troops, but it had refused to do so. Paradoxically, the Northern Band and Oath of Engagement emphasised national unity, but the Western Remonstrance issued on 17th October by the Western Association destroyed any immediate prospects of reconciliation between the various factions. Presented to the Committee of Estates on 22nd October, the Western Remonstrance constitutes a hard-line ideological stance of extremists in the heartlands of the radicals. Certainly the Remonstrants were resolved to expel the English armed forces from Scotland, but they stressed that the king's cause in Scotland was an ungodly one and that the Scots should refrain from meddling in the affairs of the English Commonwealth. The Remonstrants pledged that they would not fight for the king until he had supplied concrete evidence of genuine repentance for his past sins and until he abandoned the company and councils of malignants. Geographically the subscribers to the Remonstrance were confined to the south west and no noble signature was secured to the document. The leading figure behind the document was Sir George Maxwell of Nether Pollock (Renfrew), but it also secured the backing of other western lairds who had served in Parliament; Campbell of Cessnock (Ayr) and Chiesly of Kerswell (Lanark). The Committee of Estates reacted slowly to the presentation of the Remonstrance. Burghal support had strong backing on Glasgow Burgh Council, but also included Robert Farquhar (Aberdeen) and Sir James Stewart (Edinburgh), former General Commissioner and Treasurer of the Excise. Only on 19th November did it formally resolve to have a conference with the Commission of the Kirk to discuss the issue. On 22nd November Loudoun reported on the progress of such discussions to the Committee of Estates. At the following diet, on 23rd

November, the matter was fully discussed. During the morning session Argyll, Lothian, Balcarras and Nicholson of Carnock, Lord Advocate all denounced the Remonstrance as "the opiner vpe of a breache for tolleracione and subuersione of the gouerniment, bothe ecclesiasticke and ciuill".<sup>6</sup> The general political mood of the committee was one of hostility towards the document. All members of the Committee of Estates were ordained to declare that they had no part in the formulation of the Remonstrance or any other clandestine involvement with it. All members present adhered to this declaration, bar Johnston of Wariston who refused to give his vote on the issue. He also denied that he had been involved in the formulation of the Remonstrance. During the afternoon session the political mood against the Remonstrance was confirmed. Two per parliamentary estate were appointed to construct the legislation condemning the Remonstrance. That committee was led by Argyll.<sup>7</sup>

The legislation constructed by that sub-committee was presented to the Committee of Estates at the next diet on 25th November. The Declaration of the Committee of Estates against the Western Remonstrance was voted on and passed, but only after intense debate. Particular controversy arose over the inclusion of the words "scandalous", "scandalous paper" and "scandalous lybell". Eglinton, a western noble, wanted the Remonstrance called treasonable, a scandalous paper and a libel. When it came to the vote, however, only "scandalous" was carried. Six gentry, including Johnston of Wariston, and two burgesses wanted the whole issue referred to the Commission of the Kirk. Hope of Hopetoun (Stirling), Adair of Kinhilt (Wigtown), Scott of Harden (Selkirk), Dickson of Busbie (Lanark) and Carmichael of that ilk (Lanark), Treasurer Depute, were the remaining five gentry who advocated reference to the Commission of the Kirk. Significantly, all except Johnston of Wariston, had their geographic domains ranging from Stirling downwards to the south west. Robert Lockhart (Edinburgh) and John Denholme (Edinburgh), General Commissioner, were the two dissenting burgesses. Both were eastern burgesses. Of these six gentry only Hope of Hopetoun and Dickson of Busbie were not members of the Committee of the Kirk instituted on 4th August 1649, whilst John Denholme was not a burgess member of that commission. 15 gentry and 10 burgesses were present at the diet of the Committee of Estates on 25th November. Therefore 40% (six out of 15) of the gentry present and 20% of the burgesses present challenged the prevailing consensus reached in the committee.<sup>8</sup>

Voting then took place on the various clauses of the act, which remained intact except for minor alterations. Hope of Hopetoun (Stirling) appears to have been particularly fervent as a dissenter and he suffered the wrath of Argyll for alleging that all the Committee of Estates was doing was destructive to the king and kingdom. In return, Argyll openly implied that Hopetoun was an adherent of Cromwell who plotted on his behalf. After all the clauses of the declaration had been voted on, the dissenters switched their political tactics and attempted to have the act (as distinct from the declaration) voted on as a single entity. This was refused and the tactic failed. One per estate were commissioned to inform the



Commission of the Kirk of the decision of the Committee of Estates and were led by Argyll. All except Nicholson of Carnock were members of the Commission of the Kirk instituted on 4th August 1649. Those commissioned were also to present the Commission of the Kirk with a paper which accused James Guthrie and James Gillespie, ministers, as being the main contrivers behind the Remonstrance.<sup>9</sup> According to Balfour, there were 12 dissenters to this, composed of three nobles, six gentry and three burgesses. In comparison to the earlier voting figures, only two gentry who had dissented at the earlier vote (Adair of Kinhilt and Dickson of Busbie) did not voice their dissent according to the second set of available voting figures. However, according to a contemporary manuscript, four additional gentry and one additional burgess are included in the dissenters.<sup>10</sup>

Five sederunts of the Committee of Estates have been recorded by Balfour between 4th October and 25th November 1650.<sup>11</sup> 17 nobles, 25 gentry and 18 burgesses (60 individuals in total) constituted the attendance field of the five diets of the Committee of Estates, 4th October to 25th November 1650. Western gentry and burgesses were marginalised and the burghal field was ~~exclusively~~ eastern. Therefore noble and burghal attendance fields were almost identical, but the gentry field outstripped the other two estates. Although a larger number of gentry was deployed, noble attendance was more concentrated. Five nobles attended all five diets (Loudoun, Eglinton, Lothian, Lorne and Mauchline), whilst a further three attended four diets (Argyll, Cassillis and Angus). This noble dominance was primarily radical and Lorne and Mauchline were the sons of Argyll and Loudoun respectively. A further five nobles attended three diets, three attended two diets and only one noble attended one diet. The maximum attendance figure available to any laird or burgess is four because only nobles are recorded for 21st November. Nevertheless, only two gentry attended four diets; Hope of Hopetoun (Stirling) and Wauchope of Niddrie (Edinburgh). Six gentry are recorded in three sederunts, three are recorded in two sederunts and 14 are recorded in only one sederunt. Lairds from the east and the central belt were to particularly prevalent in the attendance of diets. No burgess is noted in four sederunts. Patrick Ross (Perth), Sir John Smith (Edinburgh) and Sir William Dick (Edinburgh) are all noted in three sederunts each. Six further burgesses are noted in two sederunts each, whilst the remaining nine burgesses attended only one diet. Therefore it would appear that a core of predominantly radical nobles were still controlling the agenda of the Committee of Estates between 4th October and 25th November 1650.<sup>12</sup>

Several conclusions can be reached in relation to the political developments of October and November 1650. Firstly, factional rapprochement was hindered by the behaviour and actions of the king himself. The hostility towards the king expressed in the Western Remonstrance is understandable in light of "the Start" incident and neutralised the steps towards national reconciliation expressed in the Northern Band and Oath of Engagement. Secondly, the bulk of the Committee of Estates did not adhere to the Western Remonstrance, although there

was a rump that remained loyal to it. Thirdly, on the eve of the Sixth Session of the Second Triennial Parliament the threat posed by the Western Remonstrance had been dealt with in legislative and constitutional terms and the act against the Remonstrance now only required parliamentary sanction. Therefore, the dissenters had been defeated even before Parliament convened. Fourthly, radical nobles controlled the agenda of the Committee of Estates and had exercised a degree of realpolitik in attempting to subdue the west in order to strive to secure some form of national reconciliation.

***(2) The Sixth Session of the Second Triennial Parliament, 26th November 1650 to 30th December 1650.***

The Sixth Session of the Second Triennial Parliament was due to meet on 15th August 1650, primarily for the king's coronation. Balfour records four prorogations of that session by the Committee of Estates, although according to the dates of prorogation this amounts to a figure of six prorogations. In addition, a contemporary scribe states that three meetings of Parliament actually took place, on 30th October, 20th November and 22nd November respectively, although this may have been mistaken for meetings of the Committee of Estates. However, Parliament eventually convened at Perth on 26th November 1650.<sup>13</sup>

***(i) The Composition of the Sixth Session of the Second Triennial Parliament, 26th November 1650 to 30th December 1650.***

In common with the Fifth Session of the First Triennial Parliament, no official parliamentary rolls are recorded in the Acts of the Parliament of Scotland for 26th November 1650. Balfour, however, has noted the parliamentary data for all three estates for the opening day of the Sixth Session.<sup>14</sup> According to Balfour, 18 nobles, 27 gentry representing 17 shires and 20 burgesses representing 19 burghs were present in Parliament, 26th November 1650. This yields a total membership of 65. The king also attended the parliamentary session. 10 out of the 17 shires (59%) were represented by two commissioners of the shires each. Six out of these 10 shires were eastern, whilst three were Borders' shires. The remaining shire with two commissioners had its domain in the central belt. In more general terms, seven of the total figure of 17 shires were eastern, six were from the Borders and two were central belt shires. Of the two remaining shires, only one was western, whilst the remainder was from the Highlands. Analysis of burghal representation on 26th November 1650 reveals a dominance of 17 eastern burghs and only two western burghs.

Therefore the west had clearly been marginalised in terms of both gentry and burghal representation, although western shires and burghs may have declined to have sent commissioners as a protest against contemporary events. Six shires are listed by Balfour, but have no commissioners named. Four of these six shires are western (Ayr, Renfrew, Argyll and Bute), whilst the remaining two are from the north-east and the Highlands (Banff and Inverness).<sup>15</sup>

*Table 14. Comparisons in membership of the Three Estates, 7th March 1650 and 26th November 1650.*<sup>16</sup>

	Nobles	Shires	Gentry	Burghs	Burgesses
November 26th 1650	18	23 (Max) 17 (Min)	39 (Max) 27 (Min)	19 (Max) 19 (Min)	20 (Max) 20 (Min)
7th March 1650	23	30 (Max) 16 (Min)	57 (Max) 29 (Min)	57 (Max) 24 (Min)	58 (Max) 25 (Min)

*Table 15. Comparisons of Total Attendance Data between the Fourth and Sixth Sessions of the First Triennial Parliament.*<sup>17</sup>

	Total
November 26th 1650	77 (Max) 65 (Min)
7th March 1650	128 (Max) 77 (Min)

*Table 16. Movement in Membership per Estate between 7th March 1650 and 26th November 1650.*<sup>18</sup>

	Nobles	Gentry	Burgesses	Total
November 26th	-5	-18 (Max)	-38 (Max)	-61 (Max)
1650-7th March		-2 (Min)	-5 (Min)	-12 (Min)
1650				

Table 17. Common Membership between the Fourth and Sixth Sessions of the First Triennial Parliament.<sup>19</sup>

	Nobles	Gentry	Burgesses	Total
November 26th	13	8	7	28
1650 and 7th				
March 1650				

Table 18. Non-Common Membership between the Fourth and Sixth Sessions of the First Triennial Parliament.<sup>20</sup>

	Nobles	Gentry	Burgesses	Total
November 26th				
1650 but not	5	19	13	37
7th March				
1650				

Two conclusions can be reached from such analytical tabular data. Firstly, a large degree of common membership prevailed within the noble estate but was extremely limited regarding the gentry and burgesses. Secondly, and paradoxically, non-common membership was to the fore with the gentry and the burgesses. This may be due to the exhaustion in terms of manpower and human resources following the defeat at Dunbar and the worsening in the financial and economic condition of the country. Although noble common membership was more marked than the other two estates, it was still dominated by radical nobles. 10 out of

the 13 nobles who sat in both sessions were radicals. Of the eight gentry who sat in both sessions, three represented eastern shires, two represented Borders shires, two represented the central belt, whilst only one represented a western shire. Of the seven burgesses who sat in both sessions, six represented eastern burghs and only one represented a western burgh. Once more, this indicates the marginalisation of western influence.<sup>21</sup>

*(ii) The Proceedings of the Sixth Session of the First Triennial Parliament, 26th November 1650 to 30th December 1650.*

41 enactments (32 of which related to the public business and nine of which related to private affairs) formed the legislative programme of the Sixth Session of the First Triennial Parliament.<sup>22</sup> Following the calling of the parliamentary rolls, the parliamentary oath was subscribed by all members present. Competition existed for the office of President of Parliament between the two radical nobles, Cassillis and Loudoun. Loudoun was secured re-election to the post by a majority of 15 votes.<sup>23</sup> The king was present throughout the parliamentary session. The proceedings of the Sixth Session of the Second Triennial Parliament can be split into four distinct areas; the appointment of parliamentary session committees, the regulation of parliamentary membership, the issue of the Western Remonstrance, and military preparations to defend the nation against the Cromwellian forces.

Three major parliamentary session committees were appointed on 27th November 1650; the Committee for the Affairs of the Army, the Committee for the Bills and the Committee for Overtures. Two further session committees were appointed on later dates; the Committee for Grievances on 30th November and the Committee for Revising the Acts of the Committee of Estates on 14th December (see appendix 62).<sup>24</sup>

Four per estate formed the membership of the Committee for the Affairs of the Army. Noble membership was exclusively radical and was headed by Argyll (see appendix 62). All four nobles, two out of four gentry, and three out of four burgesses on the Committee for the Affairs of the Army had also been included on the Committee of Estates of 7th August 1649 or in later additions of 7th March 1650 (see appendices 55, 59 and 62). On 30th November additions of two per estate were ordered by the House, but no membership details are provided. Further membership problems were apparent by 9th December when two further gentry were ordered to be elected to the committee to replace two unspecified gentry who had not been attending the diets.<sup>25</sup>

The Committee for the Affairs of the Army was primarily a military and not an executive committee. Its function was to oversee the uniting, ~~strengthening~~ and supplying of the armed forces. Only two radical nobles (Argyll and Eglinton) and two eastern burgesses (James Sword and Alexander Bower) had been included on the Committee for Dispatches of 16th

May 1650 (see appendices 61 and 62).<sup>26</sup> However, the House also ordained that the Committee for the Affairs of the Army was also appointed to act as a ~~negotiating~~ <sup>liaison</sup> body with the Commission of the Kirk with three specific remits. Both bodies were to ~~liaise~~ <sup>liaison</sup> on the details of the king's coronation, the provision of ministers for the king's family and the grounds of exclusion from or admittance to the armed forces. All noble members of the Committee for the Affairs of the Army had been included on the Commission of the Kirk of 4th August 1649, but only one laird (Buchanan of that ilk) and one burgess (James Sword) had been included on both committees.<sup>27</sup>

Three per estate formed the membership of the Committee for the Bills (see appendix 62). The political balance among the noble representatives was in favour of conservatives (Buccleuch and Balcarras) compared to radicals. All nobles and two burgesses (William Simpson and George Garden) on the Committee for Bills of 27th November 1650 had been included on the Committee of Estates of 7th August 1649. No gentry were included on both committees, nor were they included in any additions to the Committee of Estates of 7th March 1650 (see appendices 55, 59 and 62). One radical noble (Burleigh) and one laird on the Committee for the Bills had been included on the Commission for the Kirk instituted on 4th August 1649. Comparisons with the membership of the Committee for the Bills of 21st May 1650 in the Fifth Session of the Second Triennial Parliament reveal only very limited common membership. Only one conservative noble (Buccleuch), no gentry and no burgesses were included on both committees (see appendices 61 and 62).

On 28th November the House laid down several criteria for the processing of Bills in Parliament. Bills presented directly to the Committee for Bills were to be dealt with by that body. Bills that were presented in Parliament were to be considered by the full Parliament, and not the Committee for Bills, but the House reserved the right to refer them to the Committee for Bills if deemed necessary.<sup>28</sup>

Four per estate formed the membership of the Committee for Overtures of 27th November 1650 (see appendix 62). One only radical noble, Weymes, secured membership and the three remaining noble positions were occupied by conservatives and pragmatic Royalists. The noted radical Hope of Hopetoun (Stirling) was included as one of the gentry representatives. Burghal representation included two burgesses from the same burgh (Dunfermline). This indicates either that non-parliamentary burghal personnel were being employed on this particular session committee or that one particular burgh was in breach of parliamentary regulations by sending two commissioners. Common membership between the Committee for Overtures of 27th November 1650 and the Committee for Overtures and Laws of 23rd May 1650 established in the Fifth Session of the Second Triennial Parliament was limited. One noble (Weymes) and one laird (Hope of Hopetoun) were included on both committees (see appendices 61 and 62). Such common membership was of a radical nature. Common membership was also limited between the Committee of Estates established on 7th August 1649 and additions of 7th March 1650 and the Committee for Overtures of 27th November 1650 (see appendices 55, 59 and 62). No nobles

and only one burgess (George Garden) were included on both committees. However, all four gentry members on the Committee for Overtures had been included on the previous Committee of Estates. Only one member of the Committee for Overtures, Kerr of Cavers, had been a member of the Commission of the Kirk established on 4th August 1649.<sup>29</sup>

Three parliamentary session committees had therefore been established on 27th November 1650. Diversification in the employment of parliamentary manpower is apparent in the staffing of these committees over all three estates, particularly in the light of the low attendance levels of 26th November. No nobles and no gentry were included on more than one of these three committees (see appendix 62). Only one burgess, George Garden, secured nomination to more than one of the batch of core session committees (see appendix 62).

The Committee for Grievances was established three days later on 30th November. The policy remit of the committee was of a military nature and was limited to the consideration of the lack of military discipline exercised by officers and soldiers of the armed forces. Noble influence on the committee was limited. The membership of the Committee for Grievances consisted of one noble, four gentry and three burgesses. The one noble member, Angus, was not a noted radical or conservative. Only one burgess (Sir John Smith) had been a member of the previous Committee for Grievances established on 31st May 1649 in the Third Session of the Second Triennial Parliament (see appendices 54 and 62). Only one laird (Wauchope of Niddrie) and two burgesses (Sir John Smith and Patrick Ross) had been included on the Committee of Estates of 7th August 1649 or in the additions of 7th March 1650 (see appendices 55, 59 and 62). Only one laird, (Wauchope of Niddrie), had also been a member of the Commission of the Kirk established on 4th August 1649.<sup>30</sup>

The House ordained on 2nd December 1650 that a session committee should be appointed to revise the legislation enacted by the previous Committee of Estates. It was not until 14th December that the committee was formally established. Three per parliamentary estate formed its membership (see appendix 62). Noble membership was composed of two conservatives (Linlithgow and Dunfermline) and one radical (Coupar). One noble (Coupar) and all three burgesses had also been included on the Committee of Estates of 7th August 1649 or the additions of 7th March 1650 (see appendices 55, 59 and 62). Only one member of the session committee (Coupar) had sat on the Commission of the Kirk established on 7th August 1649.<sup>31</sup>

The regulation of parliamentary membership was initiated on 27th November. The case of Robert Barclay (Irvine), a noted radical burgess, was used to exert parliamentary authority and discipline. Robert Barclay attended the parliamentary session without a valid and current parliamentary commission. After a vote was taken, the Estates resolved that no commissioner of the shires or commissioners of the burghs could sit and vote in Parliament without first producing the relevant parliamentary commission or an act of continuation of former commissions. Also on 27th November a parliamentary session committee was established (of which no membership details are given) to deal with the problem of non-attendance by a significant number of commissioners of the shires and burghs, particularly

those areas which were subject to enemy occupation. Hence it is clear that there was a low turnout of gentry and burghesses on 26th November. It was determined that the Clerk Register, Johnston of Wariston, should write to such shires and burghs and command them to attend the parliamentary session with all urgency. On 29th November the shires of the Lothians and Linlithgow and other unspecified shires under enemy occupation were ordered to elect parliamentary commissioners. Similarly, on 7th December the House ordered that parliamentary commissioners were to be elected by the burgh of Edinburgh. By 14th December such elections had clearly taken place, as Sir John Smith was admitted to the House and subscribed the parliamentary oath. He had earlier been appointed as General Commissioner on 3rd December following the resignation of John Denholme. That appointment had been made by the Committee for the Affairs of the Army and had been ratified by Parliament. However, according to Balfour's data of the parliamentary rolls of 26th November 1650 the burgh of Edinburgh was already represented by two commissioners, one of whom was Sir John Smith (the other was James Monteith). It would therefore appear that there may have been some problem with the parliamentary commissions for Smith and Monteith and that a new election had to be carried out to maintain the consistency of the legislation of 27th November and the case of Robert Barclay.<sup>32</sup>

Throughout the parliamentary session nobles who had been associated with the Engagement were gradually admitted to the House and became involved in parliamentary affairs. Many were still technically barred from doing so under the 1649 Act of Classes. This process can be traced from 29th November to 27th December and all cases required the approval of the Commission of the Kirk prior to parliamentary sanction. Six nobles and two gentry had acts of banishment against them repealed. Lauderdale, Callander, Hamilton (formerly the Earl of Lanark), Montgomery, Carnegie and Seaforth formed the grouping of six nobles. Although Carnegie was repealed from banishment, he was still censured under the 1649 Act of Classes. Lockhart of Lee and Sir James Montgomery were the relevant two gentry. In addition, Dunfermline, Linlithgow and Cranston had their petitions accepted to sit and vote in the House despite their involvement in the Engagement. The political rehabilitation of Engagement nobles was witnessed by the inclusion of Linlithgow and Dunfermline on the Committee for Revising the Acts of the Committee of Estates, and the inclusion of Newburgh and Cranston on the Committee for Overtures (see appendix 62). The Committee for Overtures had been established on 27th November. It was not until 4th December that parliamentary sanction was given for Cranston to sit and vote in the House and Cranston did not take his seat until 5th December. Newburgh had sat in the House on 3rd December but it was ordained on 4th December that Newburgh was to enjoy no voting powers until he subscribed both the National Covenant and the Solemn League and Covenant. Therefore both Cranston and Newburgh had been nominated and elected to the



Committee for Overtures before they had received official parliamentary sanction to sit and vote in the House. It is therefore inconceivable that both nobles could have even sat on the Committee for Overtures prior to at least 5th December. Therefore the radical leadership both in the Kirk and Parliament orchestrated the political involvement of former Engagement nobles as a pragmatic exercise in the attempt to secure a patriotic accomodation against the occupying Cromwellian force. However, Callander and Lauderdale, the leading Engagers, were still barred from civil office under the 1649 Act of Classes. The rehabilitation of Engagement nobles did not command universal support throughout the ranks of the Kirk and as early as 30th November seven or eight unspecified members of the Commission of the Kirk handed in a petition to Parliament in protest against this development. Instead, further purging of malignants was advocated. This marked the beginning of the Resolutioner-Protestor controversy which was to rage throughout the Church of Scotland in the first six months of 1651. The Resolutioner majority in the Kirk stressed a policy of moderation and compromise in the rehabilitation of Engagers and Royalists, whilst the Protestors refused to adhere to such a policy.<sup>33</sup>

The move towards the political rehabilitation of former Engagers was reflected in the manning and staffing of the Scottish armed forces to defend the kingdom against Cromwell. The military defeat of the Western Association by Lambert at Hamilton on 1st December emphasised that a national co-ordination of military resources was necessary if the Cromwellian forces were to be defeated. Previous orders for the Western Association to join with the rest of the armed forces had been ignored. Nevertheless the Western Association was not officially declared null and void until 28th December. On 10th December the Estates were ordered to meet separately primarily to elect representatives (who are not named) to negotiate with the Commission of the Kirk on the admittance of men to fight for the country who were currently barred from doing so. Four days later on 14th December Parliament resolved to raise a new unified military force. Following two days of deliberation, on 14th December the Commission of the Kirk issued "the Public Resolutions" which provided official sanction from the Kirk for the employment of former Engagers in the new army. The Act of Levy for the new force was debated for three days between 20th and 23rd December and was not ratified until 23rd December. Particular controversy surrounded the nominations and appointments of colonels of the horse and foot. Chancellor Loudoun openly distanced himself from the nominations on the grounds that former adherents of Montrose and former Engagers had been appointed in the ratio of 2:1 compared to other appointees. When the complete Act of Levy was finally approved 16 nobles were present in the House and were politically balanced between radicals and conservatives. On 24th December it was enacted that all officers in the new army who had previously been barred from access to the king were now free to do so. Crawford-Lindsay, former President of Parliament and a leading Engager was named as a colonel, as were Atholl and Ogilvie who had been involved in the northern rebellion two months previously.<sup>34</sup>

Prior to the close of the parliamentary session on 30th December, the Treaty of Breda was ratified and the king ratified all parliamentary legislation since 1641, except that of the Engagement Parliament. Constitutionally, Charles was still required to be a covenanted

king. Parliament was to reconvene at Perth on 5th February 1651, although the Committee of Estates could alter the location.<sup>35</sup>

*(iii) The Committee Structure of the Sixth Session of the First Triennial Parliament.*

Five parliamentary session committees and two parliamentary interval committees have been combined for this analytical structure (see appendix 62)<sup>36</sup>. Three of the session committees were of an executive nature, whilst two had military remits. Of the two interval committees, one possessed a financial remit and the other an executive remit. 27 nobles, 34 gentry and 28 burgesses constitute the total analysed field (see appendix 62). Hence there was near parity between the noble and burghal estates, whilst the gentry enjoyed a majority of six in terms of manpower.<sup>37</sup>

Three radical nobles (Cassillis, Burleigh and Coupar) were nominated to a total of three committees (see appendix 62). 13 further nobles were nominated to a total of two committees (see appendix 62). This group was split between radicals and conservatives and augmented by pragmatic Royalists. The remaining 11 nobles analysed were nominated to one committee only (see appendix 62). No noble common membership exists between the two military session committees (see appendix 62). In terms of the executive session committees, no noble common membership exists between the Committee for Bills, the Committee for Overtures and the Committee for Revising the Acts of the Committee of Estates (see appendix 62). All nobles included on those three executive session committees, however, were also included on the executive interval committee, the Committee of Estates (see appendix 62).<sup>38</sup>

Two gentry were included on a total of three committees each; Wauchope of Niddrie (Edinburgh) and Hepburn of Keith (Haddington). An additional 10 gentry were included on a total of two committees (see appendix 62). The remaining 22 gentry secured nomination to only one committee each (see appendix 62). No gentry common membership exists between the two military session committees (see appendix 62). In terms of the three executive session committees, no gentry included on the Committee for Bills was also included on the Committee for Overtures and/or the Committee for Revising the Acts of the Committee of Estates (see appendix 62). Only one gentry member of the Committee for the Bills (Scott of Harden) and one gentry member of the Committee for Revising the Acts of the Committee of Estates (Elliot of Stobbs) were nominated to the executive interval committee, the Committee of Estates (see appendix 62). No gentry common membership exists between the Committee for Overtures and the Committee for Revising the Acts of the Committee of

Estates (see appendix 62). Two of the four gentry on the Committee for Overtures (Hope of Hopetoun and Kerr of Cavers) were not included on the Committee of Estates (see appendix 62).<sup>39</sup>

One burghess, George Garden (Burntisland), secured nomination to a total of five committees. Two further burgesses were included on a total of three committees; Alexander Bower (Dundee) and James Sword (St. Andrews). 10 further burgesses were included on a total of two committees each (see appendix 62). The remaining 15 burgesses were nominated to only one committee each (see appendix 62). In common with the nobility and the gentry, no burghal common membership exists between the two military session committees. George Garden (Burntisland) was included on all three executive session committees, as well as the executive interval committee (see appendix 62). Only one burghess member of the Committee for the Bills, William Simpson (Dysart) and one burghess member of the Committee for Revising the Acts of the Committee of Estates, Peter Walker (Dunfermline) were not included on the Committee of Estates (see appendix 62). All burghess members of the Committee for Revising the Acts of the Committee of Estates secured nomination to the Committee of Estates (see appendix 62).<sup>40</sup>

In terms of the two parliamentary interval committees, four out of the five nobles, four out of the five gentry, and all five burgesses included on the financial interval committee, the Committee for Excise and Accounts, were also included on the Committee of Estates. Arbuthnot and James Blair of Ardblair (Perth) constituted the relevant noble and laird (see appendix 62).<sup>41</sup>

Therefore limited common membership of parliamentary session and interval committees is prevalent over all three estates in the committee structure of the Sixth Session of the First Triennial Parliament. In comparative terms, common membership is more marked within the noble and burghal estates, although the gentry had a wider manpower base on which to draw. Committee work appears to have been shared out over both military and executive committees. However, it is clear that nomination to the Committee of Estates was virtually dependent on having been included on at least one of the other parliamentary committees. Gentry common membership was centred on the east and the Borders, whilst burghal common membership was more biased towards the east.

### *(iii) The Appointment of Parliamentary Interval Committees.*

Two parliamentary interval committees were appointed on 30th December 1650 in the Sixth Session of the Second Triennial Parliament; the Committee for Excise and Accounts and the Committee of Estates. Five per parliamentary estate formed the membership of the

Committee for Excise and Accounts and the quorum level was set at one per estate (see appendix 62). The numerical composition per estate and the quorum level had been decided on by 28th December, but the actual membership details were not released until 30th December. Noble membership was exclusively radical and headed by Cassillis.<sup>42</sup> Two nobles (Arbuthnot and Coupar), one gentry (Ruthven of Frieland) and one burgess (Hugh Kennedy) included on the Committee for Excise and Accounts, 30th December 1650, had also been included on the Excise Commission appointed on 16th March 1649 in the Second Session of the Second Triennial Parliament, which had been renewed on 16th May 1650 in the Fifth Session of that Parliament (see appendices 52 and 62). Furthermore, four out of the five nobles included on the Committee for Excise and Accounts of 30th December 1650 (Cassillis, Arbuthnot, Torphichen and Burleigh) had also been included on the Committee for Money and Accounts of 14th March 1649 also appointed in the Second Session of the current Parliament (see appendices 52 and 62). In addition, Ruthven of Frieland and Hugh Kennedy were also included on the Committee for Money and Accounts of 14th March 1649 (see appendices 52 and 62). Therefore the radical edge was maintained in the Committee for Excise and Accounts of 30th December 1650 and was most marked within the noble estate.<sup>43</sup>

*Table 19. The numerical composition of the Committees of Estates of 7th August 1649, including additions of 7th March 1650, and 30th December 1650 (including supernumeraries for both committees).<sup>44</sup>*

	Nobles	Gentry	Burgesses	Total
30th December 1650	26	25	24	75
7th August 1649	26	50	32	108

*Table 20. Common membership between the Committee of Estates of 30th December 1650 and the Committee of Estates of 7th August 1649, including additions of 7th March 1650 (including supernumeraries for both committees).<sup>45</sup>*

	Nobles	Gentry	Burgesses	Total
30th December 1650 and	15	14	12	41
7th August 1649				

A new Committee of Estates was established on 30th December 1650. 20 nobles, 19 gentry and 20 burgesses represented the three estates on the commission. In addition, 16 supernumeraries were included consisting of six nobles, six gentry and four burgesses. 26 nobles, 25 gentry and 24 burgesses therefore formed the true membership of the committee and a total of 75 individuals were included (see appendix 62). 15 out of the 26 nobles were radicals. Of those Engager and pragmatic Roylaist nobles who had been readmitted to Parliament, Dunfermline, Linlithgow, Cranston and Newburgh gained membership of the Committee of Estates. No Protesters secured membership. Compared to the previous Committee of Estates of 7th August 1649 and additions of 7th March 1650, the membership level for the nobility remained the same, whilst that of the gentry dropped by 25 and that of the burgesses dropped by eight. Hence the realignment in political power towards the nobility evidenced throughout the parliamentary session was matched in the membership levels of the Committee of Estates. Most notable was the decrease in gentry membership by 50%. 58% of the nobles, 56% of the gentry and 50% of the burgesses included on the Committee of Estates of 30th December 1650, had also been included on the Committee of Estates of 7th August 1649 and/or the additions of 7th March 1650 (see appendices 55, 59 and 62). Therefore near parity existed over all three estates in the retention of personnel over both commissions. Gentry and burghal representation on the Committee of Estates of 30th December 1650 was predominantly eastern.<sup>46</sup>

*(iv) The Operation of Parliamentary Interval Committees.*

Prior to the convening of the Committee of Estates on 2nd January 1651, the coronation of Charles II had taken place at the traditional venue of Scone on New Year's Day. The king had been required to subscribe the National Covenant and the Solemn League and Covenant and ultimately had been crowned as head of the ruling political faction.<sup>47</sup>

Although the Seventh Session of the Second Triennial Parliament was due to meet on 5th February 1651 that session did not actually convene until 13th March 1651. From 2nd January until 6th February the Committee of Estates met at Perth, before moving to Stirling for two days between 10th and 12th February. The committee then convened at Perth until 12th March. 34 sederunts of the Committee of Estates are recorded between 2nd January and 12th March 1651 (see appendix 63). The king attended 22 out of 34 diets (65%). Noble attendance was dominated by radicals. Loudoun and Cassillis attended all 34 diets, Eglinton attended 24 diets (71%), whilst Argyll and Torphichen each attended 19 diets (56%) (see appendix 63). Loudoun was President at all 34 diets. Conservative attendance was centred on Roxburgh (22 diets, 65%), Balcarras (20 diets, 59%) and Montgomery (19 diets, 56%) (see appendix 63). One noble (Elphinstone) not included on the Committee of Estates of 30th December 1650 attended one diet of that committee (see appendices 62 and 63).

Six gentry have attendance levels in the region of between 17 and 29 sederunts (see appendix 63). Three of these gentry represented eastern shires. Cockburn of Clerkington (Haddington) is recorded in 29 sederunts (86%), Hepburn of Keith (Haddington) is recorded in 24 sederunts (71%) and Hamilton of Little Preston (Edinburgh) is recorded in 19 sederunts (56%). Two of the remaining three gentry within this grouping represented Borders' shires. Belshes of Toftis (Berwick) is recorded in 18 sederunts (53%) and Scott of Harden (Selkirk) in 17 sederunts (50%). Only one western laird had a significant attendance level. Carmichael of Hyndford (Lanark), Treasurer Depute, attended 21 diets (62%). Three gentry who had not been included on the Committee of Estates as per 30th December 1650 attended various diets. Murray of Skirling (Peebles) and Dickson of Hartrie (Peebles) attended two diets and one diet respectively. In addition, Kerr of Cavers (Roxburgh) attended 15 diets (44%) (see appendices 62 and 63). Therefore there was an influx of non-commissioned gentry personnel who all had the same geographic domain, namely the Borders.

Compared to the other two estates, burghal attendance was minimal (see appendix 63). Sir John Smith (Edinburgh) and Andrew Grant (Perth) are recorded in 25 and 24 diets respectively (74% and 71%). Robert Arnot (Perth) attended 16 diets (47%). With the exception of these three burgesses the remaining burghal attendance levels were minimal. The fact that the Committee of Estates was residing predominantly at Perth may well explain the high attendance data for Perthshire burgesses. According to the original commission of 30th December 1650, the quorum of the Committee of Estates was set at nine with two of each estate required to be present. These rules were adhered to at all 34 diets (see appendix 63).<sup>48</sup>

Several subcommittees were in operation between January and March 1651. A Committee

for Grievances was established on 10th January. Three nobles, five gentry, three burgesses and one military official formed its membership. The one noble member (Angus) and two of the three burgess members (Patrick Ross and John Paterson) on the Committee for Grievances of 30th November 1650 in the Sixth Session of the First Triennial Parliament secured membership of the sub-Committee of 10th January. The two remaining noble members on the sub-committee were both conservatives (Roxburgh and Balcarras). Gentry membership was eastern in the ratio of 4:1 compared to the Borders. Hepburne of Humble (Haddington), Cockburn of Clerkington (Haddington) and Hepburn of Keith (Haddington) and Ruthven of Frieland (Perth) constituted the four eastern gentry. Scott of Harden (Selkirk) was the relevant Borders' laird on the sub-committee. Burghal membership was composed exclusively of burgesses of the burgh of Perth. John Paterson (Perth) was the remaining burghal representative on the sub-Committee. The one military representative was Quartermaster General William Stewart.<sup>49</sup>

A Committee for Monies, Excise and Accounts was in operation by 10th January, although there are no parliamentary references pertaining to the existence of such a committee. Additions were made to this committee on 10th January. One conservative noble (Balcarras), two gentry (Hepburne of Humble and Hamilton of Little Preston) and one burgess (David Wilkie) were added. Gentry and burghal additions were exclusively eastern. In all probability, the additions made on 10th January were to the parliamentary interval committee, the Committee for Excise and Accounts, which had been established on 30th December 1650 (see appendix 62). All nobles, gentry and burgesses included in the additions of 10th January were not members of that interval committee. A Committee for Provisions and Arms had been established by 14th January, although no membership details are provided, and additions to that committee were made on 3rd February. Two nobles and one eastern laird were added. Noble additions were balanced between radicals (Lothian) and conservatives (Balcarras). Hepburne of Humble (Haddington) was added for the gentry.<sup>50</sup>

Sir Archibald Primrose, former Clerk of the Privy Council and of earlier Committees of Estates, petitioned the Committee of Estates on 7th January, desiring that he may be allowed to serve the country. Primrose had been involved in the Engagement and had been duly punished under the 1649 Act of Classes. Following proof being given that by the Commission of the Kirk that Primrose had truly repented for his sins, a vote was taken in the Committee of Estates on 10th January regarding his case. 13 nobles, 13 gentry, three burgesses and no military officials (yielding a total of 29 individuals) were present at the diet of 10th January (see appendix 63). Primrose's petition was granted by a majority of seven votes. Voting data is limited but Cassillis and Torphichen voted against the petition. Nevertheless, the prevalent mood of the bulk of the nobles and gentry present was for continued accommodation of former Engagers.<sup>51</sup>

On 11th March "a grate meitting"<sup>52</sup> of the Committee of Estates was held to discuss

whether or not the parliamentary session which had been prorogued to 13th March should actually meet on that date. Loudoun, Cassillis and "ther factione"<sup>53</sup> attempted to have the session prorogued to a later date, but when it came to the vote it was carried that Parliament should meet as planned. 16 nobles, 11 gentry, eight burgesses and three military officials (38 individuals in all) attended the diet of 11th March (see appendix 63). Noble attendance was split virtually equally between conservatives and radicals. Ignoring the presence of the military officials whose voting powers are unclear, sufficient gentry and burgesses votes must have been cast in favour of Parliament convening on the proposed date. Perhaps national interests outweighed factional interests regarding this specific issue.<sup>54</sup>

### ***(3) The Seventh Session of the Second Triennial Parliament, 13th March to 31st March 1651.***

#### ***(i) The Composition of the Seventh Session of the Second Triennial Parliament, 13th March to 31st March 1651.***

In common with both the Fifth and Sixth Sessions of the Second Triennial Parliament, no official parliamentary rolls are available for the Seventh Session. Balfour, however, has recorded attendance data for 13th March 1651.<sup>55</sup> According to Balfour's data, 17 nobles, 21 gentry representing 15 shires and 21 burgesses representing 21 burghs constituted the membership of Parliament, 13th March 1651. Therefore the total membership was 59. Gentry and burghal attendance levels were thus identical, whilst noble membership was marginally lower. Of the 15 shires listed, six were eastern shires, six were Borders' shires, two were western shires and one was from the central belt. Therefore eastern and Borders' lairds were particularly prominent in parliamentary attendance. 20 of the 21 burghs listed were eastern. Nine shires were represented by only one commissioner of the shire only (Fife, Haddington, Bute, Kincardine, Wigtown, Selkirk, Clackmannan, Peebles and Dumbarton). Such shires were concentrated in the east and the Borders, but also included the west. In addition, 12 further shires are listed but have no commissioners named. Therefore the maximum attendance figure for the gentry is 55 gentry representing 27 shires. 31 further burghs are listed but have no commissioners named. Therefore the maximum attendance figure for the burgesses is 52 burgesses representing 52 burghs (the burgh of Edinburgh was represented by only one commissioner as per 13th March 1651). Therefore the maximum total attendance figure for 13th March 1651 is 124. Comparative analysis of the maximum and minimum attendance figures of 26th November 1650 and 13th March 1651 present two scenarios. Based on the minimum attendance figures per estate for both sessions,



the Seventh Session witnessed a drop of one noble, a drop of six gentry and a rise of one burgess . Hence the total reduction based on the minimum figures was six. Based on the maximum attendance figures per estate for both sessions, the Seventh Session witnessed a drop of one noble, a rise of 16 gentry and a rise of 32 burgesses. Hence the total rise based on the maximum attendance figures was 47. Given the contemporary military and political situation, it is undoubtedly the case that the minimum attendance figures are the most likely.<sup>56</sup>

16 out of the 17 nobles (94%), 16 out of the 21 gentry (76%) and 10 out of the 21 burgesses (48%) listed in Balfour's attendance data of 13th March 1651 had also been present in Parliament, 26th November 1650 (see table 12). Paradoxically, only one noble, five gentry and 11 out of 21 burgesses (52%) present in Parliament, 13th March 1651, had not been present in Parliament, 26th November 1650.<sup>57</sup> Three conclusions can be reached. Firstly, there was a core of nobles, gentry and burgesses in attendance over both sessions. Secondly, the noble estate witnessed the retention of the largest number of common personnel. In political terms the majority of the 16 nobles were radicals. Thirdly, the burghal estate witnessed the most marked change in personnel, although much of this was due to the presence of burghs who had not sent representatives to the session commencing on 26th November 1650.

*Table 21. The Composition of the Sixth and Seventh Sessions of the Second Triennial Parliament.*<sup>58</sup>

	Nobles	Shires	Gentry	Burghs	Burgesses
13th March 1651	17	27 (Max)	55 (Max)	52 (Max)	52 (Max)
		15 (Min)	21 (Min)	21 (Min)	21 (Min)
26th Nov. 1650	18	23 (Max)	39 (Max)	19 (Max)	20 (Max)
		17 (Min)	27 (Min)	19 (Min)	20 (Min)

*Table 22. Total attendance data for the Sixth and Seventh Sessions of the Second Triennial Parliament.*<sup>59</sup>

	Total
13th March 1651	124 (Max)
	59 (Min)
26th November 1650	77 (Max)
	65 (Min)

*Table 23. Movement in the membership of the Sixth and Seventh Sessions of the Second Triennial Parliament.*<sup>60</sup>

	Nobles	Gentry	Burgesses	Total
31st March 1651-26th	-1	6 (Max)	+32 (Max)	+47 (Max)
November 1650		-6 (Min)	+1 (Min)	-6 (Min)

*Table 24. Common membership between the Sixth and Seventh Sessions of the Second Triennial Parliament.*<sup>61</sup>

	Nobles	Gentry	Burgesses	Total
31st March				
1651 and	16	16	10	42
26th				
November				
1650				

*Table 25. Non-common membership between the Sixth and Seventh Sessions of the Second Triennial Parliament.*<sup>62</sup>

	Nobles	Gentry	Burgesses	Total
31st March				
1651 but	1	5	11	17
not 26th				
November				
1650				

*(ii) The Proceedings of the Seventh Session of the Second Triennial Parliament, 13th March to 31st March 1651.*

In common with the Sixth Session, the Seventh Session convened at Perth. Its legislative programme consisted of 33 enactments (26 of which were public acts and seven private acts) and two ratifications.<sup>63</sup> After the subscription of the parliamentary oath, controversy arose over who should be President of Parliament between Burleigh and Chancellor Loudoun. Burleigh was eventually elected by a majority of 21 votes.<sup>64</sup>

Six parliamentary session committees were then established on 13th March (see appendix 64). The Committee for Military Affairs, the Committee for the Conference with the Kirk, the Committee for Bills, the Committee for Overtures and the Committee for Revising the

Acts of the Committee of Estates constituted the relevant session committees established.<sup>65</sup>

Three per estate formed the membership of the Committee for Military Affairs (see appendix 64). Two of the three nobles were radicals (Argyll and Cassillis), whilst one was a conservative (Balcarras). Significant common membership exists with the Committee for the Affairs of the Army of 27th November during the Sixth Session (see appendices 62 and 64). Both Argyll and Cassillis had been included on that committee (see appendices 62 and 64). In addition, one laird, Belshes of Toftis (Berwick) and two burgesses, Andrew Grant (Perth) and James Sword (St. Andrews) had been included on the former committee (see appendices 62 and 64).

The dominance of the east in terms of gentry and burghal representation, especially the Edinburgh to Perth region, is not surprising given the fact that the parliamentary session was being held in Perth. All members of the Committee for Military Affairs had been included on the Committee of Estates of 30th December 1650 (see appendices 62 and 64). Furthermore, Argyll, Cassillis and James Sword (St. Andrews) had been members of the Commission of the Kirk established on 4th August 1649.<sup>66</sup>

On 13th March additions were made to the Committee for Grievances which had been established on 10th January. Hence a subCommittee of the Committee of Estates was formalised into a full parliamentary session committee. Three nobles, five gentry and three burgesses were added. The total membership of the Committee for Grievances now consisted of six nobles, eight gentry and six burgesses (see appendix 64). Therefore there was an imbalance in membership in favour of the gentry. However, one of the nobles (Angus) and two of the burgesses (Robert Arnot and John Paterson) were members of the original subCommittee. This suggests that all three individuals had failed to attend the appropriate diets of the subCommittee. None of the other two nobles added were noted radicals. Gentry and burghal additions were centred on the east. One of the noble additions (Montgomery) and two of the burghal additions (David Wilkie and Robert Arnot) had been members of the Committee of Estates of 30th December 1650 (see appendices 62 and 64). None of the additions had been included on the Commission of the Kirk established on 4th August 1649 and indicates that the influence of the Kirk was marginal on this committee.<sup>67</sup>

The importance of liaison with the Kirk was emphasised by the formation of the Committee for the Conference with the Kirk, particularly in light of the Resolutioner-Protester controversy. Three per estate constituted the membership and close correlations in membership with the Committee for Military Affairs are apparent (see appendix 64). Argyll, Cassillis and all three burgesses were included on both committees (see appendix 64). Although the remaining noble representative was a conservative (Buccleuch), the political orientation of the committee was radical. With the exception of one laird, Kerr of Cavers (Roxburgh), all members of the Committee for the Conference with the Kirk had been included on the Committee of Estates of 30th December 1650 (see appendices 62 and 64).

In addition to Argyll, Cassillis and James Sword (St. Andrews), Wauchope of Niddrie (Edinburgh) was also a member of the Commission of the Kirk established on 4th August 1649.<sup>68</sup>

Two procedural session committees were established; the Committee for the Bills and the Committee for Overtures (see appendix 64). Common membership between the two committees was marginal and only one burgess, George Jamieson (Coupar) was included on both committees (see appendix 64). Five per parliamentary estate constituted the membership of the Committee for the Bills (see appendix 64). No members of the Committee for the Bills of 13th March 1651 had been included on the Committee for the Bills of 27th November 1650 established during the Sixth Session (see appendices 62 and 64). Noble representation on the latter committee of 13th March 1651 was primarily conservative, with only two radicals (Torphichen and Coupar) being included. All five nobles, three out of five gentry and four out of five burgesses had also been included on the Committee of Estates of 30th December 1650 (see appendices 62 and 64). Only one noble (Coupar) had been a member of the Commission of the Kirk established on 4th August 1649.<sup>69</sup>

The Committee for Overtures consisted of three per estate (see appendix 64). One noble (Weymes) and one gentry (Kerr of Cavers) had been members of the Committee for Overtures of 27th November 1650 during the Sixth Session (see appendices 62 and 64). Noble representation on the latter committee consisted of two conservatives (Buccleuch and Linlithgow) and one radical (Weymes). All three nobles, two out of three gentry (Wauchope of Niddrie and Murray of Skirling) and two out of three burgesses (George Jamieson and John Boswell) had also been included on the Committee of Estates of 30th December 1650 (see appendices 62 and 64). Two gentry (Wauchope of Niddrie and Kerr of Cavers) and one burgess (John Boswell) had also been members of the Commission of the Kirk established on 4th August 1649.<sup>70</sup>

Furthermore, a session committee with a remit of a retrospective nature, the Committee for Revising the Acts of the Committee of Estates, was established on 13th March 1651. Three per estate formed its membership (see appendix 64). No nobles nor gentry included on either the Committee for the Bills or the Committee for Overtures secured membership of the Committee for Revising the Acts of the Committee of Estates (see appendix 64). Three of the burgesses on the Committee for the Bills, George Jamieson, Robert Whyte and George Garden, were included on the latter committee. George Jamieson was also on the Committee for Overtures (see appendix 64). Only one member of the Committee for Revising the Acts of the Committee of Estates of 13th March 1651, George Garden, had been a member of the same committee of 14th December 1650 established during the Sixth Session (see appendices 62 and 64). Noble representation on the committee of 13th March 1651 consisted of two radicals (Eglinton and Lothian) and one conservative (Roxburgh) (see appendix 64). All nobles and all burgesses had been included on the Committee of Estates

of 30th December 1650, but all three gentry had not been members of that committee (see appendices 62 and 64). Two of the nobles (Eglinton and Lothian) had also been included on the Commission of the Kirk established on 4th August 1649.<sup>71</sup>

Legislation enacted on 13th March stipulated that any member of Parliament was free to attend the diets of any of these parliamentary session committees. This may well have been an attempt to weaken the power of the radical nobles or intimidate them politically in committee proceedings.<sup>72</sup>

One further session committee was established during the Seventh Session, namely the Committee for Considering the Affairs and Accounts of the Treasury. This was distinct from the Treasury Commission itself and was in effect an audit committee. Indeed, none of the members of the session committee had been included on the Treasury Commission established on 16th March 1649 and continued at later dates (see appendices 52 and 64). Noble membership of the session committee was conservative (Roxburgh and Buccleuch). All nobles, gentry and burgesses had also been included on the Committee of Estates of 30th December 1650 (see appendices 62 and 64). One burgess (John Boswell) was a member of the Commission of the Kirk established on 4th August 1649.<sup>73</sup>

The moves towards a patriotic accommodation, indicated by the access of conservatives and pragmatic Royalists to parliamentary committees, witnessed during the Sixth Session, increased dramatically with developments commencing on 19th March. Acting on a motion from the king, the House approved that the Kirk should be asked its opinion concerning the admittance to the Committee of Estates of those barred from civil office under the 1649 Act of Classes. This provides clear evidence of the diminution in the power of the radical nobles, and their growing alienation from the other two estates. Lothian even advocated the abolition of the Committee of Estates as a means of blocking access for malignants to political power. According to this line of thinking, malignants would still be barred from civil office and the radical nobles could exercise power through the institution of the Privy Council, thereby marginalising the influence of the gentry and the burgesses. Gentry and burghal voting strength, allied to that of conservative nobles, worked to ensure that Lothian's proposal was defeated. This indicates that national interests were put to the fore by the gentry and burgesses as opposed to the interests of theocracy and religion. The Commission of the Kirk provided its reply on 22nd March. It could not provide a definite answer until further consultation took place within that commission. Nevertheless, the Commission of the Kirk suggested that those who had been allowed to serve in the army should be allowed to serve on any parliamentary committee that dealt with army affairs. In an exercise of supreme pragmatism, this proposal was seized upon by the conservatives to establish a Committee for Managing the Affairs of the Army. Those still barred from public affairs were able to be admitted to it. The formation of such a committee was agreed on 25th March. The terms of the commission and its membership were debated for four hours on 26th

March without any conclusion being reached. Dissent at the formation of the committee was expressed by 10 nobles (including Argyll, Loudoun, Burleigh, Cassillis and Lothian) and three gentry, but their voting power was insufficient to prevent the adoption of the measure. The lack of support shown by the gentry and burgesses for this dissent emphasises the fact that the radical nobles had lost their support. On 27th March it was ordained that the Committee for Managing the Affairs of the Army was to be distinct from the Committee of Estates. The powers which were allocated to the former committee, enshrined in seven articles, were also agreed on 27th March. Nine nobles and three gentry voted against the seven articles. Eight of the nine nobles and two of the three gentry had also voted against the proposals of 26th March. The actual membership of the Committee for Managing the Affairs of the Army was then named on 28th March.<sup>74</sup>

The colonels for the southern shires were appointed on 28th March all of whom were former Engagers and/or Royalists. Such appointments must be viewed within the context of the fact that the traditional power base of the radical regime had been south of the Tay. In particular, Lauderdale was appointed for East Lothian, Dalhousie for Mid Lothian and Hamilton and Douglas for Clydesdale. Technically the 1649 Act of Classes was still in force, but these appointments were of a military as opposed to a civil nature. Having secured the admittance of Royalists to the Committee for Managing the War and as military appointees, the House ordained on 29th March that consultation should take place with the Commission of the Kirk to repeal the 1649 Act of Classes in order to secure "a generall vnity in the kingdome".<sup>75</sup> Having remitted 78 bills to the Committee of Estates, Parliament was adjourned to 17th April 1651, when it was hoped that the 1649 Act of Classes would be repealed.<sup>76</sup>

### *(iii) The Committee Structure of the Seventh Session of the Second Triennial Parliament.*

Seven parliamentary session committees and two interval committees have been analysed (see appendix 64). 47 nobles constitute the total field of nobles analysed. Noble common membership was balanced between radicals and conservatives. Buccleuch and Roxburgh were included on five committees, Balcarras on four committees, whilst Linlithgow, Ruthven and Newburgh were each included on three committees. Argyll and Cassillis gained membership of four committees, whilst Eglinton and Lothian were included on three committees. All four radical nobles were included on the Committee of Estates and the Committee for Managing the Affairs of the Army. Both Argyll and Cassillis were members of the Committee for Military Affairs and the Committee for the Conference with the Kirk, whereas Lothian and Eglinton were members of the Committee for Revising the Acts of the

Committee of Estates (see appendix 64). All five conservative nobles were members of the Committee for Managing the Affairs of the Army and the Committee of Estates and the Committee for Managing the Affairs of the Army. Roxburgh and Buccleuch were members of the Committee for the Affairs and Accounts of the Treasury, whilst Buccleuch and Linlithgow were members of the Committee for Overtures (see appendix 64). Six further nobles were included on two committees each. This latter grouping was biased in favour of the radicals; Weymes, Torphichen, Coupar, Montgomery and Angus for the radicals, with only Dunfermline, Tweeddale and Cranston for the conservatives. The remaining 38 nobles gained membership of only one committee, 21 of whom were on the Committee of Estates (see appendix 64).<sup>77</sup>

46 gentry constitute the total field of gentry analysed (see appendix 64). Four gentry were included on four committees each; Wauchope of Niddrie (Edinburgh), Murray of Skirling (Peebles), Hepburn of Keith (Haddington) and Kerr of Cavers (Roxburgh). Eight further gentry were included on three committees each; Hepburne of Humble (Haddington), Hay of Naughton (Fife), Cockburn of Clerkington (Haddington), Belshes of Toftis (Berwick), Scott of Harden (Selkirk), Elliot of Stobbs (Roxburgh), Colquhoun of Luss (Dumbarton) and Renton of Lamberton (Berwick). Particular influence was therefore centred on the east coast and the Borders. 11 of the above 12 gentry were included on the Committee of Estates, 10 were included on the Committee for Managing the Affairs of the Army and five on the Committee for the Bills (see appendix 64). The remaining 34 gentry were included on two or less committees, 20 of whom were members of the Committee of Estates (see appendix 64).<sup>78</sup>

50 burgesses constitute the total field of burgesses analysed (see appendix 64). Four burgesses secured membership of four committees each; Sir John Smith (Edinburgh), James Sword (St. Andrews), George Garden (Burntisland) and John Boswell (Kirkcaldy). Three further burgesses were included on three committees each; Andrew Grant (Perth), Robert Whyte (Kirkcaldy) and David Wilkie (Edinburgh). Burghal influence was therefore eastern. All seven burgesses were included on the Committee of Estates, three were included on the Committee for Managing the Affairs of the Army, three on the Committee for Military Affairs and three on the Committee for the Conference with the Kirk (see appendix 64). The remaining 39 burgesses were included on two or less committees, 21 of whom were members of the Committee of Estates (see appendix 64).<sup>79</sup>

Identical numbers of nobles, gentry and burgesses were therefore employed within the committee structure of the Seventh Session of the Second Triennial Parliament. Near parity also exists between the three estates for those individuals nominated to only one committee. The trend towards the increased political prominence of conservatives and pragmatic Royalists was evidenced by the prominence of conservatives within the committee structure. Nevertheless, the radicals still maintained a noted presence. Session committees were



staffed predominantly by eastern and Borders gentry and eastern burgesses. Gentry membership of the two interval committees was balanced between the east and the Borders, whilst burghal membership was strongly eastern.

*(iv) The Appointment of Parliamentary Interval Committees.*

Two parliamentary interval committees were appointed; the Committee for Managing the Affairs of the Army on 28th March and the Committee of Estates on 31st March (see appendix 64). 25 per estate formed the membership of the Committee for Managing the Affairs of the Army (see appendix 64). Only four noted radical nobles were included (Argyll, Eglinton, Cassillis and Lothian). The overwhelming bulk of noble members were conservatives or Royalists and included Hamilton, Lauderdale, Crawford-Lindsay, Douglas, Glencairn and Dalhousie. Gentry membership was biased towards the east, but also contained a significant Border's presence. Burghal membership was overwhelmingly eastern.<sup>80</sup>

The commission to the Committee of Estates of 30th December 1650 was renewed on 31st March 1651. Only four variations in membership took place. One gentry (Campbell of Lawers) and one burgess (James Monteith) included on the committee of 30th December 1650 were not included on the renewed committee of 31st March 1651 (see appendices 62 and 64). Two further gentry who were nominated to the committee of 31st March 1651 had not been included on the earlier committee. Rollock, younger, of Duncrub (Clackmannan) and Douglas of Cavers (Roxburgh) were the two relevant gentry (see appendices 62 and 64). As well as renewing the commission of 30th December, four nobles, eight gentry and five burgesses were added to the Committee of Estates of 31st March 1651. Hence the total membership of that committee was 92. Comparison in the membership per estate of the two committees reveals a rise of four nobles, a rise of nine gentry and a rise of four burgesses. Hence the total rise was 17. Both gentry and burghal additions were based on the east, but also included representatives of the Borders and the west.<sup>81</sup>

10 out of the 30 nobles (30%), 13 out of the 34 gentry (38%) and six out of the 28 burgesses (21%) included on the Committee of Estates of 13th March 1651 were also included on the Committee for Managing the Affairs of the Army (see appendix 64). Four of the 10 nobles were radicals (Argyll, Eglinton, Cassillis and Lothian). Six of the 13 gentry represented Borders' shires, six represented eastern shires and one represented a western shire. Gentry common membership of the two interval committees was therefore balanced between the east and the Borders. Burghal common membership was exclusively eastern.<sup>82</sup>

On 31st March the House stipulated that the Committee of Estates were to add four per estate to the Committee for Monies. No reference exists in the parliamentary records for a Committee for Monies for the Seventh Session. Therefore it may well have been the case that the Committee of Estates was to establish a subCommittee, the Committee for Monies, during the interval of Parliament.<sup>83</sup>

*Table 26. The Numerical Composition of the Committee of Estates of 31st March 1651 and 30th December 1650 (including supernumeraries for both committees).<sup>84</sup>*

	Nobles	Gentry	Burgesses	Total
31st March 1651	30	34	28	92
30th December 1650	26	25	24	75

*Table 27. Common membership between the Committee for Managing the Affairs of the Army, 28th March 1651, and the Committee of Estates, 31st March 1651.<sup>85</sup>*

Nobles	Gentry	Burgesses	Total
10	13	6	29

***(v) The Operation of Parliamentary Interval Committees.***

No registers of the Committee of Estates for this period are available. However, the Register of the Committee for Managing the Affairs of the Army runs from 1st April to 22nd May 1651. The committee sat at Perth from 1st April to 16th May and then at Stirling from 20th May to 22nd May. 32 sederunts of the Committee for Managing the Affairs of the Army are recorded. The king was only present at nine diets (28%). Attendance data for the

nobility illustrates that conservatives were dominant. Hamilton attended 30 diets (94%), Lauderdale 23 diets (72%), Crawford-Lindsay 22 diets (69%), Glencairn 20 diets (62%) and Home 19 diets (59%). Crawford-Lindsay was President of all diets that he attended. In terms of radical influence, Argyll and Eglinton did not attend a single diet. However, Lothian is recorded in 20 sederunts (62%). Therefore it would appear that radical influence on the Committee for Managing the Affairs of the Army was represented by Lothian. The remaining 17 nobles attended 10 or less diets.<sup>86</sup>

Gentry influence was centred on the east and the Borders. Wauchope of Niddrie (Edinburgh) attended 26 diets (81%) and Hepburne of Humble (Haddington) 23 diets (72%), whilst Belshes of Toftis (Berwick) and Ferguson of Craigdarroch (Dumfries) are recorded in 26 and 23 diets respectively (81% and 72%). In addition, a western laird, Lockhart of Lee (Lanark), was in attendance at 15 diets (47%). Two further lairds, Foullis of Colington (Edinburgh) and Renton of Lamberton (Berwick), each attended 13 diets (41%). The remaining 18 gentry are recorded in 12 or less sederunts.<sup>87</sup>

Burghal attendance levels were minimal compared to the other two estates. Only one burgess had a notable attendance record. Sir John Smith (Edinburgh) was in attendance at 25 diets (78%). John Auchterlony (Arbroath) and John Boswell (Kinghorn) are recorded in 11 and 10 diets respectively (34% and 31%). The remaining 22 burgesses attended nine or less diets. Burghal influence, though limited, was centred on the east. Attendance of the General Officers of the Army was also limited, with Lieutenant General John Middleton attaining the highest figure of four diets. As per the terms of the commission of 28th March 1651, the quorum of the Committee for Managing the Affairs of the Army was set at 11 with two of each estate required to be present. These rules were adhered to at all 32 diets.<sup>88</sup>

The work of the Committee of Managing the Affairs of the Army was dominated by the attempt to co-ordinate military resources and provisions and liaison with the committees of war in the shires. The establishment of numerous subcommittees reflects this preoccupation. At the first diet of the committee on 1st April, the Committee for the Provision of the Army was formed. One noble, three gentry and one burgess formed its membership. The noble member, Cochrane, had not been included on the commission to the Committee for Managing the Affairs of the Army of 28th March. Additions of four nobles and one laird were made to the committee on 2nd April. Hamilton, Crawford-Lindsay, Lauderdale and Home constituted the noble additions. Hence the political orientation of the committee was redirected towards the nobility. Also on 2nd April the Committee anent the Levies was appointed to liaise with the Committee for Grievances. It would then appear that a parliamentary interval committee, the Committee for Grievances, was in operation although there are no details of its original membership in the parliamentary records of the Seventh Session. One per estate formed the membership of the Committee anent the Levies and all were members of the Committee for the Provision of the Army.<sup>89</sup>

The provision and distribution of meal and victual for the armed forces warranted the

formation of five commissions. One noble, four gentry and two burgesses were commissioned on 3rd April with the task of purchasing victual within the geographic radius of the shires of Angus, Kincardine, Aberdeen and Banff and the burghs of Dundee, Montrose, Forfar, Brechin and Arbroath. The noble member, Cochrane, and one of the lairds, Lockhart of Lee (Lanark) had also been included on both the Committee for the Provision of the Army and the Committee anent the Levies. Gentry membership was centred on the Borders, but also included representation from the west and the east, whilst burghal membership was eastern. Therefore gentry and burgesses whose domain lay in other parts of the country were being employed to deal with the north east. Alexander Bower (Dundee) was likewise commissioned to purchase victual in the shires of Elgin, Nairn, Inverness, Caithness, Cromarty and Sutherland. On 5th April Crawford-Lindsay and Campbell of Lundie (Kincardine) were commissioned to secure the provision of victual in the shire of Fife. Problems with the actual distribution of victual warranted the establishment of a subcommittee on 2nd May to analyse the systems and patterns of distribution. Two nobles, three gentry and two burgesses formed its membership. One noble, Lauderdale, and one laird, Belshes of Toftis (Berwick), had also been included on the Committee for the Provision of the Army. Also on 2nd May, two nobles, one gentry and two burgesses were commissioned to hasten the delivery of meal from Forfar, Kincardine and Aberdeen. Both nobles, Findlater and Carnegie, were not included in the commission to the Committee for Managing the Affairs of the Army of 28th March. The one laird, Foullis of Colington (Edinburgh), and both burgesses, Archibald Sydserf (Edinburgh) and Alexander Bower (Dundee), had been commissioned to buy victual on 3rd April.<sup>90</sup>

The need for the provision of arms and ammunition was reflected in the establishments of commissions for that purpose. On 2nd April two nobles, Lauderdale and Balcarres, one laird, Murray of Skirling (Peebles), and one burgess, Sir Alexander Wedderburne (Dundee), were commissioned to secure arms and ammunition in the town of Perth. In addition, one noble, Kellie, and one laird, Weymes of Bogie (Fife), were issued with the same remit for the burghs of Dysart, Kirkcaldy, Kinghorn and Burntisland. Kellie had not been included in the commission to the Committee for Managing the Affairs of the Army of 28th March. Newburgh and Scott of Ardross (Selkirk) were commissioned to raise arms in the area of Fife east of Weymes.<sup>91</sup>

According to the commission issued to the Committee for Managing the Affairs of the Army, the committee was to restrict itself to military affairs. However, the committee began to take on an overtly political role, especially in its dealings with the Kirk and the demand for the repeal of the Act of Classes. On 1st April a subcommittee was established to correspond with the Kirk. Two per estate formed the membership. Hamilton and Lauderdale represented the nobility.

Correspondence between the Commission of the Kirk and the Committee for Managing the Affairs of the Army reveals tension within that political relationship. By 4th April the Commission of the Kirk was complaining of the membership of the latter body and by 13th May the Committee for Managing the Affairs of the Army was openly calling for the Kirk's approbation for the repeal of the Act of Classes. By 20th May it had

been agreed that a conference between the committee and the Commission of the Kirk should take place. Four per estate formed the membership of the subcommittee established for this purpose. Hamilton, Marischal, Glencairn and Lauderdale represented the nobility. In addition, Crawford-Lindsay was included as a supernumerary.<sup>92</sup>

Whilst the Committee for Managing the Affairs of the Army met at Perth, the Committee of Estates convened at Stirling. In essence a power struggle was taking place between the two rival committees, staffed by two opposing factions and the Committee for Managing the Affairs of the Army was acting essentially as a Committee of Estates. Although the Eighth Session of the Second Triennial Parliament was due to convene on 17th April, it was prorogued by the Committee of Estates firstly to 21st May and then until 23rd May. The first prorogation to 21st May had been achieved by the political management of the Argyll faction which wished to delay the meeting of the Eighth Session for as long as possible in order to avoid the rescinding of the Acts of Classes.<sup>93</sup>

#### ***(4) The Eighth Session of the Second Triennial Parliament, 23rd May 1651 to 3rd June 1651.***

##### ***(i) The Composition of the Eighth Session of the Second Triennial Parliament.***

No official parliamentary rolls have been recorded for this parliamentary session. Neither has Balfour provided any attendance data for this session.<sup>94</sup>

##### ***(ii) The Proceedings of the Eighth Session of the Second Triennial Parliament.***

13 public enactments constitute the legislative programme of the Eighth Session of the Second Triennial Parliament held at Stirling. No details of ratifications passed during the Eighth Session are provided. However, at the close of the session there is a reference to a "List of Ratifications past in plliament" but no further information is provided.<sup>95</sup> During the parliamentary session, on 27th May, four gentry were appointed to consider on which ratifications were to be presented to Parliament. Following the subscription of the parliamentary oaths, Burleigh was elected as President. Hence the office of President of Parliament was still occupied by a leading radical. The primary purpose of the parliamentary session was to secure legislative sanction for the repeal of the Act of Classes and secure a more comprehensive patriotic accomodation.<sup>96</sup>

It appears, however, that both the Committee for Managing the Affairs of the Army and the Committee for Provisions, a subcommittee of the Committee for Managing the Affairs of the Army, were continuing to sit, at least initially during the parliamentary session, as was the Treasury Commission. The Committee for Managing the Affairs of the Army has its last recorded sederunt before the Eighth Session on 22nd May. It met once at Stirling on 2nd June (although no sederunt is recorded), but did not start officially meeting again until 9th June, after the close of the Eighth Session on 6th June. References in the parliamentary minutes of 23rd May indicate that this was taking place. Furthermore, on 24th May additions were issued to a Committee for Grievances. In common with the Seventh Session, no details exist of a parliamentary session committee, the Committee for Grievances being formed. A subcommittee of the Committee of Estates of 30th December named the Committee for Grievances had been established on 10th January 1651. Therefore, it might well be the case that that subcommittee was continuing to sit throughout both the Seventh and Eighth Sessions of the Second Triennial Parliament and during the appropriate parliamentary intervals. What is clear, however, is that the distinction between parliamentary session and interval committees was becoming increasingly blurred. Eight gentry and one burgher were added to a Committee for Grievances on 24th May. Gentry additions of 24th May were centred on the west, but also included representation from the central belt and the Borders. The one burghal addition of 24th May was based on the central belt. Three further gentry and one further burgher were added to a Committee for Grievances on 31st May. Gentry additions of 31st May were based on the west and the east, whilst the burghal addition was western. See appendices 64 and 65. One of the lairds added Shaw of Greenock (Renfrew) was appointed as convener of the Committee for Grievances and indicates a prominent role for the gentry over the other two estates. Of the additions of 24th and 31st May, two gentry, Houston of that ilk and Nicholson of Carnock, had been members of the Committee of Estates appointed on 31st March (see appendices 64 and 65). One of the burghal additions, John Cowan, had been a member of the Committee for Managing the Affairs of the Army of 28th March (see appendices 64 and 65). Therefore it would appear that there were no noble members of the committee, especially in the light of all gentry and burghal additions. The current dominance of eastern representation on parliamentary committees was thus being partly redressed with regard to the Committee for Grievances.<sup>97</sup>

On 23rd May the Committee for Managing the Affairs of the Army had handed in its report to the House concerning particulars that were to be represented to the King (probably concerning the repeal of the Act of Classes). On 24th May a session committee was established to consider the report of the Committee for Managing the Affairs of the Army. Three per estate formed its membership (see appendix 65). Noble membership was essentially radical and included Argyll and Cassillis, both of whom had been included on the

Committee for Managing the Affairs of the Army of 28th March (see appendices 64 and 65). None of the gentry or burghal members had been included on that interval committee. In addition to Argyll and Cassillis, one laird, Barclay of Johnstone (Kincardine), and two burgesses, John Forbes (Inverness) and George Garden (Burntisland) had been members of the Committee of Estates of 31st March (see appendices 64 and 65). Both Argyll and Cassillis had been included on the Committee for the Conference with the Kirk of 13th March 1651 in the Seventh Session (see appendices 64 and 65). One noble, one laird and two burgesses were added to the committee on 26th May. The noble addition was a conservative, Balcarras, and helped to offset the influence of Argyll and Cassillis. The two burgesses added, Sir John Smith (Edinburgh) and James Sword (St. Andrews), had also been included on the Committee for the Conference with the Kirk of 13th March 1651 in the Seventh Session (see appendices 64 and 65). The one laird added, Hepburne of Humble (Haddington), and both burgesses had all been members of both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March. Balcarras had been a member of the Committee of Estates of 31st March (see appendices 64 and 65).

Likewise on 26th May a session committee of three was established to deal with four articles (which are not specified) of the report of the Committee for Managing the Affairs of the Army (see appendix 65). Two nobles, three gentry and three burgesses and one noble military official formed its membership. One of the noble members was a radical, Arbuthnot, who had also been included on the Committee of Estates of 31st March (see appendices 64 and 65). All three gentry and one burgess, John Boswell (Kinghorn), had been included on both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March (see appendices 64 and 65).<sup>98</sup>

Furthermore, on 27th May a session committee was established to liaise with the Commission of the Kirk (see appendix 65). Only marginal changes in membership exist in comparison with the membership of the committee to consider the report of the Committee for Managing the Affairs of the Army. Three nobles (Argyll, Cassillis and Balcarras), three gentry (Hepburne of Humble, Belshes of Toftis and Duffus of Sutherland) and three burgesses (Sir John Smith, Sir Robert Farquhar and James Sword) were included on both committees or on the specialised committee to deal with the four articles of the report from the Committee for Managing the Affairs of the Army (see appendix 65). The remaining noble member of the committee to liaise with the Kirk was Lothian (see appendix 65). Three of the four nobles had been included on both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March, whilst Balcarras, the remaining noble, had been a member of the Committee of Estates of 31st March (see appendices 64 and 65). Two of the lairds, Hepburne of Humble and Belshes of Toftis, and two of the burgesses, Sir John Smith and James Sword, had been members of both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March, whilst Kerr of Cavers and Andrew Grant had been members of the Committee of Estates of 31st March (see appendices 64 and 65). Hence the parliamentary session committee to negotiate with the Commission of the Kirk was politically orientated in favour of the radicals, whereas the

subcommittee of 20th May established by the Committee for Managing the Affairs of the Army was dominated by conservatives and former Engagers. A political power struggle was clearly taking place regarding the repeal of the Act of Classes. The radical orientation of the parliamentary committee is emphasised by the fact that two nobles (Argyll and Cassillis), one laird (Kerr of Cavers) and three burgesses (Sir John Smith, Andrew Grant and James Sword) had been included on the Committee for the Conference with the Kirk of 13th March 1651 in the Seventh Session (see appendices 64 and 65).<sup>99</sup>

Negotiations with the Commission of the Kirk had been finalised by 24th May when that body gave its approval that those who had been censured under the Acts of Classes could have their fines and punishments rescinded by Parliament. Whilst not openly stating that the 1646 and 1649 Acts of Classes could be repealed, the Kirk was clearly giving indirect sanction to such a measure. By 29th May the draught of an act anent the securing of religion and the work of reformation was remitted to the consideration of the three estates separately. This act was approved by each of the three estates and received full legislative sanction on 30th May.

This legislation constituted a compromise to the Commission of the Kirk. All legislation establishing and promoting of religion and the work of reformation was ratified. The current parliamentary session and any future session was barred from repealing any such legislation. Former Engagers and Royalists who might be admitted to Parliament were to be required to subscribe a band indicating that they would not endeavour to repeal such legislation and that they would not seek revenge for any censure or punishment they had received by the radical regime. Neither were they to purge the present occupants of public offices. Finally, on 2nd June the respective Acts of Classes of 1646 and 1649 were repealed, although the permission of the Kirk was still required before any former malignant could be admitted to the House. The repeal of the Acts of Classes appears to have had an immediate effect. In the afternoon session of 2nd June, the parliamentary oath and the band for securing religion and the work of reformation was subscribed by five nobles who had come to the House; Hamilton, Crawford-Lindsay, Lauderdale, Atholl and Huntly. Seven further nobles subscribed the band on 3rd June; Douglas, Winton, Annandale, Callander, Tullibardine, Hartfell, Lindores and Belhaven. The fact that the parliamentary oath was required to be subscribed indicates that they were primarily former Engagers or Royalists. On 3rd June Douglas, Tullibardine and Hartfell each subscribed the band for security of religion and on 5th June Lord Madertie subscribed that band along with the parliamentary oath.<sup>100</sup>

Between 31st May and 2nd June the House undertook a programme of legislative revision. On 31st May a session committee was established to revise and consider the whole acts of the Committee of Estates. It would appear that the remit of that session committee was not confined to the legislation of the last Committee of Estates but of all previous Committees of Estates. This would then cover all previous legislation relating to censuring of malignants (the Acts of Classes) on the one hand, and the securing of the position of the Kirk (regarding the National Covenant and the Solemn League and Covenant) on the other hand. If such a scenario is correct, however, then the membership of the session committee is nevertheless



surprising. Two per estate formed its membership (see appendix 65). Although noble representation was split between radicals (Arbuthnot) and conservatives (Roxburgh), the leading radical and conservatives did not secure membership. Arbuthnot had been a member of the Committee of Estates of 31st March, whilst Roxburgh had been included on the Committee for Managing the Affairs of the Army of 28th March (see appendices 64 and 65). The nominations for all three estates, as per current parliamentary tradition and procedure, were made by each estate itself. Given the political mood and trend towards national reconciliation, the leading radical and conservative nobles may have avoided nomination to avoid arousing political controversy and further factionalism. Furthermore, the radical nobles were not politically strong enough within the noble estate to secure nomination to such an important committee. One of the gentry, Colquhoun of Luss, had been a member of both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March, whilst one burgess, John Forbes, had been a member of the Committee of Estates (see appendices 64 and 65). Further additions were made to the committee on 2nd June. One noble, two gentry and one burgess constituted the additions. The noble added, Newburgh, was a conservative and had been included on both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March (see appendices 64 and 65). One of the lairds added, Belshes of Toftis, had also been a member of both these interval committees, whilst the other, Nicholson of Carnock, had been a member of the Committee of Estates of 31st March (see appendices 64 and 65). Only one member, Roxburgh, of the session committee of 31st May or of later additions of 2nd June had been included on the Committee for Revising the Acts of the Committee of Estates of 13th March 1651 established during the Seventh Session (see appendices 64 and 65).<sup>101</sup>

An alternative scenario to the interpretation presented above is that the scribe recording the parliamentary minutes associated the Committee for Managing the Affairs of the Army with being a Committee of Estates. The former committee had operated virtually like a Committee of Estates between the Seventh and Eighth Sessions of the Second Triennial Parliament. According to this scenario, the session committee appointed on 31st May thus revised all legislation enacted by the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March. Indeed, on 2nd June there is a reference to the existence of a Committee for Revising the Books of the Committee for the Affairs of the Army. Once more this may have been confused with the session committee of 31st May. According to the minutes of 2nd June, Arbuthnot was added to the Committee for Revising the Books of the Committee for the Affairs of the Army. However, Arbuthnot had already been included on the session committee as per 31st May. The phenomenon of a committee member being appointed to a committee of which he was already a member was not unprecedented in parliamentary terms and may only serve to indicate that Arbuthnot had

not attended any of the diets of the session committee between 31st May and 2nd June.<sup>102</sup>

Having secured the repeal of the Acts of Classes on 2nd June, the conservatives and Royalists were now free to infiltrate and exert their authority on the membership of the Committee of Estates to sit after the close of the Eighth Session of the Second Triennial Parliament. On the same day that the Acts of Classes were repealed, a session committee was formed to consider on the appropriate number of parliamentary interval committees to be established. Three per estate formed its membership (see appendix 65). Noble representation was concentrated in the hands of the leading conservatives Hamilton and Lauderdale and also included the conservative Balcarras (see appendix 65). Hamilton and Lauderdale had been included on the Committee for Managing the Affairs of the Army of 28th March, whilst Balcarras had been included on the Committee of Estates of 31st March (see appendices 64 and 65). This marks the final defeat for the radical nobles as they now had no control over the number and types of interval committees to be formed. Two of the gentry representatives, Hepburne of Humble and Hepburne of Keith, had been members of both the Committee for Managing the Affairs of the Army of 28th March and the Committee of Estates of 31st March, whilst Hay of Naughton had been a member of the Committee of Estates (see appendices 64 and 65). All three burghal members had been included on both the Committee for Managing the Affairs of the Army and the Committee of Estates.<sup>103</sup>

The moves towards not only national but also factional rehabilitation were continued on 3rd June with the passage of the Act against the Western Remonstrance. The Remonstrance was condemned and all those who failed to renounce it were to be regarded as seditious persons. Nevertheless, no further proceedings were to be taken against adherents of the Remonstrance, as long as they renounced it. Those in the shires of Stirling, Perth, Dumbarton, Edinburgh, Linlithgow, Lanark, Renfrew and Ayr were to appear personally before the Committee of Estates before 20th June to renounce the Remonstrance, whilst those in the remaining shires were to appear before 1st July. When the Act against the Western Remonstrance was passed, three radical nobles and three burgesses dissented from the passage of the act. Loudoun, Argyll and Cassillis constituted the three radical nobles, whilst Robert Barclay (Irvine), Hugh Kennedy (Ayr) and John Short (Stirling) formed the grouping of burghal dissent. Burghal protest against the passage of the act was thus based in the west and the central belt.<sup>104</sup>

Following the appointment of the appropriate parliamentary interval committees, the parliamentary session was adjourned to 3rd November 1651.<sup>105</sup>

*(iii) The Committee Structure of the Eighth Session of the Second Triennial Parliament, 23rd May to 6th June 1651.*

Eight parliamentary session committees and two parliamentary interval committees have been analysed (see appendix 65). The maximum amount of committees that any member could sit on was 10. 51 nobles constituted the noble field analysed (see appendix 65). Balcarras was nominated to a total of six committees, the largest number of committees that any noble was included on. Only two radical nobles, Argyll and Cassillis, secured membership of a significant number of committees. Cassillis was nominated to four committees and Argyll to three. The remaining nobles included on three committees each were conservatives (Roxburgh and Lauderdale). Of the eight nobles included on two committees each, only two, Lothian and Arbuthnot, were radicals. The remaining 38 nobles analysed were included on only one committee each (see appendix 65). 32 of the 51 nobles analysed (63%) were included on the Committee of Estates only (see appendix 65).<sup>106</sup>

The total field of gentry analysed was 54 (see appendix 65). In common with the noble estate, the largest number of committees that any laird was included on was six. Hepburne of Humble (Haddington) constituted the relevant laird. Three further lairds, Belshes of Toftis (Berwick), Nairn of Strathuird ( ) and Hepburne of Keith (Haddington), were included on four committees each. Three primarily eastern gentry secured nomination to three committees each, whilst 12 further gentry were nominated to two committees (see appendix 65). The remaining 35 gentry analysed were included on only one committee each (see appendix 65). 26 of the 51 gentry analysed (51%) were included on the Committee of Estates only (see appendix 65).<sup>107</sup>

The total burghal field analysed was 49 (see appendix 65). Two eastern burgesses secured nomination to five committees each; Sir John Smith (Edinburgh) and James Sword (St. Andrews). Alexander Douglas (Banff) was included on four committee. Three further burgesses were included on three committees each, whilst six burgesses, four of whom represented eastern burghs, secured membership of two committees each. The remaining 36 burgesses analysed were included on only one committee each (see appendix 65). 30 of the 49 burgesses analysed (61%) were included on the Committee of Estates only (see appendix 65).<sup>108</sup>

Therefore near parity per estate again exists in the numbers of nobles, gentry and burgesses employed within the committee structure of the Eighth Session of the Second Triennial Parliament. Almost identical numbers were employed by the nobility (51) and the burgesses (49) respectively, whilst a slightly greater number (54) was employed by the gentry. Furthermore, almost identical numbers of nobles (32) and burgesses (30) were nominated to

the Committee of Estates only, whereas a smaller amount of gentry (26) fall into that category. Although noble radical influence was represented primarily by Cassillis and Argyll, conservative nobles dominated the committee structure of the Eighth Session. Both gentry and burghal influence was primarily eastern, although there was a noted Borders presence among the gentry.

*(iv) The Appointment of Parliamentary Interval Committees.*

Three parliamentary interval committees were appointed in the Eighth Session of the Second Triennial Parliament; the Committee of Estates, the Committee for Taking Inspection of the King's Rents and the Committee for Monies, Accounts and Excise. No specific membership details have been provided for the Committee for Monies, Accounts and Excise, although that committee was to consist of seven per estate and the quorum was set at five.<sup>109</sup>

A new Committee of Estates was established on 3rd June. 42 per estate formed its basic membership. In common with previous Committees of Estates, the committee was to divide into two sections, one for governing the kingdom and the other for accompanying the king and the army. No details of individual membership of each section are provided, although the army section was to consist of 16 per estate and the central section of 24 per estate. This indicates that considerable crossover in personnel was to exist between the two sections. Including supernumeraries of three nobles and two gentry, the final membership consisted of 45 nobles, 44 gentry and 42 burgesses. Hence the total membership of the Committee of Estates of 3rd June 1651 was 131 (see table 16 and appendix 65). Compared to the previous Committee of Estates of 31st March 1651, this constitutes a rise of 15 nobles, 10 gentry and 14 burgesses. Hence the total rise in membership between the two committees was 39. Moreover, 15 out of the 45 nobles (33.3%), 21 out of the 44 gentry (48%) and 19 out of the 42 burgesses (45%) included on the Committee of Estates of 3rd June had also been included on the Committee of Estates of 31st March 1651 (see appendices 64, 65 and table 18). Therefore there was a limited degree of retention of personnel between the two Committees of Estates. Closer correlations in membership exist, however, between the Committee for Managing the Affairs of 28th March and the Committee of Estates of 3rd June. All 25 nobles on the Committee for Managing the Affairs of the Army gained membership of the Committee of Estates of 3rd June (see appendices 64, 65 and table 19).

This constitutes 25 out of the 45 nobles (56%) of the noble membership of the Committee of Estates of 3rd June. 25 of the 26 gentry on the Committee for Managing the Affairs of the Army also secured membership of the Committee of Estates of 3rd June (see appendices 64, 65 and table 19). This constitutes 25 out of the 44 gentry (57%) of the total gentry included on the Committee of Estates of 3rd June. 21 of the 25 burgesses included on the Committee for Managing the Affairs of the Army were also included on the Committee of Estates of 3rd June (see appendices 64, 65 and table 19). This constitutes 21 out of the 42 burgesses (50%) included on the Committee of Estates of 3rd June. Balfour states that the Committee of Estates of 31st March and the Committee for Managing the War of 28th March were amalgamated to form the Committee of Estates of 3rd June. Based on the above data, such an assertion appears to be generally correct. What is apparent is that the membership of the Committee for Managing the Affairs of the Army diluted the membership of the Committee of Estates of 3rd June. This emphasised the conservative and Royalist nature of that latter committee.<sup>110</sup>

Furthermore, 16 out of the 45 nobles (36%), 13 out of the 44 gentry (30%) and 13 out of the 42 burgesses (40%) who were members of the Committee of Estates of 3rd June had not been members of the Committee for Managing the Affairs of the Army of 28th March nor of the Committee of Estates of 31st March (see appendices 64 and 65 and table 20). These nobles, gentry and burgesses formed the new manpower employed on the Committee of Estates of 3rd June. The 16 nobles were exclusively conservative and Royalist and included Huntly, Tullibardine, Callander, Hartfell, Haddington and Southesk. The English Royalist noble, Buckingham, was one of the 16 nobles. The admittance of an English peer to an interval committee of the Scottish Parliament was in contravention of the Scottish Constitutional Settlement of 1639-41. No apparent protest was made to Buckingham's inclusion. Parliamentary procedure had probably been subordinated to the national interest of defence against Cromwell. This grouping of 16 nobles added to the conservative and Royalist bias of the Committee of Estates, provided by the personnel from the Committee for Managing the Affairs of the Army.<sup>111</sup>

*Table 28. The Composition of the Committees of Estates of 3rd June 1651 and 31st March 1651 (including supernumeraries for both committees).<sup>112</sup>*

	Nobles	Gentry	Burgesses	Total
3rd June 1651	45	44	42	131
31st March 1651	30	34	28	92

*Table 29. Common membership of the Committees of Estates of 3rd June 1651 and 31st March 1651.<sup>113</sup>*

Nobles	Gentry	Burgesses	Total
15	21	19	55

*Table 30. Common membership between the Committee of Estates of 3rd June 1651 and the Committee for Managing the Affairs of the Army of 28th March 1651.<sup>114</sup>*

Nobles	Gentry	Burgesses	Total
25	25	<u>21</u>	<u>71</u>

*Table 31. Members of the Committee of Estates of 3rd June 1651 not included on the Committee for Managing the Affairs of the Army of 28th March 1651 nor the Committee of Estates of 31st March 1651.<sup>115</sup>*

Nobles	Gentry	Burgesses	Total
16	13	13	<u>42</u>

The second parliamentary interval committee, the Committee for Taking Inspection of the King's Rents, was established on 6th June. Four per estate formed its membership (see appendix 65). Radical nobles were excluded from noble membership of the committee and noble membership was conservative and Royalist. Therefore conservative and Royalist nobles were in control of the two parliamentary interval committees established by the Eighth Session of the Second Triennial Parliament. All nobles, gentry and burgesses included on the Committee for Taking Inspection of the King's Rents were also members of the Committee of Estates of 3rd June (see appendix 65). Although officially a distinct parliamentary interval committee, the Committee for Taking Inspection of the King's rents was in effect a subcommittee of the Committee of Estates.<sup>116</sup>

*(v) The Operation of Parliamentary Interval Committees.*

35 sederunts of the Committee of Estates (Army) are recorded between 9th June and 22nd July 1651. As per the terms of the commission to the Committee of Estates of 3rd June, the committee of estates was to divide in two. As no details are provided of the membership of the two sections, all members of the Committee of Estates of 3rd June are listed in appendix 66.<sup>117</sup> All diets were held at Stirling. The Committee of Estates continued to meet, however, until 28th August when it was captured by Cromwellian forces at Alyth in Perthshire. Cromwellian forces had entered Perth on 2nd July. The Scottish armed forces invaded England on 6th August and were eventually routed at the Battle of Worcester on 3rd September. The debacle at Worcester eventually allowed for the Cromwellian conquest and occupation.<sup>118</sup>

The King was present at 20 out of 35 diets (57%). Two of the leading radical nobles have relatively high attendance figures. Argyll attended 21 diets (60%), whilst Chancellor Loudoun attended 19 diets (54%) (see appendix 66). Loudoun was President of the Committee of Estates (Army) and is recorded as President at all diets that he attended, bar one (where Lauderdale was President). The fact that Hamilton did not attempt to secure that office himself may have signified a desire to avoid further antagonism between Hamilton and Argyll. On the other hand, the appointment of the Chancellor as President may have been primarily a constitutional appointment in the eyes of the king. Hamilton has the highest attendance record of all noble members with a figure of 28 diets (80%). Seven further

conservative or Royalist nobles attended between 17 and 23 diets. The remaining 34 nobles attended 15 or less diets (see appendix 66). One noble analysed (Torphichen) was not a member of the Committee of Estates of 3rd June 1651, although he only attended one diet (see appendices 65 and 66).<sup>119</sup>

Only four gentry have significant attendance records. Murray of Skirling (Peebles) attended 24 diets (69%), Dundas of Maner (Linlithgow) and Stirling of Carden (Stirling) 17 diets (49%) and Drummond of Riccarton 16 diets (46%) (see appendix 66). Hence gentry influence was balanced between the central belt, the east and the Borders. The remaining 40 gentry are recorded in 14 or less sederunts (see appendix 66). One laird, MacDowall of Garthland (Wigtown), attended one diet, despite the fact that he had not been included in the commission to the Committee of Estates of 3rd June (see appendices 65 and 66). In common with the gentry only four burgesses have significant attendance records. John Cowan (Stirling) attended 30 diets (86%), although his regular attendance can be explained by the fact that the committee was convening at Stirling. James Monteith (Edinburgh) attended 17 diets (49%), whilst James Roughead (Edinburgh) and John Milne (Queensferry) each attended 16 diets (46%) (see appendix 66). Burghal influence was therefore centred on the central belt and the east. The remaining 38 burgesses attended 12 or less diets (see appendix 66). According to the original commission of 3rd June, the quorum of the Committee of Estates (Army) was set at seven, with one per estate required to be present. These rules were adhered to at all diets.<sup>120</sup>

### *(5) Conclusion.*

Military defeat at Dunbar had emphasised that national political rapprochement involving the king was necessary in order to mount and sustain an effective military defence against the Cromwellian occupying force which was steadily gaining ground in Scotland. Tentative steps towards rapprochement were initiated in October and November 1650, although the Western Remonstrance had indicated that there was a militant hard core of extreme radicals who refused to acknowledge the king. Facilitated by the Resolutioner majority in the General Assembly, the rehabilitation of former Engagers and Royalists was initiated by the issuing of the Public Resolutions on 14th December 1650 and continued throughout the Sixth, Seventh and Eighth Sessions of the Second Triennial Parliament. Nevertheless, radical nobles still dominated the parliamentary agenda until the establishment of the Committee for Managing the Affairs of the Army on 28th March 1651, which marked the admission of former Engagers and Royalists, with the Kirk's permission, into the Scottish armed forces. From this point on the parliamentary power of the radical nobles was in



terminal decline, as the conservative and Royalist nobles increased their parliamentary power, particularly after the repeal of the Acts of Classes on 2nd June 1651. It had also become clear that the radical nobles had become politically isolated. Nevertheless, military defeat at Worcester on 3rd September 1651 subjected Scotland not only to military occupation by a foreign force, but also to the loss of national independence and subjugation by the English Commonwealth which was to endure until 1660.

1. Balfour, *Historical Works*, IV, 123; Ronald Hutton, *Charles II, King of England, Scotland and Ireland* (Oxford, 1989), 56-57; Stevenson, *Government Under the Covenanters*, xxxii; Hewison, *The Covenanters*, volume 2, 20-21.
2. *Ibid*; Gentry and burghal representation on the delegation of 14th October was based on the east and the north east. Peterkin, *Records of the Kirk*, 549-550.
3. Balfour, *Historical Works*, IV, 125.
4. *Ibid*, 131.
5. *Ibid*, 129-130, 131, 160.
6. *Ibid*, 135-137, 166, 168, 169; Dow, *Cromwellian Scotland*, 9; Stevenson, *Revolution and Counter-Revolution*, 188-189; Brown, *Kingdom or Province*, 135; Hutton, *Charles II*, 57-58.
7. Balfour, *Historical Works*, IV, 169-170. Lothian was the remaining noble on the committee of 23rd November. Hepburne of Humble (Haddington) and Nicholson of Carnock (Stirling), Lord Advocate represented the gentry, whilst Sir John Smith (Edinburgh) and James Sword (St. Andrews) represented the burgesses; Rait, *Parliaments of Scotland*, 73..
8. *Ibid*, 171-172; Peterkin, *Records of the Kirk*, 549-550.
9. Balfour, *Historical Works*, 173. Nicholson of Carnock (Stirling), Lord Advocate, and James Sword (St. Andrews) were the remaining two commissioners of the Committee of Estates appointed to liaise with the Commission of the Kirk; Peterkin, *Records of the Kirk*, 549-550.

10. Balfour, *Historical Works*, 172, 174; Cassillis, Arbuthnot and Burleigh were the three noble dissenters. Johnston of Wariston (Edinburgh), Clerk Register, Carmichael of that ilk (Lanark), Treasurer Depute, Scott of Harden (Selkirk), Ruthven of Frieland (Perth), Hope of Hopetoun (Stirling) and General Quartermaster William Stewart were the six gentry dissenters. Robert Lockhart (Edinburgh), John Jaffray (Aberdeen) and John Denholme, General Commissioner, were the three burgess dissenters. Both Adair of Kinhilt and Dickson of Busbie are included in the figures for the additional dissenters, along with Hepburne of Humbie (Haddington) and Ferguson of Craigdarroch (Dumfries). Patrick Ross (Perth) is the additional burgess included. Strathclyde Regional Archives, Stirling Maxwell of Pollock Papers, T-PM 109/26. The additional source which provides additional voting data is a manuscript copy of the Act of the Committee of Estates, opposing the Remonstrance, 25th November 1650.
  
11. Balfour, *Historical Works*, IV, 115, 116, 117, 166, 171. Five nobles, eight gentry and two burgesses, plus the king's minister were present at the diet of 4th October. 11 nobles, eight gentry and seven burgesses were present at the diet of 10th October. 16 nobles, 17 gentry and 11 burgesses were present at the diet of 11th October. Only 17 nobles have been recorded for the diet of 21st November. 13 nobles, 15 gentry, 10 burgesses and two military officials were present at the diet of 25th November.
  
12. Balfour, *Historical Works*, IV, 115, 116, 117-118, 166, 171-172. The five nobles who attended three diets were as follows; Buccleuch, Roxburgh, Tweeddale, Burleigh and Balcarras. The three nobles who attended two diets were Torphichen and Burleigh. Brechin attended one diet only. The six gentry who attended three diets were as follows; Carmichael of that ilk (Lanark), Treasurer Depute, Nicholson of Carnock (Stirling), Lord Advocate, Hepburne of Humbie (Haddington), Hepburn of Keith (Haddington), Erskine of Cambuskenneth (Clackmannan) and Ruthven of Frieland (Perth). The three gentry who attended two diets were Buchanan of that ilk (Stirling), Dickson of Busbie (Lanark) and the Sir James Balfour of Denmilne, himself, King's Lyon. The 14 gentry included in only one sederunt are as follows; Swinton of that ilk (Berwick), Brodie of that ilk (Elgin), Sir John Hope of Craighall ( ), Sir John Bruce ( ), Cockburn of Clerkington (Haddington), Hay of Naughton (Fife), Sir James Arnot of Fernie ( ), John Cockburn of Ormiston (Haddington), Johnston of Wariston (Edinburgh), Clerk Register, Belshes of Toftis (Berwick), Scott of Harden (Selkirk), Adair of Kinhilt (Wigtown), Kerr of Lochtour (Roxburgh) and Colonel Robert Montgomery ( ). The six burgesses recorded in two sederunts each are as follows; Alexander Bower (Dundee), James Law (Kirkcaldy), David Simpson (Dysart), John Denholme, General Commissioner and George Garden (Burntisland). The nine burgesses who attended only one diet are as follows; James Roughead (Edinburgh), Robert Lockhart (Edinburgh), George Jamieson (Coupar), John Jaffray (Aberdeen), William Simpson (Dysart), William Walker (Dunfermline), Robert Whyte (Kirkcaldy), Robert Davidson (Dundee) and Robert Lockie ( ).

13. *Ibid*, 79, 98, 109, 127, 166; D. Lang (ed.), *Correspondence of Sir Robert Kerr, first Earl of Ancrum and his son William, third Earl of Lothian* (Edinburgh, 1875), volume two, 302; Hewison, *The Covenanters*, volume two 23; NLS MS. 2263 History of Events 1635-1662, folios 214-216. The four dates of prorogation listed by Balfour are as follows. On 10th September Parliament was adjourned to meet at Stirling on 1st October. On 1st October the session was adjourned to be held at Stirling, Perth or St. Andrews on 22nd October. On 17th October the session was adjourned to meet at Perth on 30th October. On 15th November the session was adjourned from 20th November to 22nd November at Perth. Two further adjournments must have occurred; firstly, before 10th September, and secondly, after 17th October but before 15th November. According to the manuscript source, Parliament actually met at Perth on 30th October and then adjourned to 20th November. It then met again at Perth on 20th November and then adjourned to 22nd November. When it met on 22nd November it was again adjourned, this time to 26th November. The scribe states that these adjournments were carried out at the desire of the Commission of the Kirk. Nicoll attributes the prorogation from 15th August to 10th September to the fact that Edinburgh was surrounded by two rival military armies (*Diary*, 23).
  
14. APS, vi, ii, 562, 608; Balfour, *Historical Works*, IV, 179-182.
  
15. Balfour, *Historical Works*, IV, 179-182; Hutton, *Charles II*, 59, notes the underrepresentation of the south west in this parliamentary session.
  
16. *Ibid*; APS, vi, ii, 555-556. See appendix 43. No official parliamentary rolls exist for the Fifth and Sixth Sessions of the First Triennial Parliament. Figures for 26th November have been taken from Balfour's data for 26th November (*Historical Works*, IV, 179-182) and comparisons have been made with the previous available set of parliamentary attendance data (7th March 1650). As per 26th November 1650 six shires (Ayr, Renfrew, Bute, Argyll, Banff and Inverness) are listed but have no commissioners named. Therefore maximum and minimum attendance figures for the number of shires and gentry have been accordingly constructed along the lines of the formulae listed in appendix 43. All burghs listed for 26th November 1650 have burgesses named but maximum and minimum figures are given to maintain consistency of analysis with burghal data in appendix 43.
  
17. *Ibid*.
  
18. *Ibid*.
  
19. *Ibid*. 13 out of 18 nobles (72%), eight out of 27 gentry (30%) and seven out of 20 burgesses (35%) present in Parliament, 26th November 1650, had also been present in Parliament, 7th March 1650. This yields a total of 28 out of the total parliamentary membership of 65 (43%) (see table 5).

20. *Ibid.* Five out of the 18 nobles (28%), 19 out of the 27 gentry (70%) and 13 out of the 20 burgesses (65%) present in Parliament 26th November 1650, had not been present in Parliament, 7th March 1650. This yields a total of 37 out of the total parliamentary membership of 65 (57%) (see table 6).

21. *Ibid.* The 13 nobles who were present in both the Fourth and Sixth Sessions of the First Triennial Parliament were as follows; Loudoun, Argyll, Eglinton, Cassillis, Buccleuch, Lothian, Weymes, Tweeddale, Arbuthnot, Torphichen, Burleigh, Balcarras and Coupar. Of these only Buccleuch, Tweeddale and Balcarras were not noted radicals. The five nobles who were present in Parliament, 26th November 1650, but not 7th March 1650 were Roxburgh, Balmerino, Linlithgow, Newburgh and Cranston. Of this grouping only Balmerino was a radical. The eight gentry who were present in both the Fourth and Sixth Sessions of the First Triennial Parliament were as follows; Hope of Hopetoun (Stirling/Lanark), Erskine of Cambuskenneth (Clackmannan/Stirling), Buchannan of that ilk (Stirling), Sir James Murray of Skirling (Peebles), Ruthven of Frieland (Perth), Scott of Harden (Selkirk), Hay of Naughton (Fife) and Weymes of Fingask (Fife). Hope of Hopetoun had represented Stirling as per 7th March 1650, but he represented Lanark on 26th November 1650. Erskine of Cambuskenneth represented Clackmannan on 7th March 1650, but he represented Stirling on 26th November 1650. The 19 gentry who were present in Parliament, 26th November 1650, but not 7th March 1650 were as follows; Belshes of Toftis (Berwick), John Renton of Lamberton (Berwick), Sir James Rollock, younger, of Duncrub (Clackmannan), John Barclay of Johnstone (Kincardine), James Blair of Ardblair (Perth), William Elliot of Stobbs (Roxburgh), Kerr of Cavers (Roxburgh), George Campbell of Lundie (Forfar), Sutherland of Duffus (Sutherland), Wauchope of Niddrie (Edinburgh), Cockburn of Clerkington (Edinburgh/Haddington), Hepburne of Humble (Haddington), John Ferguson of Craigdarroch (Dumfries), James Douglas of Mouswall (Dumfries), Sir Adrian Hope (Haddington), Sir David Dunbar of Baldoon (Wigtown), ( ) Strachan of Glenkindie (Aberdeen) and the laird of Melgum (Forfar). Cockburn of Clerkington represented Haddington as per 7th March 1650, but he represented Edinburgh as per 26th November 1650. The seven burgesses who were present in both the Fourth and Sixth Sessions of the First Triennial Parliament were Andrew Grant (Perth), Alexander Bower (Dundee), John Jaffray (Aberdeen), James Sword (St. Andrews), Hugh Kennedy (Ayr), George Jamieson (Coupar) and John Boswell (Kinghorn). The 13 burgesses who were present in Parliament, 26th November 1650, but not 7th March 1650 were as follows; Sir John Smith (Edinburgh), James Monteith (Edinburgh), William Simpson (Dysart), Robert White (Kirkcaldy), John Lindsay (Anstruther Easter), John Richardson (Pittenweem), Peter Walker (Dunfermline), William Campbell (Dumbarton), George Garden (Burntisland), Allan Miller (Crail), David Wilson (Anstruther Wester), John Burnside (Culross) and Andrew Henderson (Kilrenny). Where the respective full names of gentry have not been located in APS, vi, i, and vi, ii, they have been extracted from *The Parliaments of Scotland. Burgh and Shire Commissioners*, volume 1, ed. Margaret Young, (Edinburgh, 1992).

22. APS, vi, ii, 608-640.

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23. *Ibid*, 608; Balfour, *Historical Works*, IV, 182.
24. *APS*, vi, ii, 609, 613, 621. See appendix 62.
25. *Ibid*, 536-537, 561, 609, 617. The four gentry on the Committee for the Affairs of the Army were Belshes of Toftis (Berwick), Sutherland of Duffus (Sutherland), Buchannan of that ilk (Stirling) and Erskine of Camnbuskenneth (Clackmannan). Belshes of Toftis and Erskine of Camnbuskenneth had been members of the Committee of Estates of 7th August 1649. The four burgesses on the committee were Andrew Grant (Perth), Alexander Bower (Dundee), James Sword (St. Andrews) and George Jamieson (Coupar). Eglinton, Cassillis and Lothian were the remaining three nobles on the Committee for the Affairs of the Army. Gentry membership was biased towards the central region, but also included representation from the Highlands and the Borders. Burghal membership was exclusively eastern. Only Andrew Grant had not been included on the Committee of Estates of 7th August 1649 or in the additions of 7th March 1650. See appendices 55, 59 and 62.
26. *Ibid*, 563, 609. See appendices 61 and 62.
27. *Ibid*, 609; Peterkin, *Records of the Kirk*, 549-550.
28. *APS*, vi, ii, 566, 609. The three gentry on the Committee for the Bills were Rollock, younger of Duncrub, (Clackmannan), Strachan of Glenkindie (Aberdeen) and Scott of Harden (Selkirk). The three burgesses on the committee were John Jaffray (Aberdeen), William Simpson (Dysart) and George Garden (Burntisland). See appendix 62. Gentry representation on the Committee for the Bills was balanced between the central belt, the Borders and the east, whilst burghal representation was exclusively eastern. Peterkin, *Records of the Kirk*, 549-550; Balfour, *Historical Works*, IV, 187.
29. *APS*, vi, ii, 536-537, 561, 567, 609; Peterkin, *Records of the Kirk*, 549-550. The three remaining noble members on the Committee for Overtures were Roxburgh, Newburgh and Cranston. The three remaining gentry members were Kerr of Cavers (Roxburgh), Cockburn of Clerkington (Haddington) and Hepburn of Keith (Haddington). The four burgess members were Robert Whyte (Kirkcaldy), Peter Walker (Dunfermline), William Walker (Dunfermline) and George Garden (Burntisland). Two of the gentry members represented eastern shires, whilst the remaining two nominations were secured by gentry from the Borders and the central belt. Burghal membership was exclusively eastern. See appendices 55, 59, 61 and 62.

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30. APS, vi, ii, 388, 536-537, 561, 613; Peterkin, *Records of the Kirk*, 549-550. The four gentry members of the Committee for Grievances were Hepburne of Humble (Haddington), Wauchope of Niddrie (Edinburgh), Hay of Balhousie (Perth) and Oliphant of Bachilton (Perth). The three burgess members were Sir John Smith (Edinburgh), Patrick Ross (Perth) and John Paterson (). Both gentry and burghal membership on the Committee for Grievances was eastern. See appendices 54, 55, 59 and 62.
31. APS, vi, ii, 536-537, 561, 614, 621; Gentry representation was centred on the Borders and the east, whilst burghal membership was focused on the east but also included representation from the central belt. Balfour, *Historical Works*, IV, 193; Peterkin, *Records of the Kirk*, 549-550. See appendices 55, 59 and 62.
32. APS, vi, ii, 608, 614, 620; Balfour, *Historical Works*, VI, 181, 182, 188, 189.
33. APS, vi, ii, 616, 618, 619, 628; Balfour, *Historical Works*, IV, 188, 189, 195, 196, 198, 198-199, 200, 205, 206, 207, 221; Stevenson, *The Covenanters*, 57-58; Donnachie and Hewitt, *A Companion to Scottish History*, 167; Dow, *Cromwellian Scotland*, 9.
34. APS, vi, ii, 617-618, 624-626; 630; Balfour, *Historical Works*, IV, 192-193, 195, 196, 197-198, 202-203, 210-211, 211-212, 212-214, 216, 224, 227; Dow, *Cromwellian Scotland*, 9; Brown, *Kingdom or Province*, 135; Hutton, *Charles II*, 58-59; Hewison, *The Covenanters*, volume two 25; Stevenson, *Revolution and Counter-Revolution*, 193-194.
35. APS, vi, ii, 640; Balfour, *Historical Works*, IV, 228-229.
36. APS, vi, ii, 609-633. See appendix 62.
37. *Ibid.*
38. *Ibid.*
39. *Ibid.* Of the 10 gentry who were included on two committees each, four represented shires from the Borders, three represented eastern shires, two represented central belt shires and one represented a Highland shire.

40. *Ibid.* Of the 10 burgesses included on two committees, eight represented eastern burghs, one represented a central belt burgh and only one represented a western burgh.

41. *Ibid.*

42. *Ibid.*, 629, 631. Arbuthnot, Torphichen, Burleigh and Coupar were the remaining four nobles on the Committee for Excise and Accounts. Both gentry and burghal representation had a strong eastern bias, perhaps due to the fact that the parliamentary session was being held in Perth. Gentry representation was eastern in a ratio of 4:1 compared to the Borders, whilst burghal representation was eastern in the ratio of 4:1 compared to the west. The four eastern gentry on the Committee for Excise and Accounts were as follows; Wauchope of Niddrie (Edinburgh), Ruthven of Frieland (Perth), Blair of Ardblair (Perth) and Hepburn of Keith (Haddington). The one Borders' laird was Murray of Skirling (Peebles). The four eastern burgesses on the committee were James Sword (St. Andrews), Alexander Bower (Dundee), John Binnie (Edinburgh) and George Garden (Burntisland). The one western burgess was Hugh Kennedy (Ayr). See appendix 62.

43. *Ibid.*, 294-296, 321, 631. See appendices 52 and 62.

44. *Ibid.*, 536-537, 561, 631-633. See appendices 55, 59 and 62.

45. *Ibid.*

46. *Ibid.*; Stevenson, *Revolution and Counter-Revolution*, 197. The 15 nobles included on both committees (including supernumeraries) were as follows; Argyll, Sutherland, Eglinton, Cassillis, Buccleuch, Lothian, Tweeddale, Leven, Balmerino, Burleigh, Coupar, Balcarras, Borthwick, Loudoun and Lorne. The 14 gentry included on both committees (including supernumeraries) were as follows; Hay of Naughton (Fife), Erskine of Scottiscraig (Fife), Belshes of Toftis (Berwick), Cockburn of Clerkington (Haddington), Ruthven of Frieland (Perth), Wauchope of Niddrie (Edinburgh), Hepburn of Keith (Haddington), Erskine of Cambuskenneth (Clackmannan), Murray of Skirling (Peebles), Johnston of Wariston (Edinburgh), Brodie of that ilk (Elgin), Houston of that ilk (Dumbarton/Renfrew), Carmichael of that ilk (Lanark), Nicholson of that ilk (Stirling) and Arnot of Fernie ( ). The 12 burgesses included on both committees were as follows; Alexander Bower (Dundee), Sir John Smith (Edinburgh), Sir William Dick (Edinburgh), George Garden (Burntisland), John Boswell (Kinghorn), James Sword (St. Andrews), George Jamieson (Coupar), John Short (Stirling), Hugh Kennedy (Ayr), John Forbes (Inverness), Robert Barclay (Irvine) and Robert Davidson (Dundee). 14 of the 25 gentry on the Committee of Estates of 30th December 1650 represented eastern shires, four represented shires from the Borders, three represented shires from the central belt, two represented western shires and two represented Highland shires. 19 of the 24 burgesses represented eastern burghs, three represented western burghs, whilst

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the remaining burghal representation was balanced between the Highlands and the central belt.

47. Hutton, *Charles II*, 59; Brown, *Kingdom or Province*, 135; Morrill, *The National Covenant in its British Context*, 21.

48. SRO PA. 11/10, folios 1-107. *APS*, vi, ii, 631-633. Nine nobles attended between 10 and 16 diets inclusive; Linlithgow (10 diets, 29%), Dunfermline (10 diets, 29%), Lothian (16 diets, 47%), Balmerino (12 diets, 35%), Cranston (15 diets, 44%), Newburgh (14 diets, 41%), Angus (15 diets, 44%) and Lorne (16 diets, 47%). The remaining nine nobles on the committee as per 30th December 1650 attended nine or less diets. Two gentry attended between 10 and 16 diets; Hepburne of Humble (Haddington) attended 15 diets (44%) and Erskine of Scottiscraig (Fife) attended 13 diets (38%). The remaining 16 gentry on the committee as per 30th December 1650 attended 10 or less diets. Bar Robert Arnot, only one burgess attended between 10 and 16 diets; Robert Whyte (Kirkcaldy) attended 10 diets (29%). The remaining 20 burgesses attended less than 10 diets. See appendix 63. Eight military officials attended various diets Quartermaster General William Stewart attended 12 diets (35%) and Colonel James Weymes, General of the Artillery, attended 11 diets (32%) Major General Montgomery attended six diets, whilst Major General Massie and Lieutenant General David Leslie each attended four diets. Major General Holburne attended three diets, Major General Brown attended two diets and Lieutenant General Middleton attended one diet.

49. SRO PA. 11/10, folio 19.

50. *Ibid*, folios 20 and 56; *APS*, vi, ii, 631; Balfour, *Historical Works*, IV, 242.

51. Balfour, *Historical Works*, IV, 235, 327; Stevenson, *Government Under the Covenanters*, 191-192; SRO PA. 11/10 folio 18. See appendix 63.

52. Balfour, *Historical Works*, IV, 253-254.

53. *Ibid*, 254; Stevenson, *Revolution and Counter-Revolution*, 198.

54. SRO PA. 11/10, folio 105. See appendix 63.

55. *APS*, vi, ii, 640; Balfour, *Historical Works*, IV, 258-262.



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56. *Ibid.* The formulae used to calculate the maximum and minimum attendance figures for the gentry and burgesses are given in appendix 43. The 12 shires which are listed, but have no commissioners named are as follows; Linlithgow, Lanark, Stirling, Kirkcudbright, Aberdeen, Inverness, Argyll, Banff, Elgin, Cromarty, Ross, Caithness and Orkney. The 31 burghs which are listed, but have no commissioners named are as follows; Aberdeen, Stirling, Ayr, Haddington, Dumfries, Irvine, Elgin, Jedburgh, Wigtown, Dumbarton, Renfrew, Lanark, Kirkcudbright, Peebles, Tain, Selkirk, Dunbar, Banff, Whithorn, Forres, Rothesay, Rutherglen, North Berwick, Cullen, Nairn, Lauder, Annan, Lochmaben, Dornoch, New Galloway and Queensferry.
57. *Ibid.* The 16 nobles present in both sessions were as follows; Loudoun, Argyll, Eglinton, Cassillis, Linlithgow, Roxburgh, Buccleuch, Lothian, Weymes, Newburgh, Torphichen, Balmerino, Burleigh, Coupar, Cranston and Balcarras. Leven was the one noble in Parliament, 13th March 1651, who had not been present as per 26th November 1650. The 16 gentry present in both sessions were as follows; Cockburn of Clerkington (Haddington), Wauchope of Niddrie (Edinburgh), Hay of Naughton (Fife), Douglas of Mouswall (Dumfries), Belshes of Toftis (Berwick), Renton of Lamerton (Berwick), Rollock, younger, of Duncrub (Clackmannan), Murray of Skirling (Peebles), Barclay of Johnstone (Kincardine), Kerr of Cavers (Roxburgh), Ruthven of Frieland (Perth), Blair of Ardblair (Perth), Dunbar of Baldoon (Wigtown), Campbell of Lundie (Forfar) and the laird of Melgrund (Forfar). The five gentry present in Parliament, 13th March 1651, but not 26th November 1650 were as follows; Hepburn of Keith (Haddington), ( ) Stewart of Ascog (Bute), Sir Walter Scott of Whitslaid (Selkirk), Sir John Colquhoun of Luss (Dumbarton) and Douglas of Cavers (Roxburgh). The 10 burgesses present in both sessions were as follows; Sir John Smith (Edinburgh), Andrew Grant (Perth), James Sword (St. Andrews), William Simpson (Dysart), Robert Whyte (Kirkcaldy), George Jamieson (Coupar), John Lindsay (Anstruther Easter), James Richardson (Pittenweem), John Boswell (Kinghorn) and John Burnside (Culross). The 11 burgesses who were present in Parliament, 13th March 1651, but not 26th November 1650 were as follows; Robert Davidson (Dundee), Andrew Glen (Linlithgow), Walter Lyle (Montrose), John Watt (Inverness), William Walker (Dunfermline), Alexander Ferthie (Arbroath), Alexander Cunningham (Crail), Peter Oliphant (Anstruther Wester), George Wood (Forfar), Andrew Dickson (Inverkeithing) and John Brown (Kilrenny).
58. Balfour, *Historical Works*, IV, 179-181, 258-262.
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*

62. *Ibid.*

63. *APS*, vi, ii, 640-661.

64. *Ibid.*, 640; Balfour, *Historical Works*, IV, 262.

65. *APS*, vi, ii, 642-643; Balfour, *Historical Works*, IV, 262-263.

66. *APS*, vi, ii, 631-633, 640; In terms of gentry and burghal membership of the Committee for Military Affairs of 13th March 1651, gentry representation was eastern in the ratio of 2:1 compared to the Borders and burghal representation was exclusively eastern. Peterkin, *Records of the Kirk*, 549-550. The remaining gentry members on the Committee for Military Affairs of 13th March 1651 were Ruthven of Frieland (Perth) and Hay of Naughton (Fife). The remaining burgh member on that committee was Sir John Smith (Edinburgh). See appendices 62 and 64.

67. SRO PA. 11/10, folio 18; *APS*, vi, ii, 631-633, 643; Peterkin, *Records of the Kirk*, 549-550. Montgomery and Yester were the two other nobles added. Oliphant of Bachiltoun (Perth), Kerr of Lochtour (Roxburgh) and Thomas Murray ( ) were added for the gentry. David Wilkie was the other burghal addition. See appendix 64. Balfour asserts that the Committee for Grievances was to consist of three per estate and that its commission was to endure until the next parliamentary session (*Historical Works*, IV, 262). It would appear, however, that Balfour's membership details are wrong.

68. *APS*, vi, ii, 631-637, 643; Peterkin, *Records of the Kirk*, 549-550. The one remaining gentry member on the Committee for the Conference of the Kirk was Cockburn of Clerkington (Haddington).

69. *APS*, vi, ii, 609, 631-633, 642; Peterkin, *Records of the Kirk*, 549-550. The three remaining noble members on the Committee for the Bills of 13th March 1651 were Tweeddale, Newburgh and Cranston. The five gentry members were Cockburn of Clerkington (Haddington), Hepburn of Keith (Haddington), Elliot of Stobbis (Roxburgh), Renton of Lamerton (Berwick) and Colqhoun of Luss (Dumbarton). The five burgh members were Robert Davidson (Dundee), George Garden (Burntisland), William Simpson (Dysart), Robert Whyte (Kirkcaldy) and George Jamieson (Coupar). Gentry representation on the committee of 13th March 1651 was balanced between the east and the Borders, but also included western representation. Burghal representation was exclusively eastern. See appendices 62 and 64.

70. *APS*, vi, ii, 609, 631-633, 642-643; Peterkin, *Records of the Kirk*, 549-550. The remaining laird on the Committee for Overtures of 13th March 1651 was Murray of Skirling (Peebles). The remaining burgess member on the committee was Andrew Glen (Linlithgow). Gentry representation on the committee of 13th March 1651 was biased towards the Borders in the ratio of 2:1 compared with the east. Burghal representation was exclusively eastern. See appendices 62 and 64.

71. *APS*, vi, ii, 621, 631-633, 643; Peterkin, *Records of the Kirk*, 549-550. The three gentry on the Committee for Revising the Acts of the Committee of Estates of 13th March 1651 were Ferguson of Craigdarroch (Dumfries), Douglas of Mouswall (Dumfries) and Stewart of Ascog (Bute). The three burgess members were Robert Whyte (Kirkcaldy), George Jamieson (Coupar) and George Garden (Burntisland). Gentry representation on the committee of 13th March 1641 was primarily based on the Borders, but also included a western element. Burghal representation, on the other hand, was exclusively eastern. See appendices 62 and 64.

72. *APS*, vi, ii, 642.

73. *Ibid*, 321, 631-633, 647; Peterkin, *Records of the Kirk*, 549-550; Balfour, *Historical Works*, IV, 266. Hay of Naughton (Fife) and Murray of Skirling (Peebles) were the two gentry members. The other burghal member was George Garden (Burntisland). Gentry representation on the audit committee was balanced between the east and the Borders, whereas burghal representation was exclusively eastern. See appendices 52, 62 and 64.

74. Balfour, *Historical Works*, IV, 266, 270, 273, 274-275, 276, 277; Hutton, *Charles II*, 61; Stevenson, *Government Under the Covenanters*, 105-106; Stevenson, *Revolution and Counter-Revolution*, 199-200; Dow, *Cromwellian Scotland*, 10; *APS*, vi, ii, 647, 654-655. The five remaining nobles who expressed their dissent were Linlithgow, Weymes, Torphichen, Coupar and Cranston. The three gentry who also expressed their dissent were Scott of Clerkington (Selkirk), Belshes of Toftis (Berwick) and Ruthven of Frieland (Perth) (Balfour, *Historical Works*, IV, 275). Eglinton and Campbell of Lundie (Forfar) were respective noble and laird who had not voted against the proposals of 26th March (Balfour, *Historical Works*, IV, 275, 277).

75. Balfour, *Historical Works*, IV, 277-278, 281.

76. *Ibid*, 281; *APS*, vi, ii, 661.

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77. *APS*, vi, ii, 640-661. See appendix 64.
78. *Ibid.*
79. *Ibid.*
80. *Ibid.*, 654-655; 14 of the gentry members represented eastern shires, nine represented Borders' shires, whilst two represented western shires. 18 of the 25 burghal representatives represented eastern burghs, three represented western burghs, whilst the remaining three burghal representatives were spread between the Highlands, the central belt and the Borders. Stevenson, *Government Under the Covenanters*, 105-106; Stevenson, *Revolution and Counter-Revolution*, 200.
81. *APS*, vi, ii, 631-633, 662-663. See appendices 62 and 64.
82. *Ibid.*, 654-655, 662-663. The six remaining noble common members of the two committees were Linlithgow, Dunfermline, Roxburgh, Buccleuch, Newburgh and Balcarras. The 13 gentry common members of the two committees were as follows; Hepburne of Humbie (Haddington), Belshes of Toftis (Berwick), Wauchope of Niddrie (Edinburgh), Strachan of Thornton (Kincardine), Hepburn of Keith (Haddington), Scott of Harden (Selkirk), Renton of Lamerton (Berwick), Hamilton of Little Preston (Edinburgh), Elliot of Stobbis (Roxburgh), Ferguson of Craigdarroch (Dumfries), Colqhoun of Luss (Dumbarton), Weymes of Bogie (Fife) and Scott of Whitslaid (Selkirk). See appendix 64.
83. *Ibid.*, 661.
84. *Ibid.*, 631-633, 662-663. See appendices 62 and 64.
85. *Ibid.*, 654-655, 662-663. See appendix 64.
86. Stevenson, *Government Under the Covenanters*, 105-173.
87. *Ibid.*

88. *Ibid*; APS, vi, ii, 654-665. By 25th April the Committee for Managing the Affairs of the Army had become concerned about the non-attendance of burgesses. Letters were written to five specified burgesses demanding their attendance; Sir Alexander Wedderburne (Dundee), Andrew Glen (Linlithgow), Patrick Thomson (Peebles) and Robert Bell (Linlithgow). The committee expressed concern at the attainment of quorum levels due to non-attendance of burgesses. Analysis of sederunts, however, reveals that the quorum levels were actually being met (*Government Under the Covenanters*, 134, 168-173).

89. APS, vi, ii, 654-655; Stevenson, *Government Under the Covenanters*, 109, 111. The three gentry members on the Committee for the Provision of the Army were Hepburn of Keith (Haddington), Lockhart of Lee (Lanark) and Murray of Skirling (Peebles). The one burgess member was John Boswell (Kinghorn). Lockhart of Lee (Lanark) was also included on the Committee anent the Levies. Gentry membership on the Committee for the Provision of the Army was balanced between the east, the west and the Borders, whilst burghal representation was eastern. The one laird added to the Committee for the Provision of the Army, Belshes of Toftis (Berwick) represented a Borders' shire.

90. Stevenson, *Government Under the Covenanters*, 112-113, 113-114, 115, 144, 145. The remaining three gentry commissioned to buy victual in the north east were Foullis of Colington (Edinburgh), Renton of Lamberton (Berwick) and Scott of Whitslaid (Selkirk). The two burgess members were Archibald Sydserf (Edinburgh) and Sir Alexander Wedderburne (Dundee). The remaining noble member on the subcommittee dealing with the distribution of victual was Balcarras. The other two gentry members on that committee were Hepburne of Humble (Haddington) and Cockburn of Ormiston (Haddington). The two burgess members were John Cowan (Stirling) and Duncan Nairn (Inverness). Gentry membership of the subcommittee to analyse distribution patterns was centred on the east, whilst burghal representation was split between the Highlands and the central belt.

91. APS, vi, ii, 654-655; Stevenson, *Government Under the Covenanters*, 115.

92. APS, vi, ii, 654-655; Stevenson, *Government Under the Covenanters*, 109, 129-130, 154, 160-161. The two gentry on the subcommittee to correspond with the Kirk were Belshes of Toftis (Berwick) and Kerr of Cavers (Roxburgh). The two burgesses on that subcommittee were Sir John Smith (Edinburgh) and John Boswell (Kinghorn). The gentry members of the Committee for the Conference with the Kirk were Gibson of Durie, Hamilton of Little Preston (Edinburgh), Cockburn of Ormiston (Haddington) and Scott of Harden (Selkirk). The burgess members of the Committee for the Conference with the Kirk were John Cowan (Stirling), John Auchterlony (Arbroath), John Boswell (Kinghorn) and David Wilkie. Gentry representation on the subcommittee to liaise with the Kirk was based exclusively on the Borders, whilst burghal representation was exclusively eastern. Both gentry and burghal membership of the subcommittee of 20th May was particularly eastern, although it also included representation from the Borders and the central belt.

93. Stevenson, *Government Under the Covenanters*, 107; Stevenson, *Revolution and Counter-Revolution*, 200-201; Balfour, *Historical Works*, IV, 297; Nicholl, *Diary*, 51.

94. APS, vi, ii, 667; Balfour, *Historical Works*, IV, 301.

95. APS, vi, ii, 667-687, 687.

96. *Ibid*, 667, 669. Nicholson of Carnock (Stirling), Lord Advocate, Hepburne of Humble (Haddington), Hepburne of Keith (Haddington) and Belshes of Toftis (Berwick) were the four gentry appointed to consider on the ratifications to be presented to Parliament.

102. SRO PA. 11/10, folio 18; APS, vi, ii, 643, 654-655, 662-663, 667, 675. The eight gentry added to the Committee for Grievances on 24th May were Stirling of Carden (Stirling), Houston of that ilk (Renfrew/Dumbarton), Brisbane of Bishopton (Renfrew), Nicholson of that ilk (Stirling), Dundas of that ilk (Linlithgow), Home of Blackadder (Berwick), Baillie of Lamington (Lanark) and Nairn of Strathuird (). John Cowan (Stirling) was added for the burgesses. Dundas of Maner (Linlithgow) and the laird of Blackhall were the two remaining gentry added on 31st May. John Semple (Dumbarton) was added for the burgesses on 31st May.

98. APS, vi, ii, 643, 667-668, 668. The three gentry members of the committee of 24th May were Sutherland of Duffus (Sutherland), Barclay of Johnstone (Kincardine) and Nairn of Strathuird. The three burgess members of that committee were Sir Robert Farquhar (Aberdeen), John Forbes (Inverness) and George Garden (Burntisland). Gentry and burghal membership of the session committee was primarily eastern, but also included representation from the Highlands. Gentry and burghal additions of 26th May were all on an eastern basis. Hepburne of Humble (Haddington) was the laird added to the committee on 26th May. The other noble member included on the committee to deal with four articles of the report from the Committee for Managing the Affairs of the Army was Lord Mordingtoun. The three gentry on that committee were Hepburn of Keith (Haddington), Belshes of Toftis (Berwick) and Renton of Lamberton (Berwick). The three burgesses on that committee were John Boswell (Kinghorn), Alexander Douglas (Banff) and Robert Durie. Gentry representation was centred on the Borders in the ratio of 2:1 compared to the east, whilst burghal representation was centred on the east and north east.

See appendices 64 and 65.

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99. *Ibid*, 643, 654-655, 662-663, 667-668, 668, 669. See appendices 64 and 65.
100. *Ibid*, 671, 672-673, 676-677, 678, 681; *The Diary of Mr John Lamont of Newton*, 30; Stevenson, *Revolution and Counter-Revolution in Scotland*, 202; Balfour, *Historical Works*, IV, 301-306, 306-307; Rait, *Parliaments of Scotland*, 73-74.
101. APS, vi, ii, 643, 654-655, 662-663, 675-676, 678. The gentry included on the Committee for Revising the Acts of the Committees of Estates on 31st May were Colquhoun of Luss (Dumbarton) and Nairn of Strathuird. The burgesses included on that committee on 31st May were John Forbes (Inverness) and Walter Lyle. The gentry added to that committee on 2nd June were Nicholson of Carnock (Stirling), Lord Advocate, and Belshes of Toftis (Berwick). The burgess added on 2nd June was Alexander Douglas (Banff). Including additions, gentry representation was balanced between the west, the central belt and the Borders. Including additions, burghal representation was based on the Highlands and the north east. See appendices 64 and 65.
102. *Ibid*, 675-676, 678.
103. *Ibid*, 654-655, 662-663, 678. The three gentry on the committee were Hepburne of Humble (Haddington), Hepburne of Keith (Haddington) and Hay of Naughton (Fife). The three burgesses on the committee were Sir John Smith (Edinburgh), James Sword (St. Andrews) and Hugh Kennedy (Ayr). Gentry representation on the session committee was exclusively eastern. Burghal representation was eastern in the ratio of 2:1 compared to the west (see appendix 65). See appendices 64 and 65.
104. *Ibid*, 683-684; Stevenson, *Revolution and Counter-Revolution in Scotland*, 202-204; Balfour, *Historical Works*, IV, 309.
105. Balfour, *Historical Works*, IV, 308.
106. APS, vi, ii, 667-686. The other six nobles included on two committees each were as follows; Hamilton, Tullibardine, Barganie, Cochrane, Newburgh, Glencairn and Dunfermline. See appendix 65.

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107. *Ibid.* The four gentry included on three committees each were Blair of Ardblair (Perth), Barclay of Johnstone (Kincardine), Nicholson of Carnock (Stirling) and Nairn of Strathuird. The six gentry included on two committees each were Colquhoun of Luss (Dumbarton), Renton of Lamberton (Berwick), Scott of Harden (Selkirk), Stirling of Carden (Stirling), Dundas of Maner (Linlithgow) and Stewart of Blackhall. See appendix 65.
108. *Ibid.* The three burgesses included on three committees each were Alexander Douglas (Banff), John Boswell (Kinghorn) and Sir Robert Farquhar (Aberdeen). The six burgesses included on two committees each were Robert Arnot (Perth), John Cowan (Stirling), Archibald Sydserf (Edinburgh), Andrew Grant (Perth), Hugh Kennedy (Ayr) and George Garden (Burntisland). See appendix 65.
109. *Ibid.*, 679-681, 681, 685-686. See appendix 65.



110. APS, vi, ii, 654-655, 662-663, 679-681; Balfour, *Historical Works*, 308. The 15 nobles included on the Committee of Estates of 31st March 1651 and the Committee of Estates of 3rd June 1651 were as follows; Argyll, Eglinton, Cassillis, Linlithgow, Dunfermline, Roxburgh, Buccleuch, Lothian, Weymes, Leven, Newburgh, Cranston, Balcarras, Loudoun and Burleigh. The 21 gentry included on the Committee of Estates of 31st March 1651 and the Committee of Estates of 3rd June 1651 were as follows; Hepburne of Humble (Haddington), Hamilton of Little Preston (Edinburgh), Belshes of Toftis (Berwick), Kerr of Cavers (Roxburgh), Scott of Whitslaid (Selkirk), Renton of Lamberton (Berwick), Wauchope of Niddrie (Edinburgh), Hepburn of Keith (Haddington), Elliot of Stobbs (Peebles), Scott of Harden (Selkirk), Murray of Skirling (Peebles), Colquhoun of Luss (Dumbarton), Beaton of Creich (Fife), Weymes of Bogie (Fife), Hay of Naughton (Fife), Barclay of Johnstone (Kincardine), Blair of Ardblair (Perth), Strachan of Thornton (Kincardine), Nicholson of Carnock (Stirling), Lord Advocate, Carmichael of that ilk (Lanark), Treasurer Depute, and Arnot of Fernie. The 19 burgesses included on the Committee of Estates of 31st March 1651 and 3rd June 1651 were as follows; Sir John Smith (Edinburgh), Sir William Dick (Edinburgh), Archibald Sydsert (Edinburgh), James Roughead (Edinburgh), David Wilkie (Edinburgh), Sir Alexander Wedderburne (Dundee), Robert Davidson (Dundee), James Sword (St. Andrews), James Lenton (St. Andrews), Sir Robert Farquhar (Aberdeen), George Jamieson (Coupar), George Garden (Burntisland), John Boswell (Kinghorn), Robert Whyte (Kirkcaldy), Hugh Kennedy (Ayr), John Forbes (Inverness), Andrew Grant (Perth), Robert Arnot (Perth) and Alexander Bower (Dundee). The only laird included on the Committee for Managing the Affairs of the Army of 28th March not included on the Committee of Estates of 3rd June was Douglas of Kelhead. The four burgesses included on the Committee for Managing the Affairs of the Army not included on the Committee of Estates of 3rd June were Patrick Thomson (Peebles), Robert Bell (Linlithgow), Peter Walker (Dunfermline) and Andrew Carstairs (St. Andrews). See appendices 64 and 65. Parliamentary minutes for 5th and 6th June contain lists for all three estates of those nobles, gentry and burgesses who were included on the Committee of Estates after voting. Two nobles, Linlithgow and Cranston, are included in the Committee of Estates of 3rd June, but not the list for the nobility of 5th June. Two gentry, Robert Bruce of Broomhall and Drummond of Riccarton, are included in the lists for the gentry but not in the commission of 3rd June. Three burgesses, Andrew Glen (Linlithgow), Alexander Douglas (Banff) and George Morrison, are included in the commission of 3rd June but not in the list for the burgesses of 6th June. For the purposes of the analysed data all figures and details of membership have been based on the commission to the Committee of Estates of 3rd June (APS, vi, ii, 679-681, 684, 685).

111. APS, vi, ii, 654-655, 662-663, 679-681. The remaining nobles included on the Committee of Estates of 3rd June but not the Committee for Managing the Affairs of the Army of 28th March nor the Committee of Estates of 31st March were as follows; Buchan, Wigtown, Annandale, Findlater, Lindores, Cardross, Barganie, Belhaven and Duffus. The 13 gentry who fall into this category are as follows; Sir James Ogilvie of Newgrange, Innes of that ilk, younger, (Elgin), Dundas of Maner (Linlithgow), MacGill of Cranstonriddell, Thomas Hamilton of Preston, Udnie of that ilk (Aberdeen), Sir Archibald Stewart of Blackhall, Douglas of Mouswall (Dumfries), Nairn of Strathuird, Robert Bruce of Broomhall, Stirling of Carden (Stirling), Grierson of Lag (Dumfries) and the laird of Kersland. The 13 burgesses who fall into this category are as follows; Hugh Hamilton (Edinburgh), James Monteith (Edinburgh), Alexander Strang (Forfar), Sir Patrick Leslie (Aberdeen), Sir Robert Farquhar (Aberdeen), James Lenton (St. Andrews), James Lindsay (Anstruther Easter), James Pedie (Montrose), David Spence (Rutherglen), James MacCulloch (Tain), Alexander Douglas (Banff), George Morrison and James Hamilton. Gentry membership of the Committee of Estates of 3rd June was centred on representation

from the east and the Borders. At least 21 of the 44 gentry represented eastern shires and at least 10 represented Borders' shires. The remaining membership was composed of representatives from the west, the central belt and the Highlands. Burghal membership was focused primarily on the east. At least 30 of the 42 burgesses represented eastern burghs. The remaining burghal membership was composed of representatives from the west, the Highlands and the Borders.

112. *APS*, 662-663, 679-681. These figures do not include military officials. See appendices 64 and 65.

113. *Ibid.*

114. *Ibid.*, 654-655, 679-681. See appendices 64 and 65.

115. *Ibid.*, 654-655, 662-663, 679-681. See appendices 64 and 65.

116. *Ibid.*, 679-681, 685-686. Gentry representation was eastern in the ratio of 3:1 compared to the Borders, whilst burghal membership was exclusively eastern. See appendix 65.

117. *SRO PA*. 11/11, folios 50+; *APS*, vi, ii, 679-681. The section to accompany the army and the king was to consist of 16 per estate and the quorum was set at seven with one per estate required to be present. The section to govern the kingdom was to consist of 24 of each estate, the quorum was set at 11 and two per estate were required to be present. No membership details for the army section are provided in *SRO PA*. 11/11.

118. Lynch, *Scotland, A New History*, 279; Brown, *Kingdom or Province*, 136; Dow, *Cromwellian Scotland*, 11; Hutton, *Charles II*, 63-64; Balfour, *Historical Works*, IV, 314.

119. *SRO PA*. 11/11, folios 50+; *APS*, vi, ii, 679-681. The seven nobles who attended between 17 and 23 diets were as follows; Annandale 22 diets (63%), Cardross 17 diets (49%), Crawford-Lindsay 18 diets (51%), Barganie 19 diets (54%), Belhaven 23 diets (66%), Cochrane 18 diets (51%) and Duffus 17 diets (49%). See appendix 66. On 10th June it was decided that Glencairn was to preside at all diets when Loudoun was absent. Glencairn subsequently presided at eight of the 23 diets which he attended. That the radical Loudoun was appointed as President may have been an exercise in realpolitik by Hamilton. Radicals would thus exercise influence on the committee, whilst there was no possibility of Argyll being appointed President.

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120. SRO PA. 11/11, folios 50+; APS, vi, ii, 679-681. See appendix 66. Nine military officials attended various diets. Lieutenant General David Leslie attended 12 diets, Lieutenant General Holburne seven diets, Major General Brown five diets, Major General Montgomerie six diets, Major General Hamilton seven diets, Lieutenant General Middleton 13 diets, Major General Massie six diets, the General of the Artillery six diets and a " Dalziel " one diet.

## XII SCOTTISH REPRESENTATION IN THE CROMWELLIAN PARLIAMENTS.

### *(1) The Aftermath of Worcester.*

Following the military defeat at Worcester and the capture of the Committee of Estates at Alyth, Scotland was left without a legally constituted government as well as being a conquered nation. Attempts, led by Loudoun, to reconvene the Committee of Estates within Scotland and hold a Parliament near Loch Tay had failed drastically (the nobility, gentry and burgesses having failed to turn up with only a few exceptions). The political future of Scotland was set out in "A Declaration of the Commonwealth of England, concerning the Settlement in Scotland" of October 1651 <sup>whereby</sup> it was declared that Scotland was to be incorporated within the English Commonwealth. On 23rd October the Committee for Scotch and Irish Affairs of the Council of State nominated commissioners to be sent to Scotland who subsequently arrived at Dalkeith on 15th January 1652. On 24th January summons were issued to the shires and the burghs to elect representatives to attend the Cromwellian commissioners at Dalkeith where they were to signify their agreement to union. Those Scottish representatives would then elect 21 of their number (14 gentry and seven burgesses) who were then to proceed to London ostensibly to negotiate on the terms of incorporation. In reality, however, the Scottish deputies were subjected to a political diktat imposed by the Cromwellian regime.<sup>1</sup>

### *(2) The Scottish Representatives at Dalkeith and Edinburgh.*

According to the summons of 24th January 1652 each shire was to elect two deputies and each burgh one deputy. The burghs of Glasgow, Aberdeen and Edinburgh were to elect two deputies each. In the event, only 18 shires and 24 burghs sent representatives to Dalkeith, although 29 out of 30 shires and 44 out of 58 burghs eventually agreed to the Tender of Incorporation. Although the Tender had been ~~referred~~ <sup>sent</sup> back to the shires and burghs for their approval, the political and military ~~reality~~ <sup>reality</sup> of the contemporary situation ensured that there was no other option but to accept the Tender.<sup>2</sup>

On 16th March 1652 the Tender to Parliament of the Cromwellian commissioners in Scotland was presented to Parliament. That document stated that provision should be made for Scottish representation within Parliament. Moreover, it also stipulated that 14 deputies from the shires and seven deputies for the burghs which had accepted the Tender of Incorporation were to be elected to proceed to London to settle the details of Scottish

representation. According to "The Declaration of the Parliament of England, in order to the Uniting of Scotland into one Commonwealth with England" of 25th March 1652 the persons to be elected were to be "of known Integrity, and such as have declared their Consent to the said Union".<sup>3</sup> Elections were to be held before the end of July 1652 and those elected were to convene at Edinburgh before 20th August 1652. Most of the deputies had convened at Edinburgh by 12th August.<sup>4</sup>

Of the 42 gentry *elected* to attend at Edinburgh, nine (21%) had attended the Scottish Parliament in the period 1639-51. Geographically, this grouping of gentry was concentrated on the Borders and the east coast. Of the 37 burgesses *elected* to attend at Edinburgh, 14 (38%), had attended the Scottish Parliament, 1639-51. These 14 burgesses were concentrated on the east coast.<sup>5</sup>

The 21 deputies to proceed to London had been elected by 20th August. Three of the 14 gentry elected and five of the seven burgesses elected had experience of the Scottish Parliament, 1639-51. MacDowall of Garthland (Wigtown), Stirling of Keir (Stirling) and Gibson of Durie (Fife) formed the grouping of three gentry, whilst John Jossie (Edinburgh), John Milne (Edinburgh/Queensferry), Sir Alexander Wedderburne (Dundee), James Sword (St. Andrews) and Andrew Glen (Linlithgow) formed the grouping of five burgesses. Of the 28 shires which had agreed to the Tender of Incorporation at Dalkeith (although only 18 actual commissioners had been sent), only 19 voted at the election of the Scottish deputies at Edinburgh. The comparative figures for the burghs are 34 out of the 44 burghs (although only 24 sent commissioners) which had agreed to the Tender of Incorporation at Dalkeith.<sup>6</sup>

### *(3) The Scottish Deputies at London, October 1652 to April 1653.*

The 21 Scottish deputies arrived in London on 6th October and between 14th October 1652 and 8th April 1653 negotiations with a specialised committee of the Long Parliament took place on 35 occasions. However, at 13 of the diets the committee sat without the presence of the Scottish contingent. Arguments over the exact number of Scottish representatives were finally resolved on 2nd March 1653 when the Long Parliament set the level of Scottish representation, in common with that of the Irish, at 30. The Instrument of Government of December 1653, which established the Protectorate, included this provision for Scottish members but did not provide for their distribution. The terms of distribution were not settled until 27th June 1654 which allowed for 20 seats for groups of shires and 10 seats to groups of burghs. The 20 seats for shires consisted of 11 districts of one shire, five districts of two shires and four districts of three shires. Nine of the 10 groupings of burghs were located in the close vicinity of army garrisons.<sup>7</sup>

Although Scottish representation had been settled by March 1653, the Bill of Union still required legislative sanction by the Long Parliament. The Bill of Union had reached the stage of a second reading by April 1652 but had not progressed any further from that date.

Indeed the dissolution of the Long Parliament in April 1653 witnessed the end of that particular proposed Bill of Union. A further Bill of Union was read in the Barebone's Parliament in October 1653 but had not been passed by the time of the dissolution of that Parliament in December 1653. Although the union received legislative sanction in an ordinance of 12th April 1654, it was not until the Second Protectorate Parliament that an Act of Union became law in April 1657. The Protectorate was formally established on 4th May 1654.<sup>8</sup>

#### *(4) Scottish representation in the Cromwellian Parliaments, 1653-59.*

Following the dissolution of the Long Parliament in April 1653, no elections had taken place for the Barebone's Parliament. Instead all members had been nominated to that Parliament. Five Scottish members, consisting of four gentry and one burgess, were nominated. William Lockhart of Lee (Lanark), Hope of Hopetoun (Stirling), Swinton of that ilk (Berwick), Brodie of that ilk (Elgin) were nominated for the gentry, whilst Alexander Jaffray (Aberdeen) was nominated for the burgesses. All took their seats bar Brodie of that ilk. With the exception of William Lockhart of Lee, all had experience of the Scottish Parliament, 1639-51. Hope of Hopetoun and Swinton of that ilk, in particular, were noted enthusiasts of and participants in the radical regime of 1649-50.<sup>9</sup>

The first Parliament of the Protectorate convened on 3rd September 1654. Hence the elections of the Scottish representatives took place throughout August 1654. Elections were therefore held against the background of the Glencairn Rising and in the wake of the military campaign against a Royalist uprising. Under the terms of the Instrument of Government known Royalists had been disfranchised and therefore could not vote in elections. Despite the fact that Scottish representation was set at 30 members, only 21 constituencies (including Edinburgh) returned members. Scottish representation in the 1654 Parliament therefore amounted to only 22. Hence there was limited Scottish collaboration. Nine of the 22 were English and eight of these nine held either a military or civil office in Scotland under the regime. The remaining 13 representatives were Scots, six of whom had been elected as deputies to negotiate with the Long Parliament between October 1652 and April 1653. Swinton of that ilk, Lockhart of Lee, MacDowall of Garthland, Hamilton of Orbiston, Sir Alexander Wedderburne and James Sword constituted this grouping of six. Swinton of that ilk and Lockhart of Lee had been two of the Scottish nominees in the Barebone's Parliament. The bulk of the Scots also enjoyed employment in an office of trust

under the regime. Hence Scottish representation in the 1654 Parliament consisted solely of safe men.<sup>10</sup>

In contrast to the 1654 elections, the elections held in August 1656 for the Second Protectorate Parliament produced the full quota of 30 members. Nevertheless, English influence prevailed still. 16 of the 30 representatives were English, whilst 14 were Scottish. All 16 English members were either army officers, civilian office holders or were networked to influential figures under the regime. Of the 14 Scots, five had been elected to the First Protectorate Parliament; David Barclay of Urie, Lockhart of Lee, Swinton of that ilk; MacDowall of Garthland and Sir Alexander Wedderburne. Five of the remaining nine Scots had experience of the Scottish Parliament, 1639-51. Tweeddale, Cochrane, Weymes of Bogie (Fife), Kerr of Newton (Roxburgh) and Alexander Douglas (Banff) constitute this grouping. Eight of the 14 Scots had been appointed as Justices of the Peace earlier in 1656. The relationship between military and civil employment in the offices of the Protectorate and election as one of the 30 Scottish representatives was therefore continued.<sup>11</sup>

Following the death of Oliver Cromwell on 3rd September 1658, political power within the Commonwealth passed to his eldest son, Richard Cromwell. Under the terms of the Humble Petition and Advice of 1657, the proportion of Scottish representatives was to be reviewed before the dissolution of the Second Protectorate Parliament. However, such a review had not been achieved before the dissolution of that Parliament on 4th February 1658. Nevertheless, the Council of State decided during December 1658 to maintain the system of Scottish representation which had been applied in both the First and Second Protectorate Parliaments. Election writs for Scotland were issued on 14th December and reached Edinburgh on 21st December. Throughout November and December 1658 preparations were being made for the management of the Scottish parliamentary elections in order to provide for a body of political creatures amenable to the Protectorate. This stemmed from an intelligence network which was indicating that Scots, notably Argyll, were planning to get themselves elected. Throughout the Cromwellian era Argyll had adopted a somewhat ambivalent attitude towards the regime, but had always maintained a credible working relationship with that regime. In addition, Johnston of Wariston, Cassillis and Sir William Lockhart of Lee were all members of the Upper House of the Second Protectorate Parliament, 1656-58. Both Johnston of Wariston and Cassillis had been radical allies of Argyll, 1639-51, and were now still representing the "Argyll interest".<sup>12</sup>

In common with the elections of 1654 and 1656, the English interest predominated in the 1659 elections to Richard Cromwell's Parliament. Despite the fact that all 30 Scottish constituencies returned a member, only 26 individuals formed the actual Scottish parliamentary grouping. Two Englishmen were elected twice for different Scottish districts, whilst another two Englishmen were also elected for English constituencies and sat for them instead. Only 11 Scots were elected and this figure was reduced to 10 when Archibald Murray of Blackbarony (Selkirkshire) refused to serve and was replaced by an English

nominee. Of the 17 Englishmen elected in their own right, all were either army officers, had connections with the Protectoral interest in England or had connections with the civil administration in Scotland. Six of the 11 Scots elected had served in either or both of the First and Second Protectorate Parliaments. Linlithgow, Tweeddale, Swinton of that ilk (Berwick), MacDowall of Garthland (Wigtown), George Lockhart (Lanark) and John Lockhart (Lanark and adjacent burghs) constituted this grouping. Kerr of Greenhead (Roxburgh) was employed in the civil administration. Of the remaining three Scots, two had experience of the Scottish Parliament, 1639-51. Argyll (Aberdeen) and Gibson of Durie (Fife) were the two relevant Scots. Argyll successfully employed his network of influence in Aberdeenshire to secure election without opposition.<sup>13</sup>

When Richard Cromwell's Parliament actually convened, the right of the Scottish representatives to take their seats was challenged, primarily because they were identified so closely as a faction of Protectorate interests. This was possible because neither the Humble Petition and Advice nor the Second Protectorate Parliament had settled the issue of Scottish representation. In the power struggle which arose between the army and civilian interests of the Protectorate after the death of Oliver Cromwell, the Scottish representatives were identified with the latter interest. Thus by attacking the rights of Scottish representation, it was Richard Cromwell's Protectorate itself which was being challenged. On 8th March 1659 the exclusion of the Scottish members was moved in the House, but when the vote was taken on 21st March the motion was defeated by 211 to 120 votes. By the time an alliance of army officers led by General Charles Fleetwood and anti-Protectorate republicans had forced the dissolution of Richard Cromwell's Parliament on 22nd April 1659, the nature of the Cromwellian Union, let alone the issue of Scottish representation, had failed to be settled.<sup>14</sup>

*(5) The Issue of Union and Moves Towards the Restoration in England, May 1659-8th May 1660.*

The Rump Parliament which was restored on 7th May 1659, following the resignation of Richard Cromwell, delegated the issue of the union to a specialised committee of the Council of State which recommended that a former Bill for Union, which had been twice read previously, should be revived. Such a bill was required to be revived due to the dissolution of Richard Cromwell's Parliament on 22nd April 1659. The fall of the Protectorate and the restoration of the Long Parliament cancelled the Ordinance of Union.



This advice of the committee of the Council of State was refused by the House and on 25th June a new bill was ordered to be prepared. Following two readings, a committee of the whole House was in the process of considering the bill throughout August, September and October 1659, when the Rump Parliament was dissolved by the "Wallingford House" faction of army officers on 13th October. It was the dissolution of the Rump Parliament that forced General George Monck's hand in declaring that he would act in military terms to defend the authority of Parliament. Even before the collapse of the "Wallingford House" faction on 24th December and the resumption of the Rump on 26th December military preparations were underway by Monck and his forces in Scotland for an invasion of England. Following Monck's march on London on 1st January 1660 and the readmittance of those members who had been expelled by Pride's Purge in 1648 on 21st February 1660, the way was now open for the restoration of the monarchy in England. On 16th March 1660 the Long Parliament was dissolved in order to elect a Convention Parliament, which convened in April 1660 and was composed of a majority in favour of the Restoration of the monarchy, a mood enhanced by Charles's conciliatory tone as expressed in the Declaration of Breda of 4th April 1660. The fact that Scottish representatives were banned from the Convention Parliament indicated that Scotland's constitutional future would be different from that experience since 1651. On 8th May the Convention Parliament reaffirmed Charles II as king (having been proclaimed as king by the Scottish Parliament of 1649).<sup>15</sup>

## *(6) Conclusion.*

Scottish representation in the Protectorate Parliaments was determined by the political needs of a regime which had conquered and defeated Scotland as a nation in military terms. The terms of union and the terms of Scottish representation were basically imposed from above on the remnants of the Scottish political nation. The predominance of English influence regarding Scottish representation in all the three elections of 1654, 1656 and 1659 is therefore hardly surprising. Particularly in 1658-59, the open emergence of the "Argyll interest" became more noted. The issues of the union and Scottish representation became entangled in the power struggle within the English political nation throughout 1659 and 1660. Nevertheless, the Restoration was determined primarily by English political events and it had become clear that the political and constitutional future of Scotland would be relegated to a subordinate place.

1. Donaldson, *James V-James VII*, 343-344; Brown, *Kingdom or Province*, 137-138; Dow, *Cromwellian Scotland*, 30, 32, 36; D. Stevenson, "Cromwell, Scotland and Ireland" in *Oliver Cromwell and the English Revolution*, J. Morrill (ed.), (1990), 165; C.H Firth (ed.), *Scotland and the Commonwealth 1651-53*, SHS, 18, (Edinburgh, 1895), 21-27.
2. Dow, *Cromwellian Scotland*, 36, 38; Donaldson, *James V-James VII*, 344; Lynch, *Scotland, A New History*, 283.
3. Dow, *Cromwellian Scotland*, 45, 46.
4. *Ibid.*
5. Terry, *The Cromwellian Union*, 185. Those gentry and burgesses with experience of the Scottish Parliament, 1639-51, have been drawn from the parliamentary rolls and the appendices. Innes of that ilk (Elgin), MacDowall of Garthland (Wigtown), Ramsay of Balmaine (Kincardine), Elliot of Stobbis (Berwick), Veitch of Dawick (Peebles), Stirling of Keir (Stirling), Gibson of Durie (Fife), Arnot of Fernie (Fife) and Swinton of that ilk (Berwick) were the relevant nine gentry who had attended the Scottish Parliament, 1639-51. John Jossie (Edinburgh), John Milne (Edinburgh/Queensferry), Sir Alexander Wedderburne (Dundee), James Sword (St. Andrews), Andrew Glen (Linlithgow), George Jamieson (Coupar), James Law (Kirkcaldy), Thomas Purves (Dunbar), John Livingstone (North Berwick), Robert Rutherford (Jedburgh), David Donaldson (Brechin), John Forbes (Inverness), Robert Cunningham (Kinghorn) and James Pedie (Montrose) constituted the relevant burgesses who had attended the Scottish Parliament, 1639-51.
6. *Ibid*, 183-185; Dow, *Cromwellian Scotland*, 47-48; Terry, *The Cromwellian Union*, 183-184. Those gentry and burgesses with experience of the Scottish Parliament, 1639-51, have been drawn from the parliamentary rolls and the appendices.
7. Dow, *Cromwellian Scotland*, 50; Paul J. Pinckey, "The Scottish representation in the Cromwellian parliament of 1656", *SHR*, 46, (1967), 95-96, 99-100; Stevenson, "Cromwell, Scotland and Ireland", 165; E.D. Goldwater, "The Scottish Franchise: Lobbying During the Cromwellian Protectorate", *Historical Journal*, 21, (1978), 29-30; J.A. Casada, "The Scottish Representatives in Richard Cromwell's parliament", *SHR*, 51, (1972), 124; *The Stuart Constitution 1603-1688*, ed. J.P Kenyon, 2nd edition, (Cambridge, 1987), Number 91, 308-313; Donaldson, *Source Book of Scottish History*, 248; *APS*, vi, ii, 823-4.

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8. *Ibid*, 51; Donaldson, *James V-James VII*, 345; Lynch, *Scotland, A New History*, 283; Hewison, *The Covenanters*, volume two, 48.
  
  9. Dow, *Cromwellian Scotland*, 148; Stevenson, "Cromwell, Scotland and Ireland, 165; Goldwater, *Historical Journal*, 21, (1978), 29-30. Details of membership of the Scottish Parliament, 1639-51, have been extracted from the parliamentary rolls and the appendices.
  
  10. Dow, *Cromwellian Scotland*, 149-153; Pinckney, *SHR*, 46, (1967), 96-97, 104-111; Donaldson, *James V-James VII*, 346; Lynch, *Scotland, A New History*, 284-285; NLS MS 2263, History of Events 1635-1662, folio 231..
  
  11. Dow, *Cromwellian Scotland*, 185-186; Donaldson, *James V-James VII*, 346.
  
  12. Dow, *Cromwellian Scotland*, 237; Casada, *SHR*, 51, (1972), 128-130; Hewison, *The Covenanters*, volume two, 53-55.
  
  13. Dow, *Cromwellian Scotland*, 238-239, 329; Casada, *SHR*, 51, (1972), 130-142; Brown, *Kingdom or Province*, 138; NLS MS 2263, History of Events 1635-1662, folio 236; H. N. Mukerjee, "Scottish Members of Richard Cromwell's Parliament", *Notes and Queries*, clxvi, (1934), 65.
  
  14. Dow, *Cromwellian Scotland*, 230, 239; Casada, *SHR*, 51, (1972), 144-145; CSPV, 1659-1661, 1.
  
  15. Dow, *Cromwellian Scotland*, 230-231, 241, 249, 259; Hutton, *Charles II*, 130-131; Lynch, *Scotland, A New History*, 286; NLS MS 2263, History of Events, 1635-1662, folio 237; *The Stuart Constitution*, Number 97, 331-332.

### XIII THE RESTORATION SETTLEMENT IN SCOTLAND, 1660-1661.

#### *(1) Scottish Political Developments in the Context of the Three Estates and the Scottish Parliament, October 1659 to August 1660.*

Relevant political developments in Scotland from October 1659 to April 1660 were focused on meetings of the representatives of the shires and burghs, initially summoned on General George Monck's authority, but increasingly held on the initiative of the nobility. On 27th October 1659, it was decided by Monck that each shire and burgh was to elect one of their number to meet at Edinburgh on 15th November 1659, at which time that General would inform them of the condition of the country. When the commissioners convened, the nobles and gentry elected the Royalist Glencairn as their President, whilst the burgess representatives elected the former Remonstrator, Sir James Stewart (Edinburgh). The election of Glencairn indicates the Royalist intentions of the bulk of the representatives from the shires, whilst the election of Stewart indicates that the burgesses were less so inclined. At the close of the meeting on 17th November, provisions were made for the next stage of consultation between Monck and the Scottish political community. A further diet was to convene at Berwick on 12th December 1659 to discuss appropriate measures to secure the peace in Scotland. Each shire was to elect one representative, whilst burgess representatives from only Edinburgh, Haddington and Linlithgow were to proceed to Berwick. On 12th December five of the commissioners elected were nominated to negotiate with Monck directly. Glencairn, Rothes, Wemyss, Eglinton and Alexander Bruce, brother to the Earl of Kincardine, constituted this grouping and Glencairn was once more the dominant figure. The influence of the nobility had become apparent at both the meetings of 15th to 17th November and 12th December.<sup>1</sup>

The consultation process was continued on 2nd January 1660 when Monck sent permits from Northumberland, having crossed the border on the previous day, for a meeting in Edinburgh in February 1660. Each shire was to elect one noble or laird and each burgh was to elect one burgess. Ostensibly the purpose of the diet was for the commissioners to present him with a list of grievances which he could present to the English Parliament. Only around 50% of the shires and burghs sent representatives to the meetings of 2nd and 3rd February 1660. The commissioners of the shires and burghs met separately, although they did <sup>1959</sup> and the proceedings of the former were dominated by a majority grouping of nobles who

had been elected as commissioners. Glencairn was again elected as President.<sup>2</sup>

The growing confidence of the Royalist nobility was evidenced on 5th April 1660 when they, along with some of the gentry, convened without the permission of Monck. The diet was formally convened on 6th April when it was claimed that the commissioners could legally meet under the terms of the warrant issued to the shire commissioners in February. 23 nobles and 10 gentry attended the diet. The influence of the nobility was to the fore again and Rothes was appointed as President. Six nobles and two gentry present at the diets of 2nd and 3rd February were also present at the diet of 6th April. Glencairn, Roxburgh, Home, Haddington, Selkirk and Fleming constituted the grouping of six nobles, whilst Stirling of Carden and Gibson of Durie were the two relevant gentry. Liason existed with the burgesses; Robert Murray (Edinburgh) and James Borthwick (Edinburgh) formed the two burgess representatives appointed. Four commissioners who had been appointed to proceed to London at the February diets were reappointed once more for that purpose on 6th April. Glencairn, Home, Stirling of Carden and Gibson of Durie formed this contingent. Hence there was a balance between nobles and gentry. The marked Royalist tone of the proceedings was emphasised by correspondence sent to the king which indicated that they were waiting for instructions from him on how they could serve him. In spite of the acceptance of the Declaration of Breda by the Convention Parliament on 1st May and the proclamation of the king in Edinburgh on 14th May, the actual government of Scotland was delegated to four commissioners who had been appointed by the republican regime. On 11th May a proclamation was issued by the commissioners which stated that all those who held offices of trust since 4th April 1659 were to be continued in office. In theory, it was these commissioners who governed Scotland until August 1660.<sup>3</sup>

Following the restoration of Charles II in England, large numbers of the Scottish nobility and gentry proceeded to London in the attempt to cultivate influence around the king. In June 1660 the king was petitioned to summon a Parliament in Scotland, but this was not favoured by Charles II at the present juncture. Instead the Scottish political community at London was asked to present proposals for the administration of Scotland in the interim. The result of this manoeuvre was that the Scottish nobility and gentry advocated the recall of the previous Committee of Estates of 1651 which was to sit until the Scottish Parliament met. Nevertheless, it was recognised that the sole power of summoning and convening Parliaments lay with the king alone. Therefore the constitutional legislation of 1639-41 was ignored, despite the fact that it was still legally viable. On 2nd August Charles II ordered that committee to meet at Edinburgh on 23rd August and act as a provisional government until Parliament was to convene on 23rd October 1660, when, he declared, the royal prerogative would be revived and reasserted.<sup>4</sup>

Shortly after royal sanction had been given for the 1651 Committee of Estates to meet on 23rd August, Charles wisely proceeded to fill the offices of his Scottish ministry. Thus all offices could be safely filled before the Committee of Estates had convened. Middleton was

appointed as King's Commissioner for the Scottish Parliament, primarily because the English Chancellor Hyde, currently the most important politician in England, had backed him on account of his Royalist and episcopalian leanings. Lauderdale was appointed as Secretary of State, whilst Glencairn was appointed as Chancellor. Hyde had attempted to have that post filled by Lauderdale in order to remove the latter's political influence at Court in London. As a counterweight against Hyde's ploy, Lauderdale determined to reside at London and so the post went to Glencairn. Lauderdale also defeated Hyde's influence by securing the office of Secretary; both Hyde and Middleton had backed Newburgh for that post. Crawford-Lindsay retained the post of Treasurer, whilst Cassillis secured the office of Justice-General, Marischal the post of Lord Privy Seal, Rothes that of President of the Privy Council and Leven that of Governor of Edinburgh Castle. Sir John Fletcher was appointed as King's Advocate, Sir Archibald Primrose as Clerk Register and Sir William Bellenden as Treasurer Depute. Of the major offices, the only former radicals to secure a post were Cassillis, Marischal and Rothes, although Loudoun received a substantial pension. Fletcher had also collaborated with the Cromwellian regime, but was now closely allied to Middleton. Primrose not only allowed his appointment to his political allegiance to Middleton, but also because he had bribed Sir William Fleming, who had been promised the position when the king had been in exile. The bulk of offices went to former Engagers, although it is clear that the king did not want to rely exclusively on that grouping at that point in time.<sup>5</sup>

Prior to the convening of the Committee of Estates on 23rd August 1660, it had therefore become evident that the nobility was in a process of reasserting its political power, as suggested through its domination of representation of the commissioners of the shires in the meetings of late December 1659 and February and April 1660. Furthermore, the Scottish ministry appointed in July 1660 was amenable to the royal interest, although a political balancing act of the various factions of the 1640s and collaborators had been achieved. It was against this background that the Committee of Estates met on 23rd August 1660.

## *(2) The Operation of the Committee of Estates, August to December 1660.*

Sederunts of the Committee of Estates are recorded in two separate committee registers. The first register records sederunts from 23rd August to 13th October (see appendix 67), whilst the second register records sederunts from 9th October to 8th December (see appendix 68). 46 enactments (10 of which were public acts and 36 private legislation) were passed between 23rd August and 13th October, whilst 17 enactments (three of which were public acts and 14 private legislation) are recorded in the register which runs from 9th

October to 8th December.<sup>6</sup>

31 sederunts of the Committee of Estates are recorded between 23rd August and 13th October (see appendix 67). Only four of the 44 nobles included on the 1651 Commission attended between 20 and 30 diets (see appendix 67). Glencairn attended all 31 diets. Glencairn also appears to have taken on the role of President of the Committee of Estates (instead of Loudoun who had been President of the 1651 Committee). Wigtown and Cardross each attended 23 diets (74%), whilst Roxburgh attended 21 diets (68%). Eight further nobles are recorded in between 12 and 17 sederunts (see appendix 67). Of the remaining 32 nobles included on the 1651 Commission 25 did not attend at all (some were deceased), whilst the remaining seven nobles on the original commission attended less than 12 diets (see appendix 67). Burleigh was thus the only noble with a respectable attendance figure who had a political background aligned with the radicals.<sup>7</sup>

Only five of the 44 gentry included on the 1651 Commission attended between 20 and 31 diets (see appendix 67). Stirling of Carden (Stirling) attended 26 diets (84%), Foullis of Colington (Edinburgh) and Murray of Skirling (Peebles) each attended 25 diets (81%), Nairn of Strathuird attended 22 diets (71%) and Innes of that ilk (Elgin) attended 20 diets (64%). 10 further gentry are recorded in between 12 and 18 diets (see appendix 67). Of the remaining 29 gentry included on the 1651 Commission 22 did not attend at all, whilst seven attended less than 12 diets (see appendix 67).<sup>8</sup>

Of the 42 burgesses included on the 1651 Commission, six have attendance levels between 20 and 30 diets (see appendix 67). Sir Robert Farquhar (Aberdeen) attended 27 diets (87%), John Milne (Queensferry) attended 25 diets (81%), David Spence (Rutherglen) attended 22 diets (71%), whilst John Scott, George Garden (Burntisland) and Alexander Cunningham (Crail) attended 20 diets (64%). 11 further burgesses have attendance levels between 12 and 18 diets (see appendix 67). Of the remaining 25 burgesses included on the 1651 Commission, 22 did not attend at all, whilst three attended less than 12 diets (see appendix 67).<sup>9</sup>

Therefore the attendance trends over all Three Estates was that of small groups of nobles, gentry and burgesses who collectively formed the provisional government of Scotland until Parliament met. Moreover, large numbers of members of the Committee of Estates initiated on 3rd June 1651 did not attend any of the proceedings. Three explanations can be forwarded for non-attendance; firstly, death of many members, secondly, withdrawal from political life to concentrate on their personal affairs and thirdly, the fear of former radicals of political retribution from a regime which was clearly going to be Royalist.

In addition, three nobles, 12 gentry and eight burgesses who attended diets of the Committee of Estates between 23rd August and 13th October were not members of the Committee of Estates as per 3rd June 1651 (see appendices 65 and 67). Dumfries, Seaforth and Mar constitute the grouping of three nobles. The latter two nobles only attended a small

number of diets, but Dumfries attended 24 diets (77%). Of the 12 gentry, four attended 10 or more diets (see appendix 67); Murray of Polmais (Stirling) and Livinstone of Kilsyth (19, 61%), Mercer of Aldie (16, 52%) and Home of Plandergaist (Berwick) (10, 32%). Of the eight burgesses, seven attended more than 10 diets (see appendix 67); William Cunningham (24, 78%), Robert Murray (22, 71%), John Jossie, John Paterson and William Seaton (11, 36%), John Bell and Sir Andrew Ramsay (18, 58%).<sup>10</sup>

Therefore non-commissioned gentry and burgesses outweighed the noble estate with regard to non-constituted members who were attending diets of the Committee of Estates between August and October despite not being members of the 1651 Commission. Nevertheless, it was the non-commissioned burgesses who were in attendance on a more regular basis compared to the non-commissioned nobles and gentry. Given the contemporary political tempor, the majority of this grouping was probably pro-Royalist.

Under the terms of the commission to the Committee of Estates of 3rd June 1651, that body was to split into two separate sections (although membership details of both sections were not provided). The quorum of the section for governing the kingdom had been set at 11, with two of each estate required to be present. The quorum of the army section was set at seven, with one per estate required to be present. These rules for both sections were adhered to at all diets of the Committee of Estates between 23rd August and 13th December 1660 (see appendix 67).<sup>11</sup>

The political intentions of the Committee of Estates were made apparent almost immediately. On 23rd August a meeting of the leading Protesters had convened in Edinburgh as a rival gathering to that of the Committee of Estates. The Protesters had issued a declaration on 23rd August which stated the obligation of Charles II to the Covenant, not only in Scotland, but throughout the British Isles. The Protesters also made clear their hostility towards the trend towards the restoration of Episcopacy in England. In response to this, the arrests of the 11 Protesters who had gathered were ordered and a sub-committee of the Committee of Estates was established on 23rd August, drawing up a proclamation "anent the discharging of all conventions or extrajudicial meetings...within any place of his Majestie's kingdom of Scotland, not being authorised by his Majesties commission and warrand".<sup>12</sup> Two per estate formed the membership of the sub-committee. As a result of the deliberations of the sub-committee, on 24th August the Committee of Estates issued a proclamation which prohibited any meetings or conventicles which had not been authorised by the Crown.<sup>13</sup>

Between 23rd August and 13th October the political muscle of the Committee of Estates had been flexed to crush, both in practise and in legislative terms, any form of seditious meetings which challenged the king's authority. Sub-committees established, dominated by a clique of nobles, gentry and burgesses, but non-commissioned members of the Committee of Estates (as per the membership of 3rd June 1651) were securing membership of sub



committees. Such subCommittees were concerned with the imprisonment of the Protestors, citations for appearance before the Committee of Estates, and the levying of the excise.<sup>14</sup>

The second committee register records 19 sederunts between 9th October and 8th December 1660 (see appendix 68). Seven of the 44 nobles included on the 1651 Commission attended 11 or more diets (see appendix 68). Loudoun attended 18 diets (95%), whilst Haddington attended 16 (84%). Both Rothes and Cardross attended 14 diets (74%), Cassillis attended 12 diets (63%), whilst both Wigtown and Linlithgow attended 11 diets (58%). The remaining 37 nobles included on the 1651 Commission were included in nine or less sederunts and 24 did not attend at all (see appendix 68).<sup>15</sup>

10 of the 42 gentry included on the 1651 Commission attended between 10 and 18 diets (see appendix 68). Hamilton of Preston attended 18 diets (95%), whilst both Foullis of Colington (Edinburgh) and Murray of Skirling (Peebles) attended 17 diets (90%). Hepburn of Keith (Haddington) is recorded in 15 sederunts (79%). The remaining 34 gentry included on the 1651 Commission attended less than 10 diets and 20 did not attend at all (see appendix 68).<sup>16</sup>

Eight of the 42 burgesses included on the 1651 Commission attended between 10 and 16 diets (see appendix 68). David Wilkie ( ) is recorded in 16 diets (84%), whilst Sir John Smith (Edinburgh), Archibald Sydserf (Edinburgh), John Milne (Queensferry) and John Burnside are all included in 14 diets (74%). The remaining 34 burgesses attended less than 10 diets and 16 did not attend at all (see appendix 68).<sup>17</sup>

Comparison between the attendance data contained in the two registers reveals that those nobles, gentry and burgesses who had been in regular attendance between August and October were also in regular attendance between October and December 1660. Therefore there was a continuity of personnel in the attendance trends of the commissioned Committee of Estates between August and December 1660.

In addition, five nobles, 12 gentry and eight burgesses who attended diets between October and December 1660 were not members of the 1651 Commission (see appendix 68). All had attended diets between August and October except for two nobles, one laird and one burgess (see appendices 67 and 68). The respective quorums, as per 1651, for the army section and the section for governing the kingdom were observed at all diets.<sup>18</sup>

Political management of the burghs manifested itself on 10th October when a sub committee was appointed to consider on the persons elected by the burghs for officiating of magistrates. Membership of the subCommittee was exclusively burghal and was composed of representatives of the burghs of Edinburgh, Glasgow, Linlithgow, Ayr and Dundee. The process of citations of those to appear before the Parliament when it sat was invested with the authority of the Chancellor, Glencairn, and the King's Advocate, Sir John Fletcher. Nevertheless, a specific subCommittee was established on 16th October to keep a watching eye on the activities of the Chancellor and the King's Advocate regarding the drawing up of

the list of cited persons. Two per estate formed the membership of that subCommittee. Both nobles (Wigtown and Rothes) had been included on earlier subCommittees. One gentry (MacKenzie of Tarbet) and one burgess (Sir Andrew Ramsay) were not members of the 1651 Committee of Estates. By 2nd November those lists of cited persons had obviously been completed. On that date a further subCommittee was established, with the remit of preparing summons and inditments against those who had been most consistent opposers of Royal authority.<sup>19</sup>

Four nobles, four gentry and three burgesses formed the membership of that sub-committee. The two nobles (Rothes and Wigtown) and two gentry (Foullis of Colinton and MacKenzie of Tarbet) included on the sub-committee of 16th October were also included on the subCommittee of 2nd November. One of the burgess members (John Bell) was not a member of the 1651 Committee of Estates. In addition, Glencairn, Chancellor, Sir Archibald Primrose, Clerk Register, and Sir John Fletcher, King's Advocate, were all included as supernumeraries.<sup>20</sup>

The last recorded sederunt of the Committee of Estates was on 8th December, prior to the meeting of Parliament on 1st January 1661 (see appendix 68).

### *(3) The First Parliament of Charles II, 1st January to 12th July 1661*

The parliamentary session which convened on 1st January 1661 constituted the first meeting of the Scottish Parliament in nearly ten years. The session actually convened on 1st January, after having been originally sheduled for 12th December 1660 and only after the King's Commissioner, Middleton, had arrived in Edinburgh on 31st December.<sup>21</sup>

*(i) The Composition of the First Parliament of Charles II, 1st January to 12th July 1661*

75 nobles, 59 gentry representing 31 shire and 61 burgesses representing 60 burghs (195 members in total) constituted the membership of the Restoration Parliament. Three of the nobles (Chancellor Glencairn, Crawford-Lindsay Treasurer, and Bellenden, Treasurer Depute) and three of the gentry (Sir Archibald Primrose, Clerk Register, Sir John Fletcher, King's Advocate) are recorded in the parliamentary rolls as Officers of State. In strict constitutional terms, this was a violation of the Scottish constitutional settlement of 1639-41 which was still legally valid.

In terms of membership per estate and total membership the attendance figures for the Restoration Parliament as per 1st January 1661 were higher than all previous sessions of Parliament, 1639-51 (see appendices 2, 10, 43). Analysis of common membership between the Restoration Parliament and parliamentary sessions, 1639-51, reveals that 36 out of the 75 nobles (48%), 16 out of the 59 gentry (27% including Officers of State) and 14 out of 61 burgesses (23% and including Officers of State) in the Restoration Parliament had served in previous parliamentary sessions, 1639-51 (see appendices 2, 10 and 43). The noble estate exhibited the highest retention of personnel from the 1639-51 Parliaments in comparison to the other two estates. Allowing for death, this figure is perhaps unsurprising given the comparative lack of radicalism among the noble estate as a whole in the period 1639-51. Given the royal management of parliamentary elections to the Restoration Parliament, the 16 gentry and 15 burgesses can be labelled as supporters of the Crown. Albeit two burgesses, Robert Cunningham (Kinghorn) and George Garden (Burntisland), had been noted radical burgesses, 1639-51. By the time of the Restoration they may have modified their political stance or merely wished to hold on to political power in the form of the parliamentary representation of their respective burghs.<sup>22</sup>

The elections to the Restoration Parliament had taken place from late November throughout December and were managed by the Royalist party. Scrutiny of parliamentary commissions reveals that 47 of the 59 gentry (80%) and 59 of the 61 burgesses (97%) commissioned to sit in the Restoration Parliament actually took their places. Seven gentry and two burgesses commissioned had been replaced by other commissioners by the time the parliamentary session met; this may indicate that purging was taking place. In any case, the strong correlation in election to and actual sitting in Parliament indicates effective Royalist party management of elections. This is supplemented by further evidence; on 4th January 1661 four cases of disputed elections in the shires were dealt with (regarding the shires of Peebles, Dumfries, Elgin and Inverness). Throughout November 1660, Rothes had been courting the burghs to secure political support for Lauderdale and had secured the services of Sir Alexander Wedderburne (Dundee), prominent in burghal circles 1639-51, to promote

that cause. According to Baillie, "the chancellor so guided it, that the shyres and burroughs" elected only those "that were absolutely for the king".<sup>23</sup>

*(ii) The Proceedings of the First Parliament of Charles II, 1st January to 12th July 1661.*

The legislative programme (303 enactments, 127 of which were public acts, and 70 ratifications) enacted between 1st January and 12th July 1661 not only reasserted royal authority and the royal prerogative in an unprecedented manner, but also revoked the constitutional settlement of 1639-41. Instructions had been issued to Middleton, King's Commissioner, on 17th December in which he had been authorised by the king to assert the royal prerogative. Those instructions had also stressed that because the Crown possessed the right of calling and dissolving of Parliaments and Conventions of Estates, then Middleton was to secure the repeal of the 1643 Convention of Estates (which was responsible for the Solemn League and Covenant) and the radical Parliament of 1649. Furthermore, the legislation of 1640-41 regarding the nomination of Officers of State, Privy Councillors and Lords of Session were to be repealed. Before the opening of the Restoration Parliament, a Royalist constitutional agenda had already been set out. The fact that the elections had been successfully managed by the Royalists indicated that such an agenda had a favourable chance of successful implementation. Moreover, when the Scottish nobility had petitioned the king they had acknowledged the sole right of the king to call Parliaments and were willing for the royal prerogative to be reasserted. This enhanced the prospects of the successful implementation of the Royalist agenda.<sup>24</sup>

The Royalist backlash against the constitutional settlement of 1639-41 began immediately on the opening day of the session. The legislation of 16th November 1641 concerning the election of the President of Parliament and all other subsequent acts relating to the parliamentary election of President were annulled. It was enacted that in this and all future Parliaments whoever held the office of Chancellor would automatically hold the office of President of Parliament. This marked a return to the constitutional tradition of the Chancellor presiding in Parliament. The Chancellor was now also to preside in the Exchequer, instead of the Treasurer, Crawford-Lindsay. In the first six sessions of the Second Triennial Parliament, 1648-51, Chancellor Loudoun had also been President of Parliament, although that had been through election by the Three Estates and not because he was Chancellor. Therefore the merging of the offices of Chancellor and President of Parliament can be interpreted as a direct attack on the independence of the Three Estates to elect their own President, who from now on would be a royal nominee.<sup>25</sup>

Just as members of Parliament during the Covenanting era had been required to subscribe the parliamentary oath pledging to defend the authority and freedom of Parliament, the

Royalists used this precedent to establish an Oath of Allegiance which was to be pledged by all parliamentary members. Not only did the Oath of Allegiance demand personal loyalty to the king above all public judicatories and acknowledge the king as "Supream Governour" of the realm, but parliamentary members were to defend the king's authority against any challenges to that authority. All previous legislation concerning parliamentary oaths (especially that of 18th August 1641) were annulled. Therefore the Oath of Allegiance constituted not only an effective tool of party management, but also of personal loyalty to the Crown alone.<sup>26</sup>

The Royalist political affiliations of the parliamentary membership were refelected by the fact that there was only one dissenter to the Oath of Allegiance; Cassillis. Cassillis refused to take the Oath of Supremacy, primarily because it allowed for royal supremacy in ecclesiastical issues, and consequently withdrew from the House.<sup>27</sup>

The traditional device of royal control of Scottish Parliaments, the Lords of the Articles, was restored on 5th January. This had been instigated by the king who was keen to ensure that the conduct of parliamenatry business "be als conforme as conveniently may be to the antient customes and formes vsed in the Parliaments before these troubles". Middleton, the King's Commissioner, was to preside. 12 per estate, plus the Officers of State, formed the membership of the Lords of Articles (see appendix 69). The numerical composition of the Lords of Articles did not adhere to the traditional composition (eight per estate) and the greater number employed may have been used<sup>as</sup> a sweetener to placate the Estates. Apart from the noble Officers of State, Rothes appears to have been the most influential noble. Marishal now Lord Privy Seal and a noted radical from 1639-51, also secured inclusion, and had probably now transfered his loyalty to the Crown. With the exception of Dumfries, all noble members of the Lords of the Articles (including Officers of State) were also Privy Councillors. This indicates a strong degree of Royalist parliamentary management. Including Officers of State, eight gentry on the Lords of the Articles were also Privy Councillors. Eight of the 12 gentry (67%) and six of the 12 burgesses (50%) on the 1661 Lords of Articles had previous parliamentary experience, 1639-51. This does not necessarily imply that those gentry and burgesses had been previous supporters of the Crown. More realistically, it reflects the desire of the political nation to react to changing political circumstances and the wishes of certain gentry and burgesses to retain political power, both in their localities and on the national stage.<sup>28</sup>

Three specific items of Covenanting legislation were repealed in the commission to the Lords of the Articles; firstly the third act of the 1640 Parliament which provided for the choosing of parliamentary committees out of every estate, secondly, the 23rd act of the 1640 Parliament which had required all grievances to be presented in plain Parliament, and thirdly, the act of 26th July 1644 relating to the choosing of commissioners out of the parliamentary members. Parliamentary political power was therefore to be invested in the

Lords of the Articles. The Articles were to receive all papers, overtures and the like, for weekly preparation to the full Parliament and the King's Commissioner. The 1661 Lord of the Articles did not therefore adhere to the tradition of presenting legislation en bloc to Parliament to be passed on the one day. They were also ordered to prepare and call all processes and ~~indictments~~ (including examining of witnesses) before presentation to the full Parliament. The commission nevertheless allowed for any member of Parliament to present any overture, proposal or petition to the King's Commissioner and the Estates (which were to meet twice per week during the sitting of the Articles), if the Articles did not present that overture, proposal or petition to Parliament. Again this may have been a device used to placate the parliamentary membership (particularly the gentry and burgesses) but it did not disguise the fact that the preparation of parliamentary business lay with the Articles and not the Estates.<sup>29</sup>

That royal influence was predominant in the Articles was reflected in the bulk of legislation in favour of the Crown passed throughout January 1661. In essence the Scottish constitutional settlement of 1639-41 was reversed. The "sole choice and appointment" of Officers of State, Privy Councillors and Lords of Session was placed in the hands of the Crown and the parliamentary legislation of 1641 relating to the election of the above personnel was annulled on 11th January. This constitutes a remarkable surrender of parliamentary power to the Crown in light of the experience of the 1640s and the fact that the parliamentary session was only 11 days old.

The Ordinary and Extraordinary Lords of Session were officially named on 5th April 1661, although their nominations had been put forward by the king and decided on months earlier. 15 Ordinary and four Extraordinary Lords of Session were appointed. All four Extraordinary Lords of Session were nobles and three were Officers of State (Crawford-Lindsay, Rothes and Lauderdale). The remaining noble, Cassillis, was removed for his opposition to the Oath of Allegiance. Five of the Ordinary Lords of Session were also included on the Lords of Articles; Gilmore of Craigmillar, Sir Archibald Primrose (in the capacity as an Officer of State), Lockhart of Lee, MacKenzie of Tarbet and Stirling of Carden.

36 nobles and 12 gentry and one representative of the burghal estate formed the membership of the reconstituted Scottish Privy Council of 1661. In terms of numerical composition, the membership adheres almost identically to the Privy Council established on 13th November 1641 (36 nobles, 14 gentry and one burgess). Alexander Bruce, brother of the Earl of Kincardine, was included on the Privy Council Commission. Alexander Bruce represented the burgh of Culross in the Restoration Parliament. It would appear, therefore, that Bruce represented burghal interests on the Privy Council, although it is also the case that the burghal estate was politically marginalised within that body. The noted common membership between the Privy Council and the Lords of the Articles, especially regarding the nobility,

provides evidence of the concentration of Royalist parliamentary management within a small group of nobles and gentry Officers of State. This would suggest that the lessons of the ~~oligarchic~~ <sup>oligarchic</sup> centralism of the Covenanting Movement had been taken on board. On the orders of the king, five additions were made to the 1661 Privy Council. Hyde (the English Chancellor), Albemarle, Ormond, Manchester and the Principal Secretary in England constituted the five additions. These additions must be viewed in light of Hyde's political objective of controlling Scottish affairs from London, principally in the form of the Scottish Council at Whitehall staffed predominantly by English members. The inclusion of Hyde and the other additions on the Scottish Privy Council was not only designed to tighten the control of Scottish affairs from Whitehall, but also to marginalise Lauderdale's control of Scottish affairs.<sup>30</sup>

The surrender of parliamentary power was continued by further legislation of 11th January which stipulated that the calling and dissolving of Parliaments and Conventions of Estates resided in the king alone. This had a knock on effect in the sense that it was deemed that any parliamentary legislation passed without the approval of the king or his commissioner would be null and void. Such legislation can be interpreted as a safeguard against the experience of the 1640s when the June 1640 session had met without royal approval and when the 1643 Convention of Estates had also been convened without royal consent. The political assertion of the royal prerogative was compounded by the fact that national acceptance of the above legislation was demanded under the pain of treason. Related enactments were passed on 16th and 22nd January. Firstly on 16th January, legislation passed in the reign of James VI was renewed whereby conventions, assemblies and councils were declared illegal without royal consent, as were the subscription of bands and leagues. Not only was this a reaction against the precedent of the meetings of the Tables in 1638 and the Covenanting bonds of the 1640s but also against the 1643 Solemn League and Covenant. Unauthorised subscription was to be punished under the charge of sedition. Many members of Parliament absented themselves from the House when this vote was taken and Balmerino and Coupar withdrew completely. Secondly on 16th January, the control of the making of foreign policy and the raising of the militia was invested solely in the king at the expense of Parliament. Thirdly on 22nd January, the 1643 Convention of Estates was annulled as was the act of 5th July 1644 in the First Triennial Parliament which had ratified the acts of the Convention. In technical terms the Solemn League and Covenant had now been rescinded. Nevertheless, the importance of the ramifications of the Solemn League and Covenant warranted the initiation of a separate enactment on 25th January. Future renewal and swearing of the Solemn League and Covenant was to require the king's approval. It was also stipulated that the Solemn League and Covenant and any related legislation did not now provide any form of obligation for the pursuance of the reformation of religion in England and Ireland. That the political tone of this enactment was tame compared to the aggressive assertion of the royal prerogative throughout January 1661 can perhaps be explained by the fact that it had not yet been decided by the king and his circle of policy advisors whether presbyterianism or

episcopacy should be the appropriate form of the government of the Church of Scotland. At this stage, it was therefore imperative that the king should not overtly alienate or arouse the opposition of the Kirk. In British terms it had become clear, however, that presbyterianism would not be imposed in either England or Ireland. The lack of prospects for the reassertion of presbyterianism within Scotland was to become clear by 28th March when it was enacted that the appropriate government of the Kirk would be that which was most suitable to monarchical government, <sup>2</sup>i.e. episcopacy.<sup>31</sup>

The retrenchment of Crown power continued throughout February and March 1661. The Engagement of 1647-48 was approved of and ratified on 9th February. In addition the proceedings of the Committee of Estates which convened from September 1648 to January 1649, following the Whiggamore Raid, and the radical Parliament of January 1649, were declared unlawful. All legislation passed by those two bodies was rescinded. Justification for this was provided by the fact that they had been convened (according to the king and the Royalists) without a lawful warrant. The act was read three times in the House and provoked sustained debate, although it was ~~passed~~ unanimously. That the act was successfully passed, can perhaps be explained by the fact that all those who had sat in the 1649 Parliament and any of its committees were not to be proceeded against, bar those who were to be specified in a future Act of Indemnity. Related legislation enacted on 20th February condemned the settlement of January 1647 whereby Charles I had been delivered into the hands of the English army at Newcastle. Not only was parliamentary legislation of 16th January 1647 ratifying that agreement rescinded and annulled, but the enactment of 20th February acknowledged that there had been a loyal opposition to that agreement which had been the work of a minority political faction and not that of the kingdom of Scotland as a whole.<sup>32</sup>

All the constitutional enactments passed in favour of the Crown in January and February were incorporated into legislation passed on 27th February. That legislation firstly required national subscription of the Oath of Allegiance by all who held public office. Secondly, it required compulsory acknowledgement of the royal prerogative as had been legislated for so far in the parliamentary session (i.e. in the appointment of Privy Councillors, Officers of State and Lords of Session, the power of convening and dissolving of Parliaments, etc). Those who refused to subscribe the Oath of Allegiance and acknowledge the royal prerogative were declared incapable of holding public office of any kind whatsoever. Action was ultimately taken against Cassillis, who had refused the Oath of Allegiance at the opening of the parliamentary session, who was removed from the post of Extraordinary Lord of Session on 10th April and barred from holding any other public office. On 30th May further legislation required the Oath of Allegiance to be sworn by the magistrates and Council in each burgh. Hence the Oath of Allegiance can be interpreted as a Royalist alternative to the Covenants as a political point of reference.<sup>33</sup>

Almost one month later, on 28th March, the General Act of Rescissory was enacted.



Instigated by MacKenzie of Tarbet and backed enthusiastically by Hyde despite a lukewarm response from Middleton, that act rescinded and annulled en bloc the Parliaments of 1640, 1641, 1644, 1645, 1646, 1647 and 1648 (the 1649 Parliament having already been annulled). That this enactment had not been passed much earlier in the parliamentary session, now nearly four months old, can be attributed to several considerations. Firstly, it would have been politically insensitive and arrogant to introduce legislation at the outset of the session, when Parliament had not met for nine years. It would also have provided invaluable ammunition to the opponents of royal authority and at the very least have aroused political unease amongst the parliamentary membership, especially the gentry and burgesses, even though the elections had been managed. Secondly, technical problems existed with regard to several items of pre-1660 legislation, but the Engagement had now been ratified, the 1650 ratification of the 1643 Convention of Estates, passed with the king's authority, had been repealed on 22nd January, as had the ratification to the 1649-50 Parliaments of the radical regime on 9th February. Thirdly, the political atmosphere of the Estates by 28th March had been proven to be more than amenable to royal interest in constitutional terms. Fourthly, an Act of Indemnity had not yet been forthcoming and members may have been wary of arousing the opposition of the king if they had opposed such a measure. In political terms, the General Act of Rescissory appears also to have been used as a device by Hyde to facilitate the restoration of episcopacy by the back door, because all legislation of the 1640s guaranteeing the presbyterian nature of the Kirk had now also been repealed. Indeed, the Act concerning Religion and Church Government, in which the restoration of episcopacy was hinted at, accompanied the Rescissory Act. The Act of Rescissory provoked the opposition of both Crawford-Lindsay and the new Duke of Hamilton and two other unspecified members of the Lords of the Articles, but it was still passed by a substantial majority, which was observed to be in favour of the bringing back of episcopacy. Unease had nevertheless been felt by some parliamentary members of the annulling of the Engagement Parliaments and the 1641 Parliament when Charles I had actually been present. This would seem to suggest that there was a dissenting presence of the former radical mainstream.<sup>34</sup>

The political mood of the Restoration Parliament wholly in favour of the king was also reflected in its willingness to grant him an exuberant financial allowance for the remainder of his life. On 22nd March it voted to the king an annuity of £40 000 sterling (£480 000 Scots) per annum for life, the sum having been agreed on by the Committee of Estates in 1660 following a deal struck between Lord Cochrane and the king. £98 000 Scots of this sum was to be raised by customs duties upon specified products, whilst the remaining £382 000 were the proceeds of excise duties on domestic and imported alcohol.<sup>35</sup>

Middleton's instructions of December 1660 had contained orders that loyal Royalists of the Covenanting and Cromwellian periods were to be rewarded, particularly those whose estates

had been confiscated. These orders were implemented in two particular ways. Firstly, between February and May 1661 forfeitures of Royalists which had been enacted in the 1640s were rescinded. 11 such forfeitures were rescinded, the most notable being that of James, 1st Marquis of Montrose, and his successors. Secondly, on 5th July a parliamentary interval committee was established to consider the losses and debts of those who had been loyal to the Royal cause. The commission was to last until the next parliamentary session. Therefore Covenanted procedure was being employed to compensate noted opponents of the Covenanted Movement. The estates and losses of 24 individuals were specified in the commission, 22 of whom were nobles. Two nobles, five gentry and three burgesses plus all the Officers of State formed the membership of the interval committee (see appendix 69). In addition to all the Officers of State, one noble (Rothes, President of the Privy Council), four gentry (Gilmore of Craigmillar, Lockhart of Lee, Stirling of Carden and MacKenzie of Tarbet) and one burgess (Sir Robert Murray) included on the interval committee were also members of the Lords of Articles (see appendix 69). Rothes was also an Extraordinary Lord of Session, whilst all four gentry were Ordinary Lords of Session.<sup>36</sup>

Outwith the political and constitutional arena, two particular committees were established; the Committee for Trade and Complaints and the Committee for Plantation of Kirks and Valuation of Teinds (see appendix 69). In the interests of the efficiency of the processing of parliamentary business relating to the promotion of trade and manufacturies and for hearing of private complaints between parties, the Committee for Trade and Complaints was established on 5th January. Two specific remits were therefore incorporated into one session committee. The assignment of judicial powers was attributed to the fact that justice courts had not been in operation for the past two years. 12 per estate, plus the Officers of State, formed the membership of the Committee for Trade and Complaints (see appendix 69). Excluding the Officers of State, there was no common membership over all three estates between the Lords of the Articles and the Committee for Trade and Complaints. Two explanations can be forwarded for this. Firstly, the Lords of the Articles were more than kept busy by the legislative work schedule which they were forced to deal with. Secondly, the employment of non-members of the Articles allowed for a more widespread use of parliamentary personnel, which was politically important for keeping the parliamentary membership content, especially the nobility. Lord Cochrane, who had been responsible for securing the annuity of £40 000 sterling for the king, was elected President of the committee at the first diet.<sup>37</sup>

The Committee for Plantation of Kirks and Valuation of Teinds was established on 6th March and marks the retention of one of the few parliamentary formats kept over from the Covenanted era. Including Officers of State, 26 nobles, 25 gentry and 15 burgesses constituted its membership (see appendix 69). The burghal estate had been marginalised in its representation on this committee compared to the other two estates. Five of the nobles and four of the gentry were Officers of State, whilst six of the gentry were Senators of the College of Justice. One of the gentry Officers of State was also a member of Parliament as per 1st January 1661; Sir John Gilmore of Craigmillar, President of the Session, represented

the shire of Edinburgh (see appendix 69). Four of the gentry Senators of the College of Justice were also members of Parliament as per 1st January 1661; Lockhart of Lee (Lanark), Foulis of Colington (Edinburgh), Stirling of Carden (Linlithgow) and MacKenzie of Tarbet (Ross) (see appendix 69). According to the terms of the commission, it is unclear whether or not the commission was to endure only until the close of the parliamentary session or whether or not it was also empowered to continue its proceedings as a parliamentary interval committee.<sup>38</sup>

By the close of the parliamentary session on 12th July, which had now lasted for over six months, an Act of Indemnity had still not been passed. On 12th July the King's Proclamation anent the Indemnity had stated that at the close of the next parliamentary session such an act would be enacted. Prior to this, Commissioner Middleton had been previously reprimanded by Charles II because "Privat barganes" had been struck and "money receaved from too many who are represented to have been abominable complyres". Middleton had been ordered to put a stop to this immediately. Nevertheless, from the time of the meetings of the nobility in London in 1660 it had become clear that Argyll was to be made an example of and he had been arrested almost immediately at his arrival at Court in 1660. Johnston of Wariston, the notorious radical laird of the Covenanting era alligned to Argyll and prominent Cromwellian collaborator, was likewise destined to be severely dealt with. Throughout the parliamentary session six individuals had decrees of forfeiture passed against them. The four most prominent cases were those of Argyll (summoned on a charge of treason on 31st January), Johnston of Wariston (declared a fugitive and rebel having failed to appear on charges of treason having been summoned by the Committee of Estates), Swinton of that ilk (having already been found guilty of treason in 1651 for collaboration with Cromwell) and James Guthrie, minister at Stirling, the prominent ~~Protestant~~ minister. The political atmosphere was so Royalist that the prominent Edinburgh lawyer, John Nisbet (who later became Lord Advocate) refused to represent Argyll.

Despite the attempts of Argyll's son, Lorne, at court and the influence of Lauderdale to save Argyll from the scaffold, Middleton, Glencairn and Rothes contrived to secure the king's agreement that all of Argyll's petitions of defence should be rejected and Argyll must die. When Argyll was eventually found guilty of treason, there was no support in the House for a delay of execution. This indicates once more the Royalist support in the House. It also indicates the desire on the part of Middleton, Rothes and Glencairn that Argyll had to be executed in order to end his political influence once and for all, given his political track record. Argyll was eventually executed on 27th May 1661. The other five individuals were all to suffer the same fate as Argyll, although as per June-July 1661 three of them, including Johnston of Wariston had not yet been caught.<sup>39</sup>

On 12th July an Act of Adjournment was passed and Parliament was ordered to reconvene on 12th March 1662. In the interests of factional management, there were to be no new elections in the shires and burghs, except in cases of death. Given the combined voting power of the gentry and burgesses, it was essential that the same commissioners should be retained for the next parliamentary session, particularly because they had been more than amenable in supporting the restoration of the royal prerogative. The nobility, as an estate,

had learned the lesson of the 1640s of the importance of the combined voting strength of the other two estates, which had previously curtailed the parliamentary power of the nobility.<sup>40</sup>

*(iii) The Committee Structure of the First Parliament of Charles II, 1st January to 12th July 1661.*

Four committees, plus the Lords of the Articles, have been analysed. Two of the committees were strictly session committees, one was a session and an interval committee and one was strictly an interval committee (see appendix 69). 35 nobles constitutes the total noble field analysed. Noble common membership was concentrated on Crawford-Lindsay (Treasurer), Glencairn (Chancellor) and Lauderdale (Secretary) who all served on four committees. Rothes, President of the Council, was included on three committees. With the exception of three nobles (Erroll, Mar and Hartfell), all noble members of the Lords of the Articles served on more than one committee (see appendix 69). Of those nobles, not included on the Lords of the Articles, the highest figure was that of Cochrane who served on three committees. Control and staffing of parliamentary committees was therefore centred on the noble members of the Lords of the Articles, who in turn were almost exclusively Privy Councillors.<sup>41</sup>

36 gentry constitute the total field of gentry analysed (see appendix 69). Four gentry served on a total of four committees. Three of these gentry were Officers of State (Sir Robert Moray, Justice Clerk, Sir Archibald Primrose, Clerk Register and Sir John Fletcher, Lord Advocate), whilst the other was a Lord of Session (Sir John Gilmore of Craigmillar). All four gentry were also Lords of the Articles, as well as being Privy Councillors. Four further gentry served on three committees each (see appendix 69). Three of this grouping of gentry were included on the Lords of the Articles as well as being Lords of Session (Lockhart of Lee, Stirling of Carden and MacKenzie of Tarbet), whilst the remaining laird was an Officer of State (Sir William Bellenden). Lockhart of Lee was also a Privy Councillor. Only three of the gentry on the Lords of the Articles (Wedderburne of Gofford, Hamilton of Preston and Murray of Garth) did not serve on more than one committee (see appendix 69). Gentry common membership was centred on the relationship between the Lords of the Articles, Officers of State, Lords of Session and Privy Councillors. This ensured Royalist parliamentary control of the gentry in the staffing of committees. 11 gentry analysed were not members of Parliament as per 1st January 1661, although three were Officers of State (see appendix 69).<sup>42</sup>

29 burgesses constitute the total field of burgesses analysed (see appendix 69). Three burgesses served on three committees each (see appendix 69). Two of these three burgesses

(Sir Robert Murray and John Bell) were members of the Lords of the Articles. The other burgess (Sir Andrew Ramsay, Provost of Edinburgh) was neither a member of the Lords of Articles, nor a member of Parliament as per 1st January 1661 (see appendix 69). Eight of the 12 burgess members of the Lords of the Articles were included on more than one committee (see appendix 69).<sup>43</sup>

Whilst near parity per estate is apparent in the employment of nobles (35) and gentry (36) within the committee structure, the burgesses were marginalised in comparison to the other two estates. That Parliament was to be controlled by the king's ministers and not the Estates was emphasised in the close relationship between employment on the Lords of the Articles, the Privy Council, Officers of State and Lords of Session. Nevertheless, it was the gentry who were the ongoing beneficiaries of Covenanted procedures.

#### *(4) Conclusion*

By the close of the parliamentary session on 12th July 1661, the royal prerogative had been firmly re-established and the constitutional settlement of 1639-41 had been annulled and rescinded. The elections to the Restoration Parliament of commissioners of the shires and burghs had been successfully managed to produce commissioners amenable to the Royalist cause. This was recognised by not allowing new elections to be held for the 1662 parliamentary session. The nobility at Court in 1660 had expressed their desire for the royal prerogative to be restored in Scotland. The king now had sole power in the calling and dissolving of Parliaments and in the naming of Privy Councillors, Officers of State and Lords of Session and had also had been granted a handsome annuity. The management of parliamentary business and the operation of the committee structure was centred on the common membership relationship between the Lords of the Articles, the Privy Council, Officers of State and Lords of Session. However, Covenanted procedures were adopted rather than rescinded and the gentry still maintained an influential political role. Argyll, the radical leader of 1639-51, had been executed as an example of what usurpers of royal authority could expect. Nevertheless, an Act of Indemnity had still not been passed and the government of the church of Scotland had still not been settled. Whereas political power in Scotland, 1639-51, had resided in the Scottish Parliament that power had now been transferred firmly to the Crown and was becoming increasingly controlled from London.

1. Dow, *Cromwellian Scotland*, 254-256; Julia Buckroyd, "Bridging the Gap: Scotland 1659-1660", *SHR*, 66, (1987), 8-9.

2. Dow, *Cromwellian Scotland*, 258-259; Buckroyd, *SHR*, 66 (1987), 14; NLS MS 3423, Lauderdale Correspondence, 1656-1662, Number 25, lists the details of the meetings of the commissioners of the shires. Noble commissioners elected included Glencairn, Roxburgh, Callander, Home, Haddington and Hartfell. 18 shire representatives in total were present at the diets of 2nd and 3rd February 1660. Two nobles and three gentry were appointed on the morning session of 2nd February to liase with the burgh representatives. Haddington and Hartfell were the two nobles, whilst Stirling of Carden, Gibson of Durie and Hamilton of Orbiston, younger, were the three gentry. Hamilton of Orbiston, younger, is not recorded in the sederunt of the morning session. In the afternoon session two further nobles, Roxburgh and Callander, were added to the group, whilst Hamilton of Orbiston, younger, was dropped (NLS MS 3423 Lauderdale Correspondence, 1656-1662, Number 25). Buckroyd notes the policy differences between the nobles and the burgesses (*SHR*, 66, 1987, 14-15) as does Dow (*Cromwellian Scotland*, 258).
  
3. Dow, *Cromwellian Scotland*, 262, 264, 268; NLS MS 3423, Lauderdale Correspondence, 1656-1662, Number 25; NLS MS 597 Watson Collection, folio 24A.
  
4. Dow, *Cromwellian Scotland*, 268; Hutton, *Charles II*, 136; Lynch, *Scotland, A New History*, 287; NLS MS 597 Watson Collection, folio 26; SRO Dalhousie Muniments, GD 45/14/110/(2); NLS MS 3423, Lauderdale Correspondence, 1656-1662, folios 52-53; NLS MS 2263, History of Events 1635-1662, folio 240; SRO Dalhousie Muniments, GD 45/14/110/(2); Osmund Airy (ed.), *The Lauderdale Papers*, (Camden Society, 1884-1885), volume 1, 32-33. The 1651 Committee of Estates could be revived in technical terms because the Parliament which had appointed it had met by royal summons and the 1651 Commission had been ratified by Charles II in 1651 (Rait, *Parliaments of Scotland*, 380). Sir George MacKenzie of Rosehaugh observed that MacKenzie of Tarbet, who had the ear of the king, had opposed the bringing back of the 1651 Committee of Estates because the Parliament that had appointed it had barred all those who had served under Montrose from sitting in Parliament. The king apparently agreed with Tarbet until Lauderdale and Crawford-Lindsay convinced him that those who had opposed Montrose, which constituted the majority of the political nation in 1660, would be convinced that they were "all to be destroyed" (Sir George MacKenzie of Rosehaugh, *Memoirs of the Affairs of Scotland* (Edinburgh, 1821), 11-12); Nicholl, *Diary*, 297.
  
5. Dow, *Cromwellian Scotland*, 269; Hutton, *Charles II*, 136-137; Lynch, *Scotland, A New History*, 287; SRO Dalhousie Muniments, GD 45/14/110/(3). St. Andrews University, Institute of Scottish Studies, Kincardine Papers Project, Number 122; SRO GD 45/14/110/(3). MacKenzie, *Memoirs of the Affairs of Scotland*, 9-10; Nicholl, *Diary*, 298.
  
6. SRO PA. 11/12, folios 2+; SRO PA. 11/13, folios 1-18. See appendices 67 and 68.

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7. SRO PA. 11/12, folios 2+. The eight nobles who attended between 12 and 17 diets are as follows; Rothes and Haddington (12, 39%), Buchan (14, 45%), Home and Callander (13, 42%), Galloway (15, 48%), Belhaven (16, 52%) and Burleigh (17, 55%). See appendix 67.
8. SRO PA. 11/12, folios 2+. The 10 gentry who attended between 12 and 18 diets are as follows; Kerr of Cavers (Roxburgh) (18, 58%), Scott of Whitslaid (Selkirk) and Arnot of Fernie (-) (13, 42%), Hepburn of Keith (Haddington) (17, 55%), Elliot of Stobbs (Roxburgh) and Hay of Naughton (Fife) (16, 52%), Udnie of that ilk (Aberdeen) and Stewart of Blackhall (-) (15, 48%), Drummond of Riccarton (-) (14, 45%) and Hamilton of Preston (-) (12, 39%). See appendix 67.
9. SRO PA. 11/12, folios 2+. The 11 burgesses who attended between 12 and 18 diets are as follows; David Wilkie (-) and Hugh Hamilton (18, 58%), Duncan Nairn (Stirling) (17, 55%), Andrew Glen (Linlithgow) (16, 52%), Robert Whyte (Kirkcaldy), Andrew Grant (Perth) and John Rutherford (Jedburgh) (15, 48%), John Forbes (Inverness) (14, 45%), John Burnside (-) (13, 42%) and Archibald Sydserf (Edinburgh) (12, 39%). See appendix 67.
10. APS, vi, ii, 679-681; SRO PA. 11/12, folios 2+. Seaforth attended six diets and Mar attended five diets. The remaining eight gentry who were not members of the 1651 Commission who attended less than 10 diets were as follows; Kerr of Newton (-) (5), Murray of Hermiestoun (-) (6), Kinnaird of Ross (-) (2), Sir John Fletcher, King's Advocate (7), Sir George MacKenzie of Tarbet (-) (7), Ramsay of Balmaine (Kincardine) (5), Douglas of Kelhead (-) (4) and Lauder of Hatton (-) (2). The one burgess who was not a member of the 1651 Commission who attended less than 10 diets was Robert Campbell (-) (2). See appendix 67.
11. APS, vi, ii, 679-681; SRO PA. 11/12, folios 2+. See appendix 67.
12. SRO PA. 11/12, folio 4; Hewison, *The Covenanters*, volume II, 69; Donaldson, *James V-James VII*, 361; Dow, *Cromwellian Scotland*, 269; CSPD, 1660-1661, 277; Nicholl, *Diary*, 298.
13. SRO PA. 11/12, folio 4; Hewison, *The Covenanters*, volume II, 69; Donaldson, *James V-James VII*, 361. Wigtown and Tullibardine represented the nobility, whilst Stirling of Carden (Stirling) and Stewart of Blackhall (-) constituted the gentry representation. Archibald Sydserf (Edinburgh) and John Forbes (Inverness) represented the burghal estate.
14. Various sub-committees were established throughout late August and September in relation to this legislation. On 24th August a further sub-committee was established to consider on the grounds upon which the Protestors had been imprisoned. Three gentry and three burgesses formed its membership. Two of the burgesses (Archibald Sydserf and John Forbes) had been included on the previous sub-committee of 23rd August. Four days later,

on 28th August, a sub-committee was formed to draw up a list of Remonstrators and/or those who had collaborated with the king's enemies and/or those who were presently disturbing the peace of the kingdom. Two per estate constituted the membership of that committee. Both nobles (Wigtown and Tullibardine) had been included on the sub-committee of 23rd August, whilst one laird (Stirling of Carden) and one burghess (Archibald Sydserf) had also been members of that sub-committee. On 11th September a fourth sub-committee was set up, on this occasion with the remit of drawing up a band to be subscribed by those who were cited to appear before the Committee of Estates. Those who subscribed that band were required to give surety for their peaceable behaviour. Two nobles, three gentry and three burgesses formed the membership of the sub-committee. One of the nobles (Wigtown) had also been included on the sub-committees of 23rd August, 24th August and 28th August. One of the gentry (Stirling of Carden) had been included on the sub-committees of 23rd August and 28th August. One of the burgesses (John Milne) had been included on the sub-committee of 24th August. Having drawn up the band, on 11th September, an related sub-committee was established to ensure that those persons cited actually subscribed the band. Three scales of penalty had been established on 13th September; £40 000 Scots for each noble, £20 000 Scots for each laird and £2000 Scots minimum for each burghess and minister. Two per estate formed the membership of the sub-committee. One gentry (Innes of that ilk) had been included on the sub-committee of 24th August, whilst the other (Foullis of Colinton) had been included on the sub-committee of 28th August. William Cunningham and William Seaton represented the burgesses; neither were members of the Committee of Estates of 3rd June 1651 (see appendices 65 and 67) (SRO PA. 11/12, folios 4, 6, 7, 8, 16, 19-20, 20; APS, vi, ii, 679-681). Innes of that ilk (Elgin), Murray of Skirling (Peebles) and Udnie of that ilk (Aberdeen) represented the gentry on the sub-committee of 24th August. John Milne (Queensferry) was the remaining burghess member on the sub-committee of 24th August. Foullis of Colinton (Edinburgh) and David Wilkie (Edinburgh) formed the remaining gentry and burghess members on the sub-committee of 28th August. The remaining noble member on the fourth sub-committee was Haddington, the remaining gentry members were Hepburn of Keith (Haddington) and Nairn of Strathuird, whilst the remaining burghess members were Robert Murray (Edinburgh) and John Bell (Glasgow). Neither Robert Murray nor James Bell were members of the Committee of Estates of 3rd June 1651 (see appendices 65 and 67). Belhaven and Galloway represented the nobility on the sub-committee of 13th September. On 9th October two sub-committees were formed in relation to the excise. The first was to prepare an act anent the levying of the excise. Four nobles, five gentry and four burgesses constituted its membership. Only one noble (Tullibardine) had been included on any of the earlier sub-committees. Three of the five gentry were not members of the Committee of Estates of 3rd June 1651. Two burgesses (Archibald Sydserf and John Bell) had been included on the earlier sub-committees. It appears that the second sub-committee was established after the first had concluded its deliberations, for the second was to consider the framing of the act anent the excise, the manner of its uplifting and the duration of that legislation. Three nobles, three gentry and five burgesses formed the membership of the second sub-committee concerned with the excise. One noble (Haddington) had been included on the sub-committee of 11th September. The other two noble members on the second sub-committee of 9th October (Dumfries and Fraser) had not been members of the Committee of Estates of 3rd June 1651 (see appendices 65 and 67). All three gentry (Nairn of Strathuird, Stirling of Carden and Arnot of Fernie) had been members of earlier sub-committees of August and September. One burghess (William Cunningham) had been included on the sub-committee of 13th September (SRO PA. 11/12, folio 51; APS, vi, ii, 679-681). Rothés, Callander and Weymes were the remaining three noble members on the excise sub-committee. Sir John Fletcher, King's Advocate, Sir George MacKenzie of Tarbet and Murray of Polmais were the three gentry members who were not members of the Committee of Estates of 3rd June 1651. The remaining two burgesses on the excise sub-committee were Sir Alexander Wedderburne (Dundee) and Sir Andrew Ramsay. Sir Andrew Ramsay was not a member of the Committee of Estates of 3rd June 1651 (see appendices 65 and 67). Sir Robert Farquhar (Aberdeen), Duncan Nairn (Stirling), Andrew Glen (Linlithgow) and George Garden (Burntisland) were the remaining four burghess members of the second excise sub-



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committee.

15. SRO PA. 11/13, folios 1-18; *APS*, vi, ii, 679-681. See appendices 65 and 68.

16. *Ibid.*

17. *Ibid.* The remaining six gentry included in between 10 and 18 sederunts were as follows; Stirling of Carden (Stirling) in 13 sederunts (68%) and Gibson of Durie (-) in 12 sederunts (63%). Both Wauchope of Niddrie (Edinburgh) and Elliot of Stobbs (Roxburgh) attended 11 diets (58%), whilst both Scott of Whitslaid (Selkirk) and Drummond of Riccarton (-) attended 10 diets (53%). Dominant gentry attendance between 9th October and 8th December was centred on the east and the Borders. The three burgesses who are recorded in between 10 and 16 diets were Duncan Nairn (Stirling), Hugh Hamilton (Edinburgh) and George Garden (Burntisland). Dominant burghal attendance was particularly eastern.

18. *Ibid.* Murray and Morton constituted the two nobles, Sir Archibald Primrose, Clerk Register, the one laird and Sir William Thompson the one burgess who had not attended diets between August and October.

19. SRO PA. 11/13, folios 2, 6, 9-10; *APS*, vi, ii, 679-681. Foullis of Colinton (Edinburgh) was the remaining gentry on the sub-committee of 16th October, whilst the Provost of Edinburgh was the remaining burgess members.

20. SRO PA. 11/13, folio 9-10. Haddington and Callander were the two remaining noble members of the latter sub-committee of 2nd November. Murray of Polmais (Stirling) and Sir Robert Moray (-) were the two remaining gentry members of the sub-committee of 2nd November. Neither were members of the 1651 Committee of Estates. Archibald Sydserf (Edinburgh), Andrew Glen (-) and John Bell (-) were the three burghal members of the sub-committee of 2nd November.

21. NLS MS 2263 History of Events 1635-1662, folio 241; Dow, *Cromwellian Scotland*, 270; NLS MS 597 Watson Collection, 33; MacKenzie, *Memoirs of the Affairs of Scotland*, 19; Nicholl, *Diary*, 304-305, 310.

22. APS, v, 251-252, 258-259, 300-301, 303-304, 305-306, 308, 331-332; APS, vi, i, 3-4, 95-96, 284-285, 429-430, 440-441, 474-475, 612-613; APS, vi, ii, 3-4, 124-126, 277-278, 555-556; APS, vii, 3-4; MacKenzie, *Memoirs of the Affairs of Scotland*, 19. The 36 nobles (including Officers of State) in the Restoration Parliament who had served in earlier parliamentary sessions, 1639-51, were as follows; Hamilton, Crawford-Lindsay, Erroll, Marischal, Sutherland, Mar, Rothes, Buchan, Eglinton, Cassillis, Linlithgow, Home, Roxburgh, Haddington, Lothian, Loudoun, Dumfries, Weymes, Dalhousie, Callander, Leven, Dundee (previously Viscount Dudhope), Kenmure, Frendraucht, Cathcart, Sinclair, Borthwick, Balmerino (previously Lord Coupar), Cardross, Burleigh, Kirkcudbright, Belhaven, Glencairn, Ruthven (previously Ruthven of Frieland) and Halkerton (previously Falconer of Halkerton). The 16 gentry (including Officers of State) in the Restoration Parliament who had served in previous parliamentary sessions, 1639-51, were as follows; Foulis of Colington (Edinburgh), Lockhart of Lee (Lanark), Ferguson of Craigdarroch (Dumfries), Crawford of Kilbirnie (Ayr), ( ) Murray of Polmais (Stirling), Stirling of Carden (Stirling/Linlithgow), Ramsay of Balmaine (Kincardine), Fraser of Phillorth (Aberdeen), Campbell of Ardchattan (Argyll), Scott of Ardross (Fife), Gibson of Durie (Fife), Abercrombie of Birkinboig (Banff), Gordon of Embo (Sutherland), Sinclair of Murkill (Caithness), Innes of that ilk (Elgin), MacKenzie of Pluscarden (Elgin) and MacKenzie of Tarbet (Ross). The 15 burgesses in the Restoration Parliament who had served in previous parliamentary sessions, 1639-51, were as follows; James Borthwick (Edinburgh), Sir Alexander Wedderburne (Dundee), Andrew Glen (Linlithgow), John Williamson (Kirkcaldy), Alexander Black (Anstruther Easter), George Garden (Burntisland), Robert Cunningham (Kinghorn), George Steill (Brechin), Allan Dunlop (Irvine), John Rutherford (Jedburgh), James Lawder (Dunbar), John Auchterlony (Arbroath), James Moncrieff (Crail), David Spence (Rutherglen), John Ross (Nairn) and John Henderson (Lochmaben). See appendices 2, 10 and 43.
23. Baillie, *Letters and Journals*, III, 463; SRO PA. 7/25/2-101. No commissions are listed for the shires of Dumbarton, Nairn and Sutherland and the burgh of Montrose; APS, vii, 3-4. Airy, *Lauderdale Papers*, volume 1, 38. According to Sir George MacKenzie, effective royal management was secured by the use of gentry in each shire favourable to the royalist cause. Letters were sent to the most influential royalist laird in each shire indicating who was to be elected. Each royalist laird would then convene the electoral meeting to secure the election of the nominated laird, (*Memoirs of the Affairs of Scotland*, 12). The commissions to William Murray of Stanhope and the laird of Blackbaronie younger (both Peebles), James Crichton of St. Leonards and Ferguson of Craigdarroch (both Dumfries), Sir John Urquhart of Cromarty and Colin MacKenzie of Ridcastle (both Inverness) and Innes of that ilk (Elgin) and Thomas MacKenzie of Pluscarden (both Inverness) were approved on 4th January (APS, vii, 2). On 8th January legislation was passed ordaining the Stewartry of Kirkcudbright to elect a commissioner. David MacBrair subsequently took his place in Parliament for the Stewartry on 13th February (*Ibid*, 10, 32).

24. APS, vii, 1-367, appendix page 1; Airy, *Lauderdale Papers*, volume 1, 39-40; NLS MS 3423 Lauderdale Correspondence 1656-1662, folio 82. The long duration of the parliamentary session (6 months) can be attributed to the bulk of business which had to be attended given the re-establishment of the "monarchical constitution" (Rait, *Parliaments of Scotland*, 76); CSPV, 1659-1661, 246; Nicholl, *Diary*, 318; Ferguson, *Scotland's Relations with England*, 150; NLS MS 3423 Lauderdale Correspondence, 1656-1662, folio 53 .
25. APS, vii, 7; APS, vi, ii, 5, 89, 126, 378-379, 556, 562, 608; Stevenson, *Government Under the Covenanters*, 175; MacKenzie, *Memoirs of the Affairs of Scotland*, 19; Julia Buckroyd, *The Monarchy Restored*, *The Sunday Mail Story of Scotland*, 18, (Glasgow, 1988), 489.
26. APS, vii, 7. The relevant extract of the tone of the Oath of Allegiance was recorded as follows;
- "I acknowledge my said Soverane only Supream Governour of this Kingdome over all persons and in all causes And that no forrane Prinve Power of State nor persone civill or ecclesiastick hath any iurisdiction power or superiority over the same.... And shall at my utmost defend Assist and mantaine his Maties Jurisdiction forsaid against all deadlie And never decline his Maiesties power nor Jurisdiction As I shall answeir to God with this addition that I shall faithfullie give my advice and vote in everything shall answer to God." (*Ibid*)
27. Rait, *Parliaments of Scotland*, 76; MacKenzie, *Memoirs of the Affairs of Scotland*, 23; Airy, *Lauderdale Papers*, volume 1, 62. Hutton, *Charles II*, 161. According to Cassillis, "I resolve to leave this his counsellis and dominions which is as ill as any thing Oliver ever threatened me with" (NLS MS 3423 Lauderdale Correspondence, 1656-1662, folios 112, 114, 188). NLS MS 2263 History of Events, 1635-1662, folio 242
28. APS, vi, ii, 8; NLS MS 2263 History of Events, 1635-1662, folio 242; Hutton, *Charles II*, 161. MacKenzie of Tarbet objected to the bringing back of the Lords of Articles "seeing the parliament was thereby prelimited in their judgement by the preceding vote of the Lords of the Articles (MacKenzie, *Memoirs of the Affairs of Scotland*, 20). The remaining eight nobles on the Lords of the Articles were Hamilton, Montrose, Erroll, Mar, Atholl, Home, Haddington, Dumfries, Callander and Hartfell. Lockhart of Lee (Lanark), Murray of Polmais (Stirling), Stirling of Carden (Stirling/Linlithgow), Gibson of Durie (Fife), MacKenzie of Tarbet (Ross), Foullis of Colington (Edinburgh), Scott of Ardrross (Fife) and Ramsay of Balmaine (Kincardine) formed the grouping of eight gentry on the Lords of the Articles who had previous parliamentary experience, 1639-51. The remaining four gentry members were Sir John Gilmore of Craigmillar (Edinburgh), Sir Peter Wedderburne of Gofford (Haddington), Sir Thomas Hamilton of Preston (Haddington) and Mungo Murray of Garth (Perth). The

seven gentry who were also Privy Councillors were as follows; Gilmore of Craigmillar, Lockhart of Lee, Scott of Ardrross, Sir Archibald Primrose, Sir Robert Moray, Sir John Fletcher and Sir William Bannatyne (APS, vii, 8-9; Nicoll, *Diary*, 325-326). Alexander Wedderburne (Dundee), Duncan Nairn (Stirling), Andrew Glen (Linlithgow), John Bell (Glasgow), John Irwing (Dumfries) and John Auchterlony (Arbroath) were the six burgesses on the Lords of the Articles who had previous parliamentary experience, 1639-51. The remaining six burgesses were Sir Robert Murray (Edinburgh), John Paterson (Perth), William Gray (Aberdeen), William Cunningham (Ayr), William Seaton (Haddington) and Hugh Sinclair (Annan). Gentry representation on the Lords of the Articles was heavily biased in favour of the east and was concentrated in the Edinburgh, Haddington Fife areas. Seven of the 12 burgesses represented eastern burghs. Therefore there was a broader geographic spread among the burgess representatives. See appendix 69. The method of the nomination of the commissioners to be on the Lords of Articles was as follows; each estate separately elected its own commissioners, which were then approved by Middleton. This indicates that the Articles were staffed by suitable royalist personnel (APS, vii, 8, Rait, *Parliaments of Scotland*, 76); Nicholl, *Diary*, 316-317.

29. APS, vi, ii, 8-9; Rait, *Parliaments of Scotland*, 77.

30. APS, v, 388; APS, vii, 3-5; Nicoll, *Diary*, 325-326; Ferguson, *Scotland's Relations with England*, 151. Apart from the noble Privy Councillors who were also on the Lords of the Articles, the remaining noble Privy Councillors were as follows; Lennox, Morton, Eglinton, Cassillis (who would be removed because of his refusal to take the Oath of Allegiance), Caithness, Murray, Linlithgow, Perth, Dunfermline, Wigtown, Kellie, Roxburgh, Tullibardine, Weymes, Southesk, Tweeddale, Dundee, Newburgh, Middleton, Dundee, Sinclair, Halkerton and Duffus. Apart from the gentry Privy Councillors who were also On the Lords of the Articles, the remaining gentry Privy Councillors were as follows; Sir William Fleming, Sir Archibald Stewart of Blackhall, Sir John Wauchope of Niddrie, Sir George Kinnaird of Rossie and Alexander Bruce.

31. APS, vii, 10, 10-11, 12-13, 13, 16, 18, 87-88, 123-124, appendix page 3. The parliamentary ratifications of the Officers of State took place on 29th January, 1st February, 27th February and 3rd April (*Ibid*, 21, 26, 44, 98). The remaining Ordinary Lords of Session were as follows; Lord Halkerton, Sir Robert Moray (Justice Clerk), MacGill of Cranstoun, Foullis of Colington, Dalrymple of Stair, Strathurd, Robert Burnet elder, James Robertson, John Skougall and Andrew Aitoun (*Ibid*, 123-124); MacKenzie, *Memoirs of the Affairs of Scotland*, 21-22; *Treatises on the Laws of Scotland, and Pleadings Before Its Supreme Judicatories; With Their Decisions by Sir George MacKenzie*, 399-400 in *The Works of Sir George MacKenzie of Rosehaugh*, volume 1 (1716).

Hutton, *Charles II*, 161; NLS MS 3423 Lauderdale Correspondence, 1656-1662, folios 121, 124, 166; NLS MS 2263 History of Events, 1635-1662, folio 242; Hewison, *The Covenanters*, volume 2, 79, 81; Airy, *The Lauderdale Papers*, volume 1, 62, 63-64.

32. APS, vi, ii, 30-32, 35. On 15th February Crawford-Lindsay had been exonerated by the House for his role in the parliamentary decision of 16th January 1647 (*Ibid*, 33). Crawford-Lindsay had been President of Parliament and had objected to the decision. MacKenzie, *Memoirs of the Affairs of Scotland*, 25-26. According to MacKenzie,

"The delivery of the best of Kings at Newcastle was no more a National Act in us, than the Murdering him after a Mock-Tryal, was a National Act in the Kingdom of England; Rebels in both committed those Crimes, whilst honest Men suffer'd, with him, and for him; And it is undenyable, that the honest Party of Scotland, were at that time fighting under the Great Montross, against that pretended Parliament" ("A vindication of his Majesties government and judicatures in Scotland; from aspersions thrown on them by scandalous pamphlets and news-books: And especially, with relation to the late Earl of Argyle's process" (London, 1683), folio 3.

33. *Ibid*, 44-45, 162-163, 236; NLS MS 3423 Lauderdale Correspondence, 1656-1662, folio 188.

34. APS, vii, 86-87, 87-88; Rait, *Parliaments of Scotland*, 317-318; Hutton, *Charles II*, 161-162; Airy, *The Lauderdale Papers*, volume 1, 76-77; J. Patrick, "A Union Broken? Restoration Politics in Scotland" in *Scotland Revisted*, ed. J. Wormald (London, 1991), 123; NLS MS 3423 Lauderdale Correspondence, 1656-1662, folio 166; NLS MS 2263 History of Events, 1635-1662, folio 243; CSPD, 1660-1661, 492; Hewison, *The Covenanters*, volume II, 81; *Treatises on the Laws of Scotland, and Pleadings Before Its Supreme Judicatories; With Their Decisions by Sir George MacKenzie* 400, 401 in

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*The Works of Sir George MacKenzie of Rosehaugh*, volume 1 (1716); MacKenzie, *Memoirs of the Affairs of Scotland*, 28-29; Julia Buckroyd, *The Monarchy Restored, The Sunday Mail Story of Scotland*, 18, (Glasgow, 1988), 489; Ferguson, *Scotland's Relations with England*, 150.

35. *APS*, vii, 78; Rait, *Parliaments of Scotland*, 498; MacKenzie, *Memoirs of the Affairs of Scotland*, 18.

36. *APS*, vii, 8-9, 29-30, 102, 102-103, 123-124, 162-163, 163-164, 164, 197-198, 232, 232-233, 294-295. Excluding the Officers of State, the remaining noble member of the interval committee was Tweeddale, the remaining gentry was Dalrymple of Stair and the remaining two burgesses were Sir Andrew Ramsay and Sir William Thomson.

37. *Ibid*, 8-9, 9. Excluding the Officers of State, the remaining 11 noble members on the Committee for Trade and Complaints were Sutherland, Murray, Linlithgow, Wigtown, Weymes, Tullibardine, Roxburgh, Seaforth, Cardross, Fraser and Halkerton. The 12 gentry members were Sir John Johnston of Luss (Dumbarton), Innes of that ilk (Elgin), Sir John Urquhart of Cromarty (Inverness), Richard Murray of Brughtoun (Wigtown), James Crichton of St. Leonards (Dumfries), Abercrombie of Birkenboig (Banff), Sir Robert Hamilton of Silvertonhill (Lanark), Thomas MacKenzie of Pluscarden (Elgin), Sir George Kinnaird of Ross (Perth), Riccarton of Drummond (Linlithgow) and Fraser of Phillorth (Aberdeen). The 12 burgess members were James Borthwick (Edinburgh), Andrew Carstairs (St. Andrews), William Simpson (Dysart), John Williamson (Kirkcaldy), John Ronald (Montrose), Alexander Black (Anstruther Easter), George Garden (Burntisland), Allan Dunlop (Irvine), John Ewart (Kirkcudbright), Walter Watson (Dumbarton), Alexander Bruce (Kinross) and James Lauder (Dunbar). Burghal membership of the Committee for Trade and Complaints was predominantly eastern. Gentry membership was concentrated on the Highlands/north-east and the Borders. See appendix 69. MacKenzie, *Memoirs of the Affairs of Scotland*, 21; Nicholl, *Diary*, 318.

38. *APS*, vii, 3-5, 48-50. See appendix 69.

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39. Airy, *Lauderdale Papers*, volume 1, 92-93; *Ibid*, 7, 346-347, appendix 7-11, 69-70, 71-72, 72-73, 74-75, 75, 82-84. Excluding Argyll, Johnston of Wariston, Swinton of that ilk and James Guthrie, the other two individuals who had decreets of forfeiture passed against them were John Home of Kello and William Dundas of Magdalens. SRO Dalhousie Muniments GD 45/14/110/(2); NLS MS 3423 Lauderdale Correspondence, 1656-1662, folios 140, 177; NLS ADV.MS 19.1.28 Papers Relating to Cromwell and the Regicides, folio 9; NLS Watson Collection, folio 56; NLS MS 2263 History of Events 1635-1662, folios 243-244; *Diary of Sir Archibald Johnston of Wariston*, volume III, 1655-1660, J.D Ogilvie (ed.), (SHS, third series, 34, Edinburgh, 1940), pp. 181-183; Hewison, *The Covenanters*, volume II, 83-84, 87; I.B. Cowan, *The Scottish Covenanters 1660-88*, (London, 1976), page 40; Baillie, *Letters and Journals*, volume III, 466; Nicoll, *Diary*, 321, 334; MacKenzie, *Memoirs of the Affairs of Scotland*, 34, 37-41.

40. APS, vii, 367. On 30th May the House had clarified the qualifications of electors in the shires. Three qualifications were established. Firstly, all heritors who held 40 shillings land of the king could vote. Secondly, all heritors, life-renters and wadsetters holding of the king, whose yearly rent was equivalent to 10 chalders of victual or £1000, after the appropriate deduction of feu duties could vote. The second qualification provided voting rights for feuars who had paid taxes since 1597 and had not qualified under the 1587 act. The third qualification applied to feuars who had held directly from the Crown (Rait, *Parliaments of Scotland*, 211-212).

41. APS, vii, 8-295; Nicoll, *Diary*, 325-326. See appendix 69.

42. APS, vii, 3-5, 8-295; Nicoll, *Diary*, 325-326. See appendix 69.

43. *Ibid*.

## CONCLUSION

Unprecedented detailed analysis of the plethora of parliamentary sources and the operation of the Scottish Parliament, 1639-1661, has been conducted. The conclusions of the synthesis of such analysis can be coherently integrated under ~~five~~<sup>five</sup> separate headings:

- (1) Constitutional
- (2) Procedural
- (3) Committee Structure/Parliamentary membership
- (4) Factional
- (5) The relationship between the Three Estates: Nobles, Gentry and Burgesses

### *(1) Constitutional*

The Scottish Constitutional Settlement of 1640-1641 formed the political base upon which all parliamentary developments from 1639-1651 and 1660-1661 were based. Orchestrated by the Tables, notably the Fifth Table (the executive Table), a constitutional agenda had been formulated by the opening of the 1639 Parliament on 31st August. Such an agenda was based on the political experience of an anglicised absentee monarch and the experience of the Personal Rule (notably the 1633 Parliament). The employment of bishops within the realm of the state was to cease as was the employment of partisan court nominees. The Committee of the Articles was to be remodelled, the clerical estate was to be removed from Parliament and bishops were no longer to be employed on the Privy Council. Proxy voting (which had been used to bolster the court vote in the 1633 Parliament) was to cease, whilst Parliament was to control both executive and judicial appointments (in the form of Officers of State, Privy Councillors and Ordinary and Extraordinary Lords of Session). Triennial Parliaments were to be legislated for, primarily as a means of preventing the constitutional abuse of the royal prerogative (again this was a reaction against the Personal Rule when



Parliament had only been held once, in 1633, from the accession of Charles I to the throne in 1625). Analysis of contemporary manuscripts has clearly shown that the gentry and the burgesses were at the forefront of the campaign for constitutional reform. Prior to the meeting of the 1639 Parliament and during the diets of the Committee of Articles throughout the autumn and winter of 1639 gentry and burgess representatives were issuing detailed demands for constitutional reform.

Three conclusions can be drawn from the above findings. Firstly, historiography has concentrated on the June 1640 and the August-November 1641 parliamentary sessions as the basis of a Scottish constitutional settlement and failed to recognise the importance of political and constitutional developments in 1639. Certainly that settlement did receive official parliamentary sanction in 1640-1641, but it nevertheless had been clearly formulated in 1639. Secondly, the role of the gentry and burgesses as the political backbone of the Tables in 1639 has been underestimated. The assertion that the nobility were dominant within the Tables and that the 1640-41 constitutional settlement was essentially aristocratic requires revision.<sup>1</sup> Thirdly, although parliamentary ratification of the proceedings of the 1638 Glasgow Assembly and the General Assembly of 1639 was crucial and was at the forefront of demands from the Tables, it has been shown that primarily a political and constitutional agenda and not a religious one was being formulated in 1639. The first step to constitutional reform ultimately rested on the abolition of the clerical estate in Parliament in particular as a means to nullifying the exercise of political power within the state in general.

The political repercussions of the Scottish Constitutional Settlement of 1640-1641 were paramount. Not only was the royal prerogative in Scotland severely limited, but a constitutional model of reform had been provided in British terms. The clerical estate in Parliament was abolished and the Three Estates were redefined in terms of nobles, gentry and burgesses. That parliamentary sessions had met without the king's permission or the appointment of a King's Commissioner, provides only one striking example that by the close of the 1641 Parliament political power in Scotland resided firmly with the Scottish Estates. Charles I was now a covenanted king.

In constitutional terms the 1643 Convention of Estates owed the legality of its meeting to the legality of parliamentary sessions, 1640-1641, from which the parliamentary interval committees responsible for calling the Convention were appointed in 1641. In essence, the 1643 Convention had been called by the dominant radical oligarchy in control of parliamentary interval committees and the Privy Council. The 1643 Convention established a constitutional precedent by proroguing itself to a second session (the 1644 Convention of Estates). In terms of parliamentary membership the 1643 Convention of Estates was equivalent to a plenary parliamentary session. The importance of ensuring and adhering to the legality of the 1641 Parliament was recognised in the First Session of the First Triennial Parliament of 4th June-29th July 1644. The Ordinance of 7th June 1644 emphasised the

legality of the 1640-41 Scottish Constitutional Settlement and recognised the fact that any legislation enacted by the 1644 Parliament owed its legality to the 1641 Parliament. Legislation passed on 17th November 1641 had stipulated that the First Triennial Parliament should meet on the first Tuesday of June 1644. Moreover, the Triennial Act of 6th June 1640 was also in operation. The importance of the constitutional relationship between the 1641 and 1644 Parliaments can be indicated by the fact that the 1644 Parliament proceeded to ratify the meeting of the 1643 Convention of Estates (and hence the 1644 Convention too), the Solemn League and Covenant and the military alliance with the English Parliament.

It has been noted that a radical oligarchy had been responsible for the calling of the 1643 Convention, in spite of strong royal objections. Paradoxically, when the conservatives and pragmatic Royalists gained political control of the Committee of Estates in 1647-1648 that faction, using the institution of the Committee of Estates, ~~exploited~~ the precedent of 1643 to convene the Engagement Parliament in March 1648. The conservatives and pragmatic Royalists had the power to call a Parliament in 1648 because they had received royal sanction, whereas the radicals in 1643 could rely on no royal backing. Following the military defeat of Engager forces at the Battle of Preston, the radical regime established in Edinburgh, similarly exploited the institution of the Committee of Estates to give legitimacy to its faction. The reconstituted Committee of Estates of 1648-1649, in turn, called the radical Parliament of January 1649. On 16th January 1649 all acts of the Engagement Parliament were repealed as was legislation of the Committee of Estates between June and September 1648. That the institution of the Committee of Estates was essentially a provisional government when Parliament was not sitting was recognised at the Restoration when the 1651 Committee of Estates was recalled to govern the country until the Restoration Parliament could meet.

In constitutional terms the execution of Charles I in January 1649 had British ramifications. The execution of the king without the consultation of the Scottish Parliament and the abolition of monarchy by the English Parliament, resulted in the proclamation by the Scottish Parliament of Charles II as King of Scotland, England, Wales, Ireland and France. Nevertheless, Charles II like his father was constitutionally a covenanted monarch in 1650-51.

Following military defeat at Worcester and the loss of national independence, Scotland was incorporated within the English Commonwealth and Protectorate. The Restoration Parliament of 1661 witnessed the full restoration of the royal prerogative. Royal control was reasserted over all executive and judicial appointments. The Scottish Constitutional Settlement of 1640-41 was fully rescinded, as was the bulk of parliamentary legislation, 1639-51, apart from enactments which benefited the Crown. The king now possessed sole power in the calling and dissolving of Parliaments and in the naming of Privy Councillors,

Officers of State and Lords of Session. The Privy Council was revived as the traditional royal instrument of government in Scotland. This marks a reaction against the Covenanting era when the Privy Council had been circumvented as an institution and replaced by parliamentary interval committees. The marginalisation of the Privy Council as an institution, 1639-51, was compounded by the dominance of Parliament and not the Kirk in Scottish public affairs, 1639-51.

## *(2) Procedural*

Procedural innovation centred on the Scottish Constitutional Settlement of 1640-41 but was continued on a piecemeal basis throughout the First and Second Triennial Parliaments.

The election to the office of President of Parliament by the Three Estates had its origins in the June 1640 session when Burleigh was elected in the absence of a King's Commissioner. The election of a President of Parliament continued in all subsequent parliamentary sessions until the ~~Eight~~<sup>Eight</sup> Session of the Second Triennial Parliament in 1651. That the power of the appointment of President lay with the Estates was emphasised by the fact that no parliamentary business could take place until a President had been elected. During the Second Session of the the First Triennial Parliament, on 7th January 1645, it was enacted that Lauderdale was to retain presidential office in all subsequent sessions of that Parliament. Illness on the part of Lauderdale resulted in the invention of the office of Vice-President with Crawford-Lindsay occupying that office. Following the death of Lauderdale Crawford-Lindsay was promoted to President without any new election and without any new Vice-President being appointed. The office of Vice-President was not utilised again. Indeed, on 6th February 1647 Cassillis was appointed as President in the absence of Crawford-Lindsay; therefore the employment of a Vice-President was avoided. The 1641 Act anent the President of Parliament had stipulated that the Chancellor or any other elected by the Estates should preside. Although Chancellor Loudoun was President in the first six sessions of the First Triennial Parliament, this was due to election to that office in his own right and not because he was Chancellor. At the Restoration, however, the offices of Chancellor and President of Parliament were effectively merged and the Chancellor would now be a Crown nominee. This marked a return to the constitutional tradition of the Chancellor presiding in Parliament.

The Scottish Constitutional Settlement ensured that all grievances were to be given in Parliament. On 21st January 1647 it was also ordained that at the close of each day's proceedings the parliamentary minutes were to be read to the House. On 13th March 1651 legislation was enacted which allowed any parliamentary member to attend the diets of any parliamentary session committee. The institution of the Committee of the Articles was

deemed to be optional and not mandatory. Its remit was to be of a preparatory nature only. Nevertheless, the Committee for Revising Papers Agitated in Articles of 2nd June 1640 was essentially a reformed Committee of Articles. Throughout the parliamentary sessions of 1640-41 and the First and Second Triennial Parliaments specialised session committees were established as the procedural tools for guiding legislation through the House. Such specialised committees were concentrated on two main areas. Firstly, often at the beginning of parliamentary sessions a session committee was established to revise all legislation prepared and/or enacted by the previous Committee of Estates or revising parliamentary interval commissions established by the previous parliamentary session. Secondly, a Committee for Bills and Ratifications or a Committee for Overtures and Propositions or a Committee for Ratifications was regularly formed to deal with bills, ratifications and overtures which were to be considered by the House. Although such committees came under the guise of various names, they essentially formed the same functions. At the Restoration Parliament the Committee of the Articles was formally restored, although the clerical estate was not as yet represented (that estate being still officially defunct in parliamentary terms). During the civil war period parliamentary session committees were established to manage and oversee the logistical and military administration of the war while Parliament was sitting. Although such committees came under various names (the Committee for Dispatches or the Committee for Managing the War) they also performed the same basic function. The restoration of the Lords of the Articles in 1661 emphasised the fact that the preparation of parliamentary business had been removed from the control of the Estates.

Three noted trends emerge regarding the process of dealing with bills and ratifications, 1640-1651. Firstly, public business took priority over private bills and petitions. This phenomenon is hardly surprising in a time of constitutional upheaval and civil war in all three kingdoms. Secondly, all private legislation and ratifications tended to be enacted in the closing days of a parliamentary session. Thirdly, when there was insufficient parliamentary time to deal with a finite amount of legislation, such legislation was delegated to the Committee of Estates to consider after the close of the parliamentary session or to a specialised parliamentary interval committee.

### ***(3) Committee Structure/Parliamentary membership.***

An elaborate parliamentary committee structure developed within the Scottish Parliament, particularly in the period 1644-1651, although a significant number of committees were nevertheless established in the period 1640-43 and in 1661. The number of parliamentary

committees established in each parliamentary session was determined by the finite physical amount of legislation which required to be enacted or the spread of remits and issues which warranted discussion.

Whilst membership of parliamentary session committees in general adhered to membership of Parliament for the relevant session, it has been demonstrated that interval committees were regularly staffed by non-parliamentary gentry and burgesses. The commissions to interval committees usually contained non-parliamentary members for that particular session of Parliament. In addition, scrutiny of manuscript committee registers has demonstrated that non-commissioned gentry and burgesses were attending diets of interval committees. Technically speaking this was not strictly illegal as several interval commissions, notably to the Committees of Estates, allowed for additional members to be admitted at the discretion of the interval committee following the close of Parliament. Quorum levels established for interval committees were, in general, adhered to.

Regulation of the staffing of parliamentary committees (both session and interval) was legislated for on 26th July 1644. From 1640 onwards each estate had elected its own representatives for each committee. In light of contrived noble attempts to influence the nominations of the commissioners of the shires and the burghs, the gentry and burgesses initiated parliamentary reform to rectify such abuse. A list was to be established by the gentry and burgesses separately consisting of the names of all available gentry and burgesses from which committees were to be staffed. Each of the estates could add to the lists of the other two, but 24 hours notice was required if any of the additions were not members of Parliament. If the additions were not members of Parliament then parliamentary approval was required. Nevertheless, on 19th January 1647 the House allowed the commissioners of the shires and the burghs to modify the membership of parliamentary session committees which had been established in the Sixth Session of the First Triennial Parliament between 3rd November 1646 and 19th January 1647 inclusive. Such legislation was designed to rectify the problem of non-attendance by elected gentry and burgesses at session committee diets. Previously on 17th December 1646, the Estates had allowed William Purves (Dunbar) to replace James Lauder (Dunbar) on all parliamentary committees that Lauder had been nominated to.

During the civil war period purging of parliamentary members and the enforcement of party discipline became apparent. On 29th November 1645 the House stipulated that all members of the Fifth Session of the First Triennial Parliament were to be investigated for collaboration with Montrose before they could sit or vote in Parliament. Disputed elections in the Engagement Parliament of 1648 were all settled in favour of the Hamilton faction and disputed elections to the Restoration Parliament were similarly settled according to Crown interests.

The relationship between the financial and economic repercussions of civil war in 1645-46

and partial foreign occupation in 1650-51 was reflected in fining levels being established for non-attendance of shires and burghs in Parliament. During the Sixth Session of the Second Triennial Parliament on 27th November 1650, Johnston of Wariston (Edinburgh) was ordered to write to all shires and burghs which had not sent commissioners and command them to elect and send parliamentary commissioners.

That modifications were being made in the staffing of commissioners of the burghs after the calling of the parliamentary rolls and the commencement of parliamentary sessions can be evidenced by several noted examples. On 12th January 1646 it was enacted that there could be no change in the commissioners of the burghs without prior parliamentary approval (the burgh of Queensferry had attempted to change its commissioner during the Fifth Session of the Fifth Triennial Parliament). Growing political assertiveness on the part of the burghs around 1646 was highlighted by a clear breach of parliamentary regulations in the Sixth Session of the First Triennial Parliament on 3rd November 1646. Edinburgh as the capital city was entitled to be represented by two burghal commissioners in Parliament. However, a further seven burghs each sent two commissioners, ignoring established parliamentary regulations. On the other hand, the burghal estate in the same parliamentary session protested against the Stewartry of Kirkcudbright being represented by a commissioner of the shire without a legal commission. On 3rd February 1647 an ordinance concerning the commissioners of the shires and burghs stated that there could be no change in commissioners until a general parliamentary rule was established (evidence of which does not exist). Further regulation of burghal membership was noted on 27th November 1650. Robert Barclay (Irvine) had attended the Sixth Session of the Second Triennial Parliament without a valid and current parliamentary commission. Regulation was extended to the shires, as well as the burghs, when the House enacted that no commissioner of the shires or burghs could sit and vote in Parliament without possessing a valid parliamentary commission.

#### *(4) Factional*

Detailed analysis of the nature of factionalism and "party" within the Scottish Parliament 1639-1661 has been conducted. The Covenanting Movement was composed essentially of radical and conservative factions. In addition, pragmatic Royalists have been defined as those Royalists who pragmatically subscribed Covenanting oaths and bands in order to sit in Parliament. Within the noble estate radicals were in a clear minority with conservatives and pragmatic Royalists in the ascendancy.

From 1639 to 1646 the radical faction controlled Parliament. In what has been termed as "oligarchic centralism"<sup>2</sup> a small caucus of radical nobles led by Argyll backed by a greater

number of gentry and burgesses provided a strong phalanx of political and voting power to drive a radical agenda through the House. Whereas radical nobles were a minority noble grouping on the 1639 Committee of the Articles, gentry and burghal representation was exclusively radical. As has been noted, the gentry and burgesses were also at the forefront in the campaign for constitutional reform in 1639. Following the close of the 1639 Parliament and the June 1640 session the radical faction continued its stranglehold on political power through the institution of the Committee of Estates, in essence a reconstituted version of the Tables. The 1640 Committee of Estates, controlled by the radicals, continued to meet throughout the August-November 1641 session, emphasising radical control over parliamentary proceedings. Radical political power in the immediate post-1641 Parliament period was invested in the parliamentary interval committees, the Common Burdens-Brotherly Assistance Commission and the Commission for the Conservators of the Peace. It was these two radical committees that orchestrated the calling of the 1643 Convention of Estates at the tripartite diets on 11th and 12th May 1643. Furthermore, it has been demonstrated that the reconstituted Privy Council of 1641 was bypassed as a political institution by these parliamentary interval committees. In any case, that Privy Council was under radical control and guidance. Limited attempts by Hamilton to use the Privy Council for a Royalist revival in Scotland in 1642 had clearly been defeated by Argyll and the radicals. Radical parliamentary power was amply demonstrated in the staffing of the session committee established on 24th June 1643 to consider on the nature of the 1643 Convention. Whilst radical nobles were outnumbered by pragmatic Royalist and conservative nobles, the combined voting strength of radical gentry and burgesses was sufficient to secure the legality of the Convention and defeat the conservative and pragmatic Royalist nobles led by Hamilton. Radical control of the 1643 Convention was exemplified in the agreement of the Solemn League and Covenant with the English Parliament.

The strength of conservatism and pragmatic Royalism within the noble estate compared to radicalism became increasingly apparent throughout the 1644 Convention and the 1644 Parliament. An increased parliamentary rapprochement took place between conservative and radical nobles. Lauderdale and Lanark emerged as the conservative leaders of that rapprochement. Lauderdale had already been appointed as President of the Privy Council on 27th September 1643 and was similarly appointed as President of the 1644 Parliament. Moreover, Lauderdale likewise secured the office of President of the Edinburgh section of the 1644 Committee of Estates. Lanark, on the other hand, became increasingly prominent in the committee structure of the 1644 Parliament, serving on 10 out of 18 session committees (which was the highest figure for any noble analysed in the 1644 Parliament). On 22nd July 1644 Lanark secured parliamentary ratification of his appointment as sole Secretary of State. An increased parliamentary role for conservative and pragmatic Royalist nobles continued throughout 1645, primarily to avoid a military and political alignment with

Montrose. Following the death of Lauderdale, another conservative, Crawford-Lindsay, was appointed as the new parliamentary President. This was complemented by his appointment as President of the Committee of Estates, October-November 1645.

Nevertheless, military defeat of Montrose at Philiphaugh was to swing political power more firmly in favour of the radical faction. Within a wider British perspective, however, the repercussions of the breach in the relationship of the alliance between the English and Scottish Parliaments in 1646 were to lead to an upsurge in conservatism. The decision of the English Houses of Parliament of 24th September 1646 to claim sole jurisdiction over Charles I led to increased conservative control over the Committee of Estates. The return of Hamilton to the parliamentary scene in 1646 provided a focal point round which the conservatives could rally and challenge the power of Argyll and the radicals. However, the prevalent political strength of radicalism within the House ensured that the vote of 16th January 1647 sanctioning the Scottish army to leave England and leave the king under the jurisdiction of the English Parliament was secured in favour of the radical leadership. The parliamentary decision of 16th January 1647 destroyed any possible radical-conservative rapprochement and by the close of the Sixth Session of the First Triennial Parliament on 27th March 1647 the conservatives were now in the driving seat. Radical nobles had been marginalised on the 1647 Committee of Estates although a considerable amount of gentry and burgesses still adhered to Argyll. The ensuing power struggle within the 1647 Committee of Estates personified in the personal rivalry between Argyll and Hamilton was resolved in favour of the conservatives. The radical leadership had become marginalised on the Committee of Estates and had lost the political backing of a sufficient number of gentry and burgesses. By the time the Engagement was approved by the Committee of Estates the conservatives, led by Hamilton, were intervening in the elections to the Second Triennial Parliament for March 1648. When that Parliament met, the conservatives had secured the election of gentry and burgesses amenable to conservative interests, although there was still a noted radical minority in the House.

The defeat of the Engagement army at the Battle of Preston in September 1648 led to a coup d'etat and the installation of a radical regime in Edinburgh. According to the Act of the Constitution of the Committee of 22nd September 1648 only radicals could secure admittance to the reconstituted 1649 Committee of Estates and hold public office. The 1649 Parliament was composed exclusively of radicals and instigated a programme of wholesale purging of former Engagers from public office. The parliamentary base of the radical regime continued throughout 1650 and was only challenged after military defeat at Dunbar in September 1650. That defeat had led to the genuine threat of military subjugation by an invading English army and highlighted the need for a national political rapprochement. Tentative steps were taken throughout October and November 1650 towards this aim, although the issuing of the Western Remonstrance acted as a setback. The Public



Resolutions issued by the Kirk on 14th December 1650 facilitated the rehabilitation of former Engagers and Royalists. The Sixth Session of the Second Triennial Parliament, 26th November-30th December 1650, witnessed the admittance of former Engager and Royalist nobles into Parliament. Radical nobles still dominated the parliamentary agenda until the formation of the Committee for Managing the Affairs of the Army on 28th March 1651. From this point on the power of the radical nobles was in decline and that committee was acting essentially as a rival Royalist Committee of Estates. The appointment of former Engagers and Royalists as colonels for the southern shires on 28th March 1651 indicated that an increased patriotic accomodation had taken place. The culmination of this process was marked on 2nd June 1651 with the repeal of the Acts of Classes.

Scottish parliamentary representation in the Commonwealth and Protectorate Parliaments, however limited, still contained a noted "Argyll interest". When the Restoration Parliament met in 1661, the political temp<sup>er</sup> of the nation after foreign occupation, combined with effective management of elections, had ensured that the 1661 Parliament was pro-Royalist. Royalist party interests were maintained by not allowing new elections for the commissioners of the shires and burghs to the 1662 Parliament.

Effective party management, 1639-51 and 1661, was carried out through the tool of oaths and bands. These were primarily an innovation of the radical leadership but were subsequently adopted by the Engagers in 1648 and the Royalists in 1661. In 1640-1641 ~~Subscription~~ of the National Covenant was required as was subscription of the parliamentary oath which declared the legality and sovereignty of the June 1640 session. This was extended in 1643 to compulsory subscription of the Solemn League and Covenant. Similarly in June 1648 the conservative faction demanded subscription from all members of Parliament that the Engagement Parliament had been free and lawful. When the radical regime was installed in 1648-49 the 1649 Parliament demanded all members of Parliament to subscribe the Solemn League and Covenant. Moreover, any individual which questioned the lawfulness and authority of the 1649 was to punished under the charge of treason. Therefore treason was being exploited for party purposes. On 26th January 1649 subscription of the band for securing the peace of the kingdom. This band also required the acknowledgement of the legality and constitution of the 1649 Parliament. Such precedents were adopted by the Royalist establishment in 1661 when the Oath of Allegiance was initiated. Not only did this demand personal loyalty to Charles II, but recognition of the king as the supreme governor of the realm was required.

The radical and conservative/pragmatic Royalist factions were headed by representatives of the Houses of Argyll (radicals) and Hamilton (conservatives/pragmatic Royalists). Archibald Campbell, eighth Earl and first Marquis of Argyll, was the most powerful and influential radical noble. Closely allied politically to him was his kinsman John Campbell, first Earl of Loudoun. Argyll remained the dominant radical noble from 1639 to 1651 and

retained a political interest throughout the 1650s. It was primarily for this reason that his execution was demanded in 1660-1661. James Hamilton, third Marquis and first Duke of Hamilton, has been the study of a recent doctoral thesis<sup>3</sup>. On the other hand, my thesis has demonstrated that in parliamentary terms the role of Hamilton in the 1640s has been overemphasised. It has been shown that at several crucial dates Hamilton miscalculated politically. Firstly, he failed to revive the reconstituted 1641 Privy Council in 1642-1643. Secondly, he failed to defeat the radical leadership in orchestrating the calling of the 1643 Convention of Estates. In Hamilton's defence, these political failures can be attributed more to the strength of parliamentary radicalism in the interval committees than to Hamilton's own political failings. Nevertheless, on a further two occasions Hamilton made two major political blunders. The session committee established at the opening of the 1643 Convention of Estates with the remit of establishing whether or not the Convention was lawful was composed of a majority of conservative and pragmatic Royalist nobles with radical gentry and burgesses. When that committee decided that the Convention was indeed lawful the conservatives and pragmatic Royalists looked to Hamilton for political leadership. At such a crucial point, Hamilton departed quickly from Edinburgh leaving the conservatives and pragmatic Royalists leaderless and the radicals in control of the 1643 Convention (which then went on to negotiate the Solemn League and Covenant with the English Parliament). During the opening weeks of the Sixth Session of the First Triennial Parliament on 3rd November 1646, Fletcher of Innerpeffer (Forfar) was acting as parliamentary agent for Hamilton. It was at this time that the English Houses of Parliament had claimed jurisdiction over Charles I and detailed diplomatic negotiations were taking place between the Scottish diplomatic commissioners (who were radicals) and the English Parliament over the disposal of the king. Fletcher of Innerpeffer advised Hamilton that soundings taken from the gentry and burgesses had revealed that if a vote was taken in Parliament immediately then a majority of 30 could be secured. Hamilton did not act. One week later Innerpeffer revealed that that majority had been halved to 15 through political pressure from the radical leadership. Hamilton did not act, despite increased pressure from Hamilton of Orbiston (Renfrew), Justice Clerk. Hamilton did not act until 15th December 1646 and only then because it had emerged that an agreement had been reached between the Scottish diplomatic commissioners and the English Parliament to surrender the king and withdraw Scottish forces from England. This decision was subsequently ratified by Parliament on 16th January 1647.

Whilst the political reputation of James Hamilton, third Marquis and first Duke of Hamilton has been overemphasised in parliamentary terms, that of his brother and kinsman William, Earl of Lanark (later William, fourth Marquis and second Duke of Hamilton) has been underemphasised. It was Lanark that represented the political interests of the House of Hamilton within Parliament. Moreover, it was Lanark that secured an effective working

relationship with the radicals and emerged as one of the leading conservatives, 1644-1646.

##### *(5) The relationship between the Three Estates: Nobles, Gentry and Burgesses*

Recent historiography has argued that there was no decline in aristocratic power in the early modern period.<sup>4</sup> This thesis has demonstrated the importance of the parliamentary power of the gentry (commissioners of the shires) and the burgesses (commissioners of the burghs) vis-a-vis the nobility. The gentry operated (and were perceived) as a distinct parliamentary estate and were not merely adjuncts of the noble estate.<sup>5</sup> The Three Estates were redefined in 1640 (with the abolition of the clerical estate) as nobles, gentry and burgesses and the voting power of the gentry was doubled. It was this basic political fact that underlay all parliamentary votes.

A strong case of empirical evidence can be forwarded which indicates the emergence of a Scottish Commons. Firstly, the limited radical support within the noble estate meant that the votes of the gentry and burgesses were required to force a radical agenda through the House. Secondly, it has been shown that the gentry and burgesses were at the forefront of constitutional reform in 1639. Thirdly, the votes of the gentry and burghal members of the 1641 parliamentary interval committees were responsible for the calling of the 1643 Convention of Estates. Fourthly, analysis of the committee structure of Parliament, 1639-51, and the operation of parliamentary committees has shown that the gentry and burgesses (in particular the gentry) provided the backbone of human resources required to staff those committees. Fifthly, Johnston of Wariston (Edinburgh) emerged in 1644-46 as the parliamentary speaker for the gentry, Dundas of Maner (Linlithgow) as the spokesman of the Committee for Delinquents (1644) and Weymes of Bogie (Fife) was often President of the parliamentary interval committee, the Committee for Monies (South) (1646) even when nobles were present at diets. Sixthly, it was the gentry and burgesses who initiated procedural reform on 26th July 1644 against contrived noble dominance of committees. Seventhly, it was the votes of the gentry and burgesses that were responsible for the passing of four death sentences passed against malignants on 16th January 1646. Eighthly, the gentry and burgesses defeated Glencairn and Lanark on 3rd February 1646 in their attempts to have Crawford-Lindsay included as a supernumerary on the diplomatic commission. Ninthly, on 3rd November 1646 (the Sixth Session of the First Triennial Parliament) the burghal estate clearly breached parliamentary regulations when seven burghs (excluding Edinburgh) sent two commissioners each instead of one. Tenthly, the Engagers recognised the political importance of the gentry and burgesses by controlling the elections to the Engagement Parliament. Eleventhly, the staffing of the radical regime came from the gentry

and burgesses.

Within the Scottish Parliament, 1639-51, the gentry and burgesses challenged the power of the nobility, primarily because there was a limited radical base within the noble estate and the radical nobles relied on the grass-roots support of the gentry and burgesses. This does not imply that the radical nobles were powerless but is a reflection of the combined voting power of the commissioners of the shires and burghs. Within a wider perspective, it has also been shown that the dynamics of the Covenanting Movement rested with the gentry and the burgesses.

1. Brown, *Kingdom or Province?*, 45.

2. MacInnes, *Charles I and the Making of the Covenanting Movement*, 183-214; MacInnes, "The Scottish Constitution, 1638-51: The Rise and Fall of Oligarchic Centralism", 106-133.

3. John Scally, "The Career of James, 4th Marquess and 1st Duke of Hamilton", (University of Cambridge, Ph.D. thesis, 1993)

4. Brown, *Kingdom or Province?*, x.

5. For an alternative viewpoint see *ibid*, 14, 44-45.

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